

Lidija Čehulić Vukadinović (ed.)

YEARBOOK ŠIPAN 2013

The Atlantic Council of Croatia
Center for International Studies

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Preface

In summer 2002 the Center for International Studies of the Croatian Association for International Studies and The Atlantic Council of Croatia had organized the first International Summer School on the island of Šipan, Luka Šipanska, hotel Šipan.

The first year the school was consisting of the two separate, one-week scientific seminars intended for young leaders: attendants of post graduate and doctorate studies, diplomats, journalists, military officials, foreign affairs officials, civil servants, teachers, NGO members and all those who are, or will be, professionally involved with some aspects of the complex issue of international relations. After that till now we are organizing every year the four events in the framework of the International School.

The content of the summer school seminars and conferences is primarily focusing on topics relating to South East Europe and Euro-Atlantic integrations, which is understandable having in mind the venue of the summer school (the Republic of Croatia) and the significance of the South East Europe and the Euro-Atlantism within the emerging new European and world order.

Two years ago (2012) we have moved our venue to the island of Koločep.

The Šipan Yearbook 2013 is the eleventh publication of this school. This year also the Šipan Yearbook is published in English language only, which fact further affirms the international character of the school, its participants, and messages being conveyed. Papers published in Šipan Yearbook 2013 are illustrating some of the issues and topics discussed in four scientific conferences during the summer school of 2013:

- 17th to 23rd June 2013 - *"The Role of the EU and NATO in Promoting Security and Cooperation in Southeast Europe"* in cooperation with Royal Danish Embassy in Croatia
- 24th to 29th June 2013 - *"NATO - Beyond Security"* in cooperation with NATO Public Diplomacy Division, Brussels
- 15st to 20th July 2013 - *"The New Role of Euroatlantism"* in cooperation with Hanns Seidel Foundation in Zagreb

During the last twelve years our summer school gathered more than 1800 speakers and participants from the following countries: Albania, Austria, Australia, Bosnia and Herzegovina, Bulgaria, Cyprus, Croatia, Czech Republic, Denmark, Dominican Republic, Germany, Greece, Hungary, Iran, Italy, Kosovo, Latvia, Lithuania, Macedonia, Montenegro, Netherlands, Poland, Portugal, Russia, Slovakia, Slovenia, Serbia, Sweden, Turkey, Ukraine and USA; as well as representatives of various international organizations, such as NATO, EU, Atlantic Treaty Association – ATA, Council of Europe, RACVIAC and relevant NGO's.

The aim of the International Summer School is to reflect upon and analyze

the complexities present in South East Europe, to provide a forum for exchange of thoughts and perceptions between the members of younger generation, and to foster independent approaches to these issues through workshops and case simulations, constantly seeking for new suggestions on how to solve the numerous and complex problems of this part of Europe in a most efficient manner. On a small Mediterranean island, in a relaxed and informal atmosphere, young leaders are given the opportunity not only to contemplate on these issues together with the lecturers from academic circles, international organizations, NGOs as well as high ranking political officials and diplomats (president of state, ministers, ambassadors, military leaders), but also to meet their colleagues and establish professional and private contacts needed in their future professional development.

The interest for these courses so far bears witness to the fact that our International Summer School has found its place among the similar international summer schools that it has proven its value and reputation and that by entering into its thirty year of existence the summer school is gaining on its institutional value.

Publication of the Yearbook Šipan certainly contributes to this fact, thus Šipan Yearbook 2013 contains 10 presentations from the last year's summer school.

Publication of the Yearbook Šipan 2013 is financially supported by the Hanns Seidel Stiftung. That organization has recognized our summer school and the whole project as a valuable and useful effort.

Activities of the International Summer School would not be possible without the assistance of the co-sponsors: NATO Public Diplomacy Division, Brussels; Royal Danish Embassy in Croatia; Hanns Seidle Stiftung, Zagreb. It must be accented that valuable and active support is provided by the Ministry of Defense of the Republic of Croatia along with several other sponsors.

The Yearbook Šipan 2013 is intended for domestic and foreign public and should serve as useful and interesting reading for all those who are actively and practically involved in the international relations, as well as those who are studying international relations from more theoretical aspects. Time of crisis that is being felt in all countries has not stopped our activities. Again it was proven that even in toughest times, with strong will on organizer's side and interest for certain topics, it is possible to continue the work in spite of all the difficulties. The so called Western Balkans continues to be an area of special interest, with plenty of room for discussion and education within all pending strategic processes. And this is exactly the primary goal of the International Summer School: to continue supporting this spirit of a democratic and free dialogue that represents the only road towards new relations in this region. Contrary to some predicaments saying that The Atlantic Council of Croatia's activities will subdue, or even become obsolete in times when Croatia has become a full NATO and EU member. The Atlantic Council of Croatia is proving them wrong, notably through the work of this summer school – the work that has been recognized internationally and at home. This motivates us further to continue with this work and to become a center of promotion of Euro – Atlantic idea in this part of Europe. In this we hope that we can count on full support of our existing friends and partners, as well as new ones that are yet to join us.

Editor

James Seroka¹
**The Transatlantic Relationship: A View from
the United States**

Recent foreign policy and national security initiatives by the Obama administration have introduced some anxiety and concern within Europe regarding the strength and depth of future U.S. commitments to European and North Atlantic security structures. The continuing closures or downsizing of U.S. military facilities in Europe, the unwillingness of the U.S. to take a leadership role during the Libyan operations, the reluctance to become actively engaged in Syria, the U.S. withdrawal from Iraq and Afghanistan, and the announced “Pivot to Asia” have led to a realization among European allies and partners that the highest prioritized national security and foreign policy interests for the United States have shifted from Europe and the Middle East to East Asia and the Pacific region.

This shift in emphasis and priorities among American strategic planners will fundamentally transform how the United States and its European partners come to view each other. It will also create a new geopolitical framework and vision that will alter how the transatlantic community members interact with one another, and it will have profound implications for future development in European regional security structures, including those in the Western Balkans. In brief, the bonds that hold the transatlantic community together can only be as strong and vital as the common interests of its members. Furthermore, it is inevitable that as the strategic interests of the U.S. and European member states diverge, those bonds will become more brittle.

Evolution of U.S. Perspectives on Europe and Transatlantic Relations

Despite significant geographic, economic, cultural and political differences, members of the North Atlantic Treaty Organization consistently maintained a relatively high level of solidarity and mutual support for one another from NATO’s founding in 1949 to the dissolution of the Soviet Union in 1991. While there were substantial and vocal disagreements within NATO over tactical issues and some policies during the Cold War period, NATO’s members, both in Europe and North America, continued to agree on the nature of the threat facing them, as well as the compelling need to band together into a viable collective security organization buttressed by the pillar of Article V. Throughout this period, both European NATO members, as well as the U.S. and Canada, promoted NATO as their core collective security organization and assigned substantial military forces to realize NATO’s collective defense commitments.

With the dissolution of the Soviet Union and expansion of NATO membership to include former members of the Warsaw Treaty Organization and even the former Baltic republics of the Soviet Union, the threat from expansionist

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communism that endangered European security and bound NATO members together had largely disappeared. For European nations, the loss of a threat over Europe meant that the commitment to a strong national military force had become less defensible politically, particularly in face of the public demands to rebuild national infrastructures and strengthen social welfare programs. From the American perspective, however, while Europe no longer faced an existential security threat, other potential threats in the Middle East and Asia required U.S. attention and mitigated against following the de-militarization policies carried out by many of NATO's European members after the end of the Cold War.

Today, the United States and European nations no longer share a common security threat and no longer have similar global security perspectives. In fact, the transaction costs that would be encumbered by the United States to maintain solidarity in strategic purpose and vision with the European allies would likely exceed any benefits to be realized. From the perspective of security, Europe and the United States are now living in substantially different worlds with different problems and different threats. America's strategic vision, in other words, no longer complements that of Europe.

First, for the U.S., there is no longer a compelling reason to maintain significant American bases and forces in Europe. Because there is no conventional European adversary to deter, there is no strategic reason to commit substantial military forces to Europe, particularly when the European allies are downsizing their own national military capabilities. From the American perspective, Europe no longer requires the protection which the U.S. had provided. One consequence, despite political rhetoric to the contrary, is that the U.S. is seen by many to have withdrawn from Europe, reprioritized its interests elsewhere, and turned increasingly to rely on bilateral military agreements, rather than NATO collective security structures, to carry out its national security missions.

Second, while the U.S. has widespread and global security interests and capabilities, Europe has long since abandoned any global security pretensions and Europe's strategic interests can, at best, be characterized to be regionally focused², and. For the U.S., the East Asian and Pacific regions hold vital national interests that need to be protected. For Europe, the East Asian and Pacific regions are primarily commercial opportunities, but not vital strategic interests. In other words, there is little interest among European nations to follow the U.S. lead and commit to strategic engagement in the Asian-Pacific theatres.

Third, in order to protect its global national interests, the U.S. needs to commit resources that would allow it to maintain control over the commons and develop a strong military with global reach. For the U.S., this has entailed substantial and recurring costs to modernize capabilities and maintain superiority in every region of the world. For Europe, however, not only are there no national interests or threats that would require such an expense on their part, and there are also no economies of scale that would encourage European nations to modernize and maintain similar, duplicative, or supportive capabilities with the U.S. Thus, while the U.S. is responsible for more than 40% of the world's military expenditures and commits 4.4% of its GDP to defense, European NATO allies spend less than half the U.S. share and now commit an average of 1.6% of GDP to defense.

Fourth, from the U.S. perspective, European defense ministries often appear

² Eastern neighborhood and Mediterranean littoral nations

to lack unity, predictability and a common strategic vision. For American policy-makers, developing consensus with Europe and within Europe can often appear unachievable.

Further, European publics are consistently resistive to appeals to reinvesting in their community defense and military needs and they are suspicious, if not hostile, to America's perceived militarization. Significantly, U.S. and European strategic doctrines are also diverging, with Europeans embracing a less ambitious defense posture centered on conflict management and prevention, while the United States appears to be committed to maintaining an expeditionary military force structure.

Overall, this strategic divergence between the United States and its NATO allies may have significant implications. First, Europe may be seen by future U.S. decision-makers as less relevant to U.S. strategic concerns, and allied European governments would have less influence in the U.S. strategic decision-making calculus. Second, the European NATO allies may reciprocate this neglect by the U.S. by avoiding the costs of military modernization and inter-compatibility, and by being less willing to commit themselves to support U.S. strategic policies, even those with a significant European emphasis. Third, as the transatlantic community gradually becomes less central to U.S. policy makers and the public, there is a greater probability that the U.S. increasingly may rely on unilateral action in national security and foreign affairs, even on issues of central concern to the transatlantic community.

The Obama Administration's Geopolitical Perspective and Its Impact on Transatlantic Security Policy

Since 2009, the Obama administration has been gradually revising U.S. strategic policy to accommodate their views on global change and trends. While the transition away from the President Bush's unilateralism and neo-conservatism is not yet complete, significant shifts have been undertaken despite fierce resistance, particularly among some in the U.S. Congress. The Obama administration, to the extent it will consider intervention abroad, now favors off-shore balancing to unilateral action or even "coalitions of the willing"³. It is trying to shift from a highly militarized hard power approach in dealing with national security threats to a more nuanced smart power application of power. It is responding to public reluctance to overseas military engagement by sharply limiting U.S. commitments abroad. In addition, it is redirecting defense strategy away from counter-insurgency and nation-building to the more conventional Air-Sea Battle strategy. It is inevitable, therefore, that under this emerging new geopolitical framework, significant modifications in the structures and behavior of the transatlantic community will need to be made.

The unhappy experiences associated with America's involvement in Iraq and Afghanistan, reinforced by the determined resistance of the U.S. public to direct engagement in Syria, have created a political dynamic which greatly circumscribes the situations under which the U.S. can intervene unilaterally. There is widespread recognition that the threats the U.S. now faces cannot be excised through unilateral military action; that U.S. power is best exercised indirectly; and that off-shore balancing is a much preferred option to uni-polar hegemony. The so-called "Pivot to Asia" in which the U.S. works in strategic harmony with partners and allies in Asia, offers to mediate disputes in the region, and repositions conventional forces to serve

³ Some have characterized this as "leading from behind."

as a strategic reserve or backup, if needed, illustrates off-shore balancing in practice (U.S. DoD, 2012). The Pivot to Asia strategy differs fundamentally from the NATO alliance in that the Pivot does not require multilateral treaty obligations, automatic triggers such as Article V in the NATO Treaty, long-term dedicated military force commitments by the U.S. or its partners, or an institutionalized political or military leadership role for the United States analogous to SHAPE or SACEUR.

The erosion of the global hegemony of the United States, coupled with the domestic needs to rebuild and reinvigorate the U.S. economy, have fundamentally altered how the Obama administration can exercise power and leadership. The circumstances that nurtured NATO through the Cold War no longer exist in Europe or in other regions of the world. Because America's threats are not characterized by overwhelming aggressive military forces poised on an ally's borders, its responses must consider scenarios other than meeting military treaty obligations and collective defense. Creating new regional NATO-type structures in other regions of the globe, bringing NATO to other regions, or creating a new so-called "alliance of democracies" would offer few benefits and could prove to be overly cumbersome.

As the Afghan and Iraqi military interventions have shown, military force alone is too blunt an instrument to accomplish U.S. national security goals, and military force may engender more resistance than support for achieving these national security goals. At its core, the resources and capabilities of the U.S. ministries of foreign affairs, defense, commerce, treasury and others need to be tapped and used in the service of national security to create a flexible and cohesive "smart power" strategy (Clinton 2010). In addition, the attractiveness of U.S. culture, higher education, science and technology should also be used as assets in promoting national security goals. In a smart power environment outlined above, a military collective security organization, such as NATO, would do little good, but could get in the way.

Public opinion polling in the United States underscores that there is diminishing patience or interest by the public in international security and particularly military intervention. Recent U.S. national polls record historically low levels of interest by Americans in international concerns⁴, and with the exception of support for Israel, the American public appears to be adamantly opposed to overseas military interventions. Large majorities now characterize U.S. involvement in both Iraq and Afghanistan as mistakes⁵, and substantial majorities oppose even limited military intervention in Syria⁶. While Americans still have a favorable opinion of U.S. membership in NATO⁷, it is likely that many Americans approve of NATO primarily as a collective security organization for territorial defense against a Soviet-like threat. It can be inferred that the U.S. public's support for NATO is not unconditional, and that NATO may be viewed more as a comforting, but anachronistic, institution from a time long since past. For much of the American public, the New Strategic Concept

⁴ Source: Pew Research Center, "America's Place in the World 2013," (December 3, 2013) noted that 52% of Americans agreed that the U.S. should mind its own business internationally and let other countries get along the best they can on their own. In 1964 only 20% agreed with the statement.

⁵ In June 2012, 67% of Americans agreed that both the Iraq War and Afghanistan War were not worth fighting. Source: Chicago Council on Foreign Affairs, "Foreign Policy in the New Millennium" (October 19, 2012).

⁶ The New York Times CBS News poll from September 19 – 23, 2013 found that 68% of Americans believed that the U.S. did not have a responsibility to do something about the fighting in Syria. Only 26% thought the U.S. had such a responsibility.

⁷ In mid 2013 55% of American respondents agreed that NATO was still essential. Source: German Marshall Fund, "Transatlantic Trends – Key Findings" (September 2013).

adopted by NATO members in 2010 resonate more as a statement of ideals rather than as an operational framework that guides action and behavior.

In accordance with the public's reluctance to intervene militarily, the Obama administration has moved away from consideration of military actions in Syria. It has also re-engaged with Iran over its nuclear enrichment program, minimized U.S. involvement in Mali and the Central African Republic, and worked to have regional partners avoid conflict in the South China Sea. Most significantly, the U.S. is redirecting its defense strategies and doctrine away from counter-insurgency (COIN) and nation building to a more conventional military strategy relying on American naval and air power. While the 2014 Quadrennial Defense Review is not yet completed, it is clear through both the current defense budget allocation process and the New Strategic Guidance issued in 2012 that the future composition of forces and weapons programs will not be dominated by COIN or expeditionary military thinking, but by developing modern and technologically advanced and equipped force structures (Dale & Towell, 2013; Kugler & Wells 2013). In the U.S. today, even junior military officer recruitment programs redirected their efforts towards the recruitment of science, technology, engineering and mathematics (STEM) educated officers.

It is now clear that the Obama's administration's approach to national security and foreign policy issues is having a marked impact on transatlantic relations. First, Asia has supplanted the Gulf and Europe as the core interest for U.S. strategic attention. While kind words and joint statements of support still characterize U.S. – NATO relations, concerns about European security are not a dominant or even major factor in Washington's strategic thinking. Second, the U.S. repositioning of defense doctrine and planning away from COIN and large expeditionary forces means that the U.S. has less need to call upon its European partners, and that there are fewer capabilities that these partners can offer to the U.S. that the U.S. would need. For example, U.S. dominance in sea and air power is unchallenged, and U.S. control or superiority over the commons (i.e. Space, Cyber, Communications) is a generation or more beyond the capabilities of any challenger or the European allies. Finally, from a U.S. perspective, the re-assertion of NATO-Europe in the U.S. security decision-making calculus would likely constrain U.S. flexibility in decision-making and limit U.S. options without providing additional vitally needed resources.

A New Future for the Transatlantic Community

Predicting the future is dangerous, but it is clear that NATO is unlikely to disband or collapse in the foreseeable future. NATO is also unlikely to revert to its past centrality in transatlantic relations. Given the generally positive public level of support for NATO and relatively modest demand to maintain NATO, it may be safe to project that NATO will continue as a viable alliance and collective security organization for the foreseeable future. Nevertheless, it can be expected that the level of military readiness and solidarity among its members are likely to contract in the face of a diminished external threat and rapidly rising costs for defense modernization and professional military preparedness.

An alternate vision of NATO that it will develop into a global security actor, as envisioned by the New Strategic Concept, is also unlikely to materialize. Recent events, including the economic crisis on both sides of the Atlantic strongly suggest

that NATO members, particularly in Europe, lack the political support, financial resources, and will to transform NATO into a global security actor. If nothing else, the divergence in strategic national interests between the expansive U.S. global presence and Europe's more regional concerns mitigate against the vision of a new expanded global mission for NATO.

A third scenario for NATO's future, based on the extrapolation of incremental developments within the Alliance, is a loosening of the bonds of the Alliance over time and the emergence of quasi-autonomous European and North American centers. Developments in U.S. defense and foreign policy, the institutionalization of the EU Common Security and Defense Policy (CSDP), Europe's turn towards austerity and demilitarization, and the emergence of a multi-polar world all support this scenario. Several additional factors also give credence to this scenario.

First, over the past two decades, the U.S. has drawn down its active military forces in Europe so that now there are approximately 64,000 permanently stationed troops in Europe, with a projection of a further 10,000 reduction in 2014 and continued draw downs into the foreseeable future. Fewer troops imply less commitment and eventually less influence.

Second, NATO has found it very difficult to reach decisions collectively, and it has adopted procedures such as single operation coalitions of the willing or bilateral agreements with a subset of NATO members such as the U.K., France and Italy. The political constraints of Berlin Plus, austerity policies of some member nations (e.g. Spain), non-intervention policies of other members (e.g. Germany), and simply the logistical difficulties of getting twenty-eight member nations to come to a consensus has complicated NATO decision-making and constrains the possibility for effective collective action. With respect to Libya, for example, NATO's operations were organized through a series of bilateral ad hoc agreements with member nations, rather than the collective action of a collective security organization. If NATO were to be engaged in Syria, it is very probably that similar bilateral arrangement would prevail and that NATO as a collective body would not be involved.

Third, NATO, with the withdrawal from Afghanistan, is in the process of changing its operational focus from military operations to collective regional defense preparedness. The new focus has an emphasis on training, readiness exercises and information exchanges. It is carried out within member nation state boundaries, it is relatively non-controversial with the general public, and its cost is relatively low. Barring an event that unequivocally threatens the territorial integrity of a member, NATO will not likely repeat the experience of ISAF in Afghanistan and offer to engage in a significant and lengthy out of theatre operations. Overall, the new operational emphasis should mean that NATO can retain its structures and institutions, but the salience of what NATO does to the member nation governments would probably diminish over time.

Fourth, on the positive side, particularly for U.S. decision-makers, the diminished role of NATO may help to reduce political frictions between the United States and other member nation states. The recurring complaints by U.S. officials directed against European member nations for inequitable burden sharing, inadequate budget allocations, and uncoordinated force structure planning and weapons procurement become less necessary or useful as the U.S. turns to other regional partners and reduces its involvement in Europe. Also, U.S. intransigence opposing the

expansion of the role of the CSDP may lessen as the U.S. becomes more comfortable with European preferences to engage in conflict management rather than global peace-making operations.

For the Western Balkans, the evolving national security interests of the U.S. and the changing role of NATO suggest that the U.S. is likely to continue to reduce its security presence in the region and to transfer even more conflict management and state-building responsibilities to the EU. It can be expected that the U.S. will continue to stand back and support a common and unified agenda in Kosovo and Bosnia as developed by the EU, and that it will gradually lessen its footprint in the area.

In summary, the Transatlantic Community will continue to have utility for both the United States and Europe. It is unlikely, however, that the member states will hold NATO in the same high regard or continue to ascribe to it first order strategic importance as was the case in the past. Second, the U.S. will increasingly engage with allies and partners in its newly identified critical regions to implement its off-shore balancing strategy, and it is unlikely to be able to convince NATO member nation states to follow along. Finally, there will be less pressure on European nations by the U.S. to expand and recapitalize their military capabilities, particularly as NATO restricts its activities outside its core region and as the U.S. intensifies its involvement elsewhere.

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Arnold H. Kammel¹

**The Common Security and Defence Policy after the
Council on Defence: In Need for More Realism**

**Introduction - The History and Nature of the Security and Defence Policy of
the European Union**

It is now more than 15 years that within the European Union a new policy field started its development, namely the security and defence policy of the European Union. There are several dates to be considered related to the birth of what was called European Security and Defence Policy (ESDP). Some argue that it was the joint British-French Declaration of Saint-Malo in December 1998, others regard the European Council of Cologne in June 1999 as the relevant step. However, it has to be stated that there was an ESDP formative time frame that spans a one-year period from 1998 to 1999. During the first Austrian EU-Presidency in 1998, the heads of state and government of the European Union met in Pörtschach where the then British Prime Minister, Tony Blair, argued for a stronger security and defence identity in NATO and for an integration of the Western European Union (WEU) into the EU. This signalled a remarkable development of the position of the United Kingdom in the debate about European security and defence. Shortly afterwards, the Franco-British meeting at Saint-Malo of December 1998 marked another milestone. At this occasion France and the United Kingdom demanded, in their joint declaration on European Defence, that the EU “must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them and a readiness to do so, in order to respond to international crises” (Franco-British Summit, 1998). Both countries made clear that this did not imply a reduced concern for intergovernmental interest in security, defence, and political cooperation, nor to duplicate the North Atlantic Alliance (NATO). Saint-Malo was an attempt to bring two different strategic histories and cultures of two major EU actors in security and defence policy closer together and thus marked a real breakthrough in the formation of ESDP.

The German-French security and defence council declared in Toulouse in May 1999 that the integration of the WEU into the EU was necessary (Deutsch-Französischer Sicherheits- und Verteidigungsrat 1999). As a consequence of the war in the Balkans and the NATO intervention in Kosovo, the reflections about how to deal with security and defence policy in Europe were intensified during the German EU presidency in the first half of 1999. At the Cologne European Council in June 1999 the member states of the EU agreed to establish the ESDP (European Council Cologne 1999). Following the events and experiences made on the Balkans, the United Kingdom and Italy decided on a common proposal in July 1999 aiming at the improvement of European defence capabilities (British-Italian Joint Declaration

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1999). What had been achieved at the Cologne European Council was further developed during the subsequent Finnish presidency especially focusing on developing military capabilities, improving non-military crisis management and on decision-making on the basis of the so-called Helsinki Headline Goal (European Council Helsinki 1999).

This one-year period can be seen as the start-up phase of the ESDP. It has to be put in the context with the changing security situation in Europe in the late 1990s. The break-up of Yugoslavia and the war in Kosovo became a catalyst for debating security and defence issues within the EU and thus led to a further strengthening of the CFSP with the help of the ESDP (Report Lalumière 2000). While the development of the European Defence and Security Policy had started, this new policy field was also incorporated in the treaty-based legal frameworks. In the years that followed more and more specific arrangements about procedures, instruments, but also about ambitions, were developed. Despite divisions over Iraq, by 2003 ESDP was fully operational and the first EU missions were launched in FYROM, Bosnia and DR Congo. And finally, the member states of the EU had to re-consider their national security and political approaches in a European context leading in the end to the agreement on the Treaty of Lisbon renaming ESDP to Common Security and Defence Policy (CSDP).

Legal, Institutional and Procedural Aspects

Since its beginnings, CSDP forms an integral part of the Common Foreign and Security Policy. CSDP is to provide “an operational capacity drawing on civilian and military assets”, which the Union can then use for crisis-management missions – and “shall include the progressive framing of a common Union defence policy” (Art. 42 TEU). Thus, CSDP is subordinated to the overall framework of CFSP and therefore logically remains intergovernmental and leaves autonomy for the member states in their decision-making. Furthermore Art. 4 TEU states that “national security remains the sole responsibility of each Member State”. More specifically, the Treaty of Lisbon mandates two concrete legal obligations of member states, mutual defense (Art. 42.7 TEU) and solidarity (Art. 222 TFEU) while it also provides more general legal requirements for member states and institutions of the EU to develop a more coherent and consistent CFSP. Member states are also responsible for providing the EU with the necessary capabilities and commit themselves to improve their military capabilities (Art. 42.3 and 4 TEU).

Regarding the actors involved, a constant increase in the number has to be witnessed. On the ministerial level the foreign ministers and the defence ministers play a major role. However, there was still a clear separation of competencies, i.e., defence ministers’ meetings were and still are not on the same level as the formal meetings of foreign ministers as there is no formal gathering of defence ministers foreseen in the legal set-up.

The Political and Security Committee (PSC) is one of the preparatory bodies of the Foreign Affairs Council. Established as a permanent body in 2001, it monitors the international situation in areas covered by CFSP, delivers opinions to the Council, the High Representative (HR) or on its own initiative, and exercises, under the responsibility of the Council and of the HR, the political control and strategic direction of the crisis management operations stipulated in Article 43 TEU (Article 38

TEU). The PSC is usually authorized to take a number of decisions regarding crisis management operations, such as to amend the planning documents, including the operation plan, the chain of command and the rules of engagement, as well as decisions to appoint the EU Operation Commander and EU Force Commander. The PSC receives advice and recommendations on military matters from the EU Military Committee (EUMC). The EUMC is made up of Chiefs of Defence (CHODs) of the member states, usually represented by their military representatives, and exercises military direction of all military activities within the EU framework. It receives support from the EU Military Staff, a permanent body essentially comprised of military personnel seconded by member states. The Committee for Civilian Aspects of Crisis Management (Civcom) advises the PSC and provides policy recommendations on civilian missions and priorities (Wouters 2012: 23).

At first glance, two major institutions, the European Commission and the European Parliament respectively, seem to play a less important role in the framework of CSDP. By taking a closer look, it becomes clear that the European Commission has a considerable weight when recourse is made to civilian capabilities and resources, which are communitarized, such as the European Instrument for Democracy and Human Rights (EIDHR) or the European Neighbourhood Policy (ENP). Furthermore, the European Commission has important financial resources that can be used for crisis management tasks, like humanitarian aid, development policy, or the Instrument for Stability. Herewith the measures undertaken by the Council can be supplemented and consequently the institutional interplay between the intergovernmental and the community field of foreign security and defence policy are essential for the success of the EU's crisis management. In total, approximately €5,7 billion is allocated for the external action of the Commission, but only €400 million for CSFP.

The European Parliament also has a rather limited range of competencies in the CFSP and especially the CSDP. Regular information and consultation of the parliament by, for example, the Presidency and the High Representative for CFSP is nevertheless an important tool for improving the democratic development of the EU. Inside the European Parliament the standing committee on foreign affairs (AFET), with its subcommittee on security and defence (SEDE), do not just analyze and comment on the EU's CFSP and CSDP. Moreover, these committees frequently draft proposals and recommendations concerning the development of foreign security and defence policy in general, as well as specific, aspects linked herewith. Due to its budgetary power, the EP can nonetheless play an important role, as it could be seen during the setup of the European External Action Service (EEAS).

With the Treaty of Lisbon, the institutional setup was restructured inside and between institutions. The new High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, is not only part of the intergovernmental sphere of the Council. She is also a vice-president of the Commission and, as such, the interaction between intergovernmental and communitarized policy fields will become more relevant. This double-hat shall allow her to provide for a more coherent EU approach. A further remarkable novelty introduced by the Lisbon Treaty is the EEAS. As a *sui generis* service separate from the Commission and the Council Secretariat, bringing together all geographical and thematic desks, the EEAS constitutes an interface between the main institutional actors of the Union's foreign policy and a source of strengthened coherence for EU external relations.

In conclusion, within the first decade of E(C)SDP, the institutional setup had

been extended and more actors became involved. In this setup, the dualism between intergovernmentalism, on the one hand, and common policies on the other, became clearly reflected. With the Lisbon Treaty some changes occurred; however, the general pattern was not changed radically. The decision-making process in the areas of CFSP and CSDP remains strongly intergovernmental, as unanimity in the Council and in the European Council remains the general rule (Article 31(1) TEU) and member states are still the key actors for the future development of CSDP.

Strategic Ambitions

The definition of clear political and thus also strategic objectives for CSDP has proved very difficult. This is very much due to the fact that there is no common agreement among member states about the finality of European integration in general and CFSP/CSDP in particular.

Looking at the EU with respect to two areas, i.e., concerning, on the one hand, the institutional nature of the Union with all its related complexity, and on the other hand, the Union's ambition to be a relevant international actor, it soon becomes clear that the analysis of the first cannot be conducted without considering the other. The member states of the EU have developed an increasing and ambitious list of what should be fulfilled on the supranational level. These ambitions have been put into a strategic framework offered by the European Security Strategy (ESS) of 2003 (European Security Strategy 2003). However, the transformation of the strategy into concrete operational steps shows that a range of improvements is necessary to overcome shortcomings.

In order to evaluate the potential of the EU as a shaping power, it seems necessary to look at the European Security Strategy (ESS) of 2003 and at the Report on the Implementation of the ESS of 2008. The ability of European states to agree upon a document like the ESS can be described as a remarkable breakthrough in European foreign policy coordination. However, it has to be seen in the context of the failure to solve the problems in the Balkans and as a consequence of the inner European rift with respect to the post-9/11 developments, such as the Iraqi War. Also the elaboration of the National Security Strategy 2002 under the Bush Administration functioned as a catalyst. It became rather obvious that without a clear genuine strategy, it would be impossible to promote European interests and policies on an international level.

The ESS proofs a growing self-confidence of EU member states to commonly define threats and security political interests. The document is divided into three chapters: an analysis of the security environment, the definition of strategic objectives for the EU and an assessment of policy implications for the EU. The ESS identifies five major threats: terrorism, the proliferation of weapons of mass destruction, regional conflicts, state failure and organized crime. The ESS emphasizes the need for cooperation: "No single country is able to tackle today's complex problems on its own." (ESS 2003: 2). Looking at a set of key threats, the ESS is handling them using a comprehensive understanding of security. Consequently, it is considered as important to apply a set of instruments in order to act and react combining not only civilian but also military means. High importance is given to a preventive policy, in order to avoid the escalation of a crisis or conflict: "[...] we should be ready to act before a crisis occurs. Conflict prevention and threat prevention

cannot start too early.” (ESS 2003: 7). Even though a global perspective can be recognized in the ESS, the geographic priority is pointing to the EU’s neighbourhood.

The main task is to promote a ring of well-governed countries at the EU’s external borders. This ring shall include the Balkans, the neighbours in the East, the Southern Caucasus and the Mediterranean. Following its multilateral approach, cooperation with major powers and international organizations is understood as an essential part of European foreign policy. After the transatlantic rift, the ESS highlights the importance of the US-EU partnership which is characterized as being irreplaceable. Furthermore, the partnership with Russia needs to be reinforced and strategic partnerships should be established. The ESS underlines the European potential and calls for a stronger international role: “An active and capable European Union would make an impact on a global scale. In doing so, it would contribute to an effective multilateral system leading to a fairer, safer and more united world.” (ESS 2003: 14).

Already shortly after the ESS had been published in December 2003, critical comments mentioned the document was rather descriptive and less strategic. It remained unclear under which conditions the EU would act when and how. The Report on the Implementation of the ESS made clear that the ESS of 2003 remained fully relevant as the central strategic document of the EU and that it would not substitute the ESS nor create an ESS 2.0: “This report does not replace the ESS, but reinforces it. It gives an opportunity to examine how we have fared in practice, and what can be done to improve implementation.” (Report on the Implementation of the ESS 2008: 2). As a consequence the content of the new paper is in large parts recalling what has been written five years earlier in the ESS. New challenges are mentioned, enlarging the comprehensive dimension of security. With respect to the capabilities at hands the report argues in line with the widespread demand for improving them. Multilateralism and cooperation with other actors is continuously held high. In this context it is interesting to note, that the United States are regarded as the “key partner” of the EU. Furthermore it is stated: “the EU and US have been a formidable force for good in the world” (Report on the Implementation of the ESS 2008: 11). However, closer cooperation with regional organisations, such as the African Union, is envisaged. It is clearly indicated in the Implementation Report that the EU must be able not to solely act reactive, but also to shape events: “the world around us is changing fast, with evolving threats and shifting powers.” (Report on the Implementation of the ESS 2008: 12). The need for a more active EU thus becomes obvious.

Like already the ESS, the Report on the Implementation of the ESS remains merely descriptive and vague and clear statements concerning the application of a strategic European foreign policy are again missing. To demand the development of a European strategic culture is noble, but as long as the member states of the EU cannot find a commonly accepted definition of what this means, it is of no great value. Even though the ESDP gets greater attention in the Implementation Report, it is still not clearly expressed under which conditions the EU will use military force. For those, that have expected a qualitative leap forward, the Implementation Report is a disappointing document. Taking the 2003 and the 2008 document together, they form a reference framework expressing political ambitions without binding character for the EU member states. What is still missing with respect to CFSP and E(C)SDP is a European grand strategy defining values, interests and concessions which the member

states would be willing to make. This would also require a clear vision which role the EU wants to play on the international scene. Therefore, having the shortcoming of not being a nation-state, the definition of common European interests in foreign, security and defence policy is unavoidable.

However, as CFSP and CSDP remain intergovernmental, it is up to the political will and commitment of the EU member states to determine which role the EU will play on the international scene. The ESS and the Implementation Report can serve as framework documents for the external action of the EU. Nevertheless, the term “strategy” is rather misleading as the documents are consisting of enumerations of possible fields for action. Therefore, a lot remains to be done with respect to a more strategic CFSP and CSDP. The ESS and the Implementation Report have to be translated into concrete recommendations for actions. As it was perfectly described by Biscop: “Documents alone do not change the world – even though academics might sometimes wish otherwise – but it is important to provide a narrative to policy-makers and the public alike, explaining why Europe must be a global power and which objectives it must achieve. The choice for “Europe as a project” requires inspiring projects to pursue.” (Biscop 2009: 37). The development of a genuine EU grand strategy could be such a project re-energizing the integration process in an important policy field: the foreign, security and defense policy and would help to better define the objectives of CSDP in general.

The European Council on Defence of December 2013

After the entry into force of the Treaty of Lisbon, CSDP was not high on the agenda of the EU as a consequence of the financial and economic crisis faced by the EU and its member states. Nonetheless, the Conclusions of the European Council (EC) held on 13 and 14 December 2012 included an invitation to the HR and to the Commission to develop proposals and actions for strengthening the Common Security and Defence Policy (CSDP) of the European Union (EU). The heads of State and Government of the EU also decided in that meeting that the progress made in the achievement of the objectives set at the meeting of December 2012, would be revised in the EC which would be held in December 2013.

According to plan, the EC met on 19 and 20 December 2013 in Brussels. It was the first time that the EC held a thematic debate dedicated to defence since the entry into force of the Treaty of Lisbon and there was strong hope to re-energize the developments of CSDP and lots of documents and academic papers with recommendations were elaborated.

The Conclusions of the EC of December 2013 can be considered as a small step forward in the development of the CSDP. Firstly, the importance of maintaining a close relationship between the CSDP and NATO is underlined. In the second point, it is stated the need for the member states to take greater responsibilities if they want to contribute to maintaining peace and security through the CSDP. In addition, there is an important statement: the CSDP will continue to develop a total complementarity with NATO in the framework of the strategic partnership between the EU and NATO. To achieve that complementarity, the member states have to build-up the necessary capabilities and maintain an adequate level of investment in defence. The declaration of complementarity of the CSDP with NATO is significant but there is not any concrete explanation about how to implement such complementarity and it makes

only a vague reference to the strategic partnership between NATO and the EU. As a matter of fact, the status quo will be maintained. The relations between NATO and the EU will continue to be good on the official level, but without a clear definition on how to articulate that relationship and notwithstanding the obstacles put by some countries in the development of a fruitful relationship between NATO and the EU.

In general, the decisions taken by the European Council are grouped around three axes:

- increasing the effectiveness, visibility and impact of the CSDP
- enhancing the development of capabilities and
- strengthening Europe's Defence industry.

With respect to the first axe, so that the EU and its MS are able to react to the new challenges to security, in a consistent and complimentary manner with NATO, the EC requests a normative framework for cyber defence, a maritime safety strategy, increased synergies with other areas of the CSDP, advance of support to third States and strengthening cooperation in energy security. The actions requested by the EC seem adequate to improve the effectiveness, visibility and impact of the CSDP but are lacking any reference made to important issues, such as an operational headquarters or possible operational structures to further improve the CSDP. The need to improve the capabilities of rapid response, including the employment of battle groups in a more flexible and deployable way is only mentioned in a cautious manner and without concretion. Progress in this area is limited. An important decision to highlight is the invitation to study the financial aspects of EU missions and operations, in the context of the revision of the Athena mechanism.

On enhancing the development of capabilities, the Conclusions welcome the development of the Remote Piloted Aircraft Systems (RPAS), air to air refueling capacity, the next generation of Governmental Satellite Communication and cyber defence based on the EU Cyber Security Strategy. In this second part, the Conclusions also include a series of observations for the improvement of the capabilities including existing cooperative models like European Air Transport Command (EATC). Member states are encouraged to replicate the EATC model in other areas. The four capabilities whose development is welcome by the EC are significant but do not cover the range of capabilities that the member states need to respond to the challenges to security in the current unstable security environment.

In relation to strengthening the Europe's Defence industry, the need for a European Defence Technological and Industrial Base (EDTIB) being more integrated, sustainable, innovative and competitive was highlighted. The Council also states the importance of the proper functioning of the defence market. However the most significant decision for the future development of Europe's Defence industry is the support that the European Council has given to the European Commission in matters related to the industry. This will enable the Commission to carry out its intention to promote the full implementation of the directives 2009/81 and 2009/43 and other relevant regulations. To boost that compliance the Commission will support the work of the Defence Policy Task Force, created in November 2011. The support of the EC to the Commission also will mean that it will try to open the defence market to subcontractors all over the EU.

The Conclusions related to the defence industry also cover relevant topics like research and dual-use items. It is essential to retain the experience in Research

and Technology (R&T) of Defence to ensure competitiveness in the long term for the European defence industry. On the other hand, the EC welcomes the intention of the Commission to assess the way in which Horizon 2020 results could benefit industrial capabilities of Security and Defence with very positive consequences.

With regard to standardization and certification, the EC has decided that the EDA together with the Commission and the member states will develop options to reduce the costs of military certification. In addition, the EDA and the Commission are invited to prepare a roadmap for the development of industry standards by mid-2014. This is an area in which the cooperation with NATO could be very relevant.

The EC welcomes the Commission's proposals for promoting greater access of SMEs to the Security and Defence markets and to foster a strong involvement of SMEs in future EU funding programs. The future of SMEs in the European Defence industry is of great importance for European companies in the sector.

Finally with regard to the security of supplies, the EC welcomes the adoption within the EDA of a framework agreement, improved security of supply and encourages the Commission to develop with the Member States and in cooperation with the High Representative and the European Defence Agency a roadmap to develop a regime of security of supplies covering the entire EU.

Recommended actions on the third improvement pillar for CSDP are numerous and generally concrete. Furthermore, the Commission is ready to take a clear protagonist in Defence industry matters and is decided to act to implement the EC decisions. The proper and impartial application of these decisions is essential for the future of the Europe's Defence industry.

The European Council of December 2013 took some important decisions for the development of the CSDP of the EU without addressing some key issues about its future. The CSDP will advance despite the lack of definition of the objectives to achieve and without a clear idea on how its declared complementarity with NATO is going to be implemented. In any case, the development of capabilities will be affected by budgetary problems even in the four agreed priority actions. For its part, the Commission and the European Defence Agency, have seen notably reinforced its position by the support given to them by the EC. They will try to address the problems of defence industries in the EU as a first step to strengthen them somehow in the future. In any case, it is essential that the decisions of the EC are implemented taking into account the interests of all States members of the European Union.

Conclusion

The European Council on Defence therefore did not fulfill the high expectations of scholars before its meeting. There is still a gap between expectations and reality when it comes to Europe's importance in matters of security and defence policy and its capacity for joint action. Therefore, the EU and its member states should focus more on enhanced cooperation than the setting-up of new missions and operations. However, the fact that CSDP was debated already indicates the importance of the topic and due to some concrete tasks for several institutions, there is hope that the topic will remain on the agenda for the near future. Furthermore current developments in the immediate neighbourhood still show the European weakness of speaking with one voice and to set up a coherent action, nonetheless this also underlines the need for a deeper integration in the areas of security and defence

policy.

The European Council is set to review the progress on the CSDP by mid 2015 at the latest. During this time, a step by step realignment of the CSDP should bring it closer to its original goal of enhancing the EU member states' ability to jointly provide security and defence (Von Ondarza/Overhaus 2014:4). Therefore, it is now time for more realism than visionary concepts and concrete implementation steps in order to make CSDP work. Building on and implementing the Conclusions of the European Council is therefore the first necessary step.

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Nedžad Bašić¹
Balancing of Political and Normative Power in
European Union

Introducing Remarks

The EU Member States participate in the process of European integration with large differences in terms of their own population size, economic potential, level in attained market liberalization, and many other differences that their positions and interests define. Diversity between the EU Member States gives rise to their different interests, and makes the process of European integration extremely complex, requiring a high level of flexibility of EU Member States in order to achieve agreement on numerous issues that arise in the integration process. These differences between Member States strongly influence the process of institutional balancing of political and normative power in the EU.

Disparity between the EU member states in terms of their own population size has been one of the key issues in the process of designing a system of voting in the EU Council of Ministers and the EU Parliament. On this issue collisions between the interests of small, medium and large EU Member States has been developed. Each Member State requires more of the voting power in the EU institutions, which raises the issue of "democratic deficit" in the decision-making process in the EU Council of Ministers and the EU Parliament. The issue of "democratic deficit" introduces these two EU institutions in orbit around their mutual confrontation about their own influence in process of decision making in the EU. This issue has opened a new theoretical question on the issue of "the system of equal impact of EU citizens" (Cichocki, Marek, A. & Zyczkowski Karol, 2010). Many important aspects of this question have been resolved by the Compromise Constitutional Convention, which was signed in Rome in 2004 (Duff Andrew, 2005). However, the same question was opened again in debate between Poland and Germany, which resulted in a new revision of the voting system in the EU by adopting the Lisbon Treaty (2007), in the transition period until 2017.

Simultaneously, the differences that occur between EU Member States in terms of the size of their BNP have an immense impact on their political views and interests, which are being realized in the common EU institutions. The melding of interests between higher economically developed EU Member States, with higher percent of participation in EU budget, and the EU member states with a lower rate of participation in the EU budget, clearly will determine the budgetary policy of the EU. The first group of EU Member States will favour limiting the growth of the EU budget, while the second group of EU Member States, as larger budget consumers, but with lower participation in EU budget, tend toward a higher rate of budgetary spending, advocating for a new redistribution of the EU budget. The necessary merger

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between the conflicting economic interests of EU member states manifests in confrontation involving the inter-institutional organizations in the EU. .

In this inter-institutional conflict of interests the EU Commission and EU Parliament, incline to increase the rate of consumption of the EU budget. With a request to increase the budget of the EU, these EU institutions are demanding to shift budget spending priorities from traditional priority budget spending towards spending in the R&D sector, in order to gain more equitable development of EU single market and economic space. In the context of this inclination redistribution of voting power in the EU institutions only based on the size of the population of EU member states, without taking into account the GDP of the EU member states, will cause great dilemmas and dissent in the EU.

This problem is resolved through Inter-institutional Agreement on Cooperation on Budgetary Matters which was adopted in 2006. The Agreement stipulates financial framework for 2007-2013, which sets out the expenditure for each policy area. In this document the form of cooperation between the EU Parliament, the EU Council of Ministers and the EU Commission, in the process of establishing of the EU budget, is set up. The Agreement also specifies the rules which aim to provide a vigorous and effective financial management of EU funds. EU Member States enter in the European integration processes with many additional different degrees of market liberalization, which requires a high degree of their mutual cooperation through the adoption of a numerous of common standards, making common rules and laws, which regulate many common issues and common interests. Economic, market, social and demographic differences between EU Member States, grow into stimulating effect creating political space of the EU, which is being followed by numerous controversies.

Large differences between the interests of the EU Member States generate a complex relationship and a high degree of interaction between the EU Member States themselves. This influences the relationship between the institutions of the EU and powerfully determines the interaction between the EU institutions and EU Member States as well. This complex relationship makes the EU more complex than the more traditional political system (federal or confederal state), as it is often emphasized in theories of European integration.

In this triangular relationship the specific nature of European integration is being established. That creates an intense interest in the EU Member States and other participants, and provokes a high degree of influence on decision-making processes in EU institutions. Especially, extreme interest is exercised to control the processes of initiation, adoption and implementation of EU legislation, which makes the very essence of the control of the normative legal order of EU. Having control over the process of creating a normative system of the EU means to have control over the European political integration processes.

These aspirations in the EU are primarily executed through the legislative process of initiating and determining procedures for decision making in the EU institutions, and through the process of implementation of legislative decisions, which are administered by the EU Treaties. Therefore, the EU treaties which regulate legislative initiatives, procedures and implementation of the EU legislature, play the most important role in institutional normative and political balance of power in the EU.

The EU Treaties play an important role in the process of establishing

institutional balance of power in the EU by defining a distribution of power between the EU institutions. This distribution of power between the EU institutions, which is manifested through the interaction between the EU Council of Ministers, EP and the EU Commission, and later the European Council (heads of state and government), powerfully affects the balance of power between EU supranational institutional bureaucracy and political (national) elite of EU Member States. This non-institutional, and often invisible balance of power, has a significant impact on the institutional balance between the political and normative power of the EU.

Since the European integration has been expanded and an increasing number of the states included, the relations between the EU institutions have been changed, requiring a number of revisions of the EU's treaties. Changes in relationship between the EU institutions require modification in decision-making procedures in the EU institution. Balance between normative and political power within the EU is thus altered between the political and legal system of the EU. A relationship between the EU as a “community of member states” and the EU as a “community of citizens”, does not always result in zero outcome: by strengthening the EU as a community of citizens to proportionately weakening the position of the EU as community of member states, and vice versa.

The right of veto in the process of decision making together with the developed system of intergovernmental consultations and lobbying interest between business and financial elites, and through the introduction of new decision-making procedures, a new, wider possibility for balancing of power between the influence of national political elites and supranational EU bureaucracy, has been much expanded.

These processes make the balance between the legislative and political power in the EU entirely complex, and make this relationship as specific legal and political system of the EU (Sara Binzer Hobolt. 2006).

In the process of institutional balancing of political and normative power in the EU, the interactive relationship between the EU Parliament and the EU Commission, as an institution representing the interests of supra-institutional bureaucracy in the EU, on one side, and the EU Council of Ministers and the European Council, as institutions which are representing the interests of the EU state members on the other side, is extremely important. This interactive relationship between these institutions of the EU has a special significance and role in the processes of the initiation, adoption and implementation of the EU legislature.

Nature of Institutional Balance of Power in the EU

The nature of the institutional balance of power in the EU is determined from legal and political aspects. From a legal viewpoint, institutional balance of power has been determined as balance between fundamental legal principles that must be respected by both EU institutions and the EU member states. The nature of the balance of power in the EU in this case means nothing more than a limitation of power of EU institutions and the distribution of voting power in the EU institutions. This institutional balance of power in the EU is created by EU treaties in which framework the EU institutions must work.

In contrast to the legal aspects of the institutional balance of power in the EU, the institutional balance of political power in the EU is primarily determined by the relationship between the EU institutions and the EU Member States, which makes

the structure of the EU political space (Jean-Paul Jacque, 2004). The structure of the EU political space can not be viewed through the prism of "cohesive and fixed alliances" between actors in European integration. The structure of the EU political space is more a result of different political, ideological interest's combination and linkages between EU actors on various issues.

In this context, it is possible to make distinctions between the different dimensions of the structure of the EU political space. Pro-integrating supranational structure of the EU political space has been determined by institutional position and role of the EU Parliament and the EU Commission in processes of the European integration. In the framework of the EU Parliament, the polarization on the left and right political-ideological platform is being developed further (Left-Right) pro-integration supranational dimension of the political structure of the EU. This dimension of the political structure of the EU has a major influence on many aspects of the nature of the balance of supranational political and normative power of the EU. On the other side, through various combinations of interests of member states, acting through the EU Council of Ministers and the European Council (heads of state and government), integration-national structure of the EU political space, is being structured (Robert Thomson, 2011).

In the space of communication between the supranational and national integration structure in the EU political arena, the relationship between the fundamental law principles, limiting the effect of the EU institutions outside the scope of which are furnished by EU Treaties (normative-space structure) and the model of the relationship between the EU institutions and the EU member states (political-space structure), the question of the nature of the "system of governance" in the EU, has dramatically appeared. Most authors see the nature of this issue as strengthening continuation of political processes in which there are set explicit social goals that are conceptually related to the territorial existence of EU member states, but in a broader institutional framework. In this broader institutional framework, institutional structure of the EU legal order includes basic agreements and informal components of the EU institutions (Antje Wiener & Thomas Diez 2007).

That determination of the nature of the institutional balance of normative and political power in the EU urgently needs an answer to the question of how to define power in the EU, and where the power in EU is located. In the context of the institutional balance of power in the EU, determination of power in the EU can be considered in different ways. Power in the EU can be seen as EU actor's ability to influence the content of the legal act/decision at the stage of initiation, adoption and implementation of legislation, and the ability to influence decision-making procedures in institutions that affect the relations between institutions of the EU.

This "ability to influence" is usually associated with the political position of the actors, or is simply the result of procedural decision making in the EU institutions, and are imposed by the EU Treaties. Thus, when discussing the normative and institutional balance of power in the EU it is very important to focus on the political relations between the EU member states at the EU conference. The process of distribution of power between the EU institutions, the capacity of power of EU institutions and the possibility of mutual influence of the EU institutions in the process of initiation, adoption and implementation of the EU legislature, are determined primarily by the relationship between the EU member states at the EU conferences. Therefore it is very important to analyze the impact of the EU

enlargement on the above structure and on the nature of the balance of power in the EU.

Some authors are inclined to situate this question in a broader definition. Within the broader profile of power, power is seen as the ability of the system to change references and perceptions of interests of actors. Within this broader definitions of power, the ability of the EU system to create new national interests of the EU member states, to change perceptions of national interests of EU Member States, to establish a new relationship between the EU member states, has a notable role in institutional balance of power in EU (Lukes Steven, 1974).

The balance of power in the EU is closely related to the issue in which institutions possess greater capacity of power in the EU. On this issue two decisive approaches have been crystallized. According to “state centric approach”, the EU Council of Ministers and the European Council have the power of dominant influence in the legislative field in the EU. According to “supranational approach”, the power is more concentrated in the hands of the EP and the EU Commission, as the supranational institutions of the EU (Selck, T.J. & Steunenberg, B., 2004).

As the nature of the institutional balance between the political and legislative systems of the EU have been determined by interests of the political elite of the EU member states, and the interests of supranational institutional bureaucracy of the EU, realization of these interests is linked primarily to the decision-making procedures in the EU institutions and to the relationship between the institutions of the EU. From this point of view the matter of a procedural model of decision-making and its impact on the collective decision-making in EU institutions on the EU state members, is the most important determining factor of the balance of power in the EU.

In phase of definition decision-making procedures in the EU Treaties, the power of the participants is not directly associated with the voting power in the EU institutions, but above all with the asymmetry in the resources of the EU member states (economic resources, resources of population, resources and technological development and political impacts resources, etc.). However, the asymmetry of resources between the EU member states do not always mean the gaining of better positions of the more powerful EU member states in the process of decision-making (Hug, S., König, T., 2002). Very often small EU member states can be found in position that decision-making procedures in the EU institutions, adopted at EU conferences, depend of themselves (Barry, B. (1980).

In such situations, the relationship between the political power of the EU member states and their own normative power in EU institutions in the decision-making process is not always linear. Hence the voting power of the EU member states in EU institutions do not always reflect their political power and vice versa in process of EU integration (Johnston, R.J., 1977).

Specificity of procedures for decision making and voting in the EU institutions in different areas, in combination with diverse degrees of the EU institutions impact in their mutual interactions in the process of decision implementation, make the nature of the institutional balance of political and normative power in the EU an extremely multifaceted political and normative phenomenon. Through this procedure and lobbying influence in the decision-making process in the EU institutions, many various monolithic interests of EU member states, different interests of various governmental departments, bureaucratic, business, scientific, political and economic national and supranational elites' interests, have

been mutually faced and harmonized .

Considering that the weight of vote of each EU member state depends on the size of its population, and that power of its influence on decision making depends upon the procedural standards of decision making, the nature of the balance of power in the EU is primarily linked with the issue of duo-dimensional democratic structure of EU. This democratic structure boils down to equality of the citizens (equality per person) and the equality of the member states of EU (equality per member). That nature of balance of power in the EU keeps it open and exposed it to new challenges in theory and practice of EU integration .

Procedural voting Power as an Element of Normative Balance of Power in the EU

Decision making in the Council of Ministers of the EU is taken by simple majority, qualified majority or unanimously. On which issues unanimity, simple majority or qualified majority in decision making is required is defined by the EU Treaties which are adopted at the EU conferences. Consequently, the EU conferences have great importance in the process of balancing power in the EU (I. Cram, D. Dinan, N. Nugent, 1999).

When a unanimous decision comes into power each EU member state has the right to veto, preventing a decision making against the will of the EU member state that use the power of veto. A long time decision making in the EU Council of Ministers sought a system of unanimity in order to protect the national sovereignty of the EU member states. In this case the institutional balance of power in the EU is being primarily reduced to balance the interests of national political elites of the EU member states.

In contrast to the unanimous decision making, in the qualified decision making, each EU Member State has a corresponding package (number) of votes in proportion to the size of its own population, and the percentage share of its own population in the total population of the EU, which does not always correspond with the democratic principle of "one man, one vote" (Richard Baldwin, Mike Widgren, 2004).

The value of package vote for each EU member state, is determined by the EU Treaties, and has been changed by changing number of EU member states. On the other side, by changing voting procedures in EU, the relationship between institutions of the EU has been profoundly altered. However, despite these changes, the principle of qualified and unanimous decision making in EU institutions remains in permanent conflict with the democratic principle "one man, one vote" that makes "democratic deficit" of the EU, one of the biggest problem in the process of balancing of the political and normative power in the EU (Gerald Schneider, Daniel Finke, Stefanie Bailer, 2010).

The context of the program of relativization of "democratic deficit" problem of democratic decision making in the EU remains unresolved. This issue will become notable after the reunification of Germany in the early 1990 's which is openly demanded proportionately larger package of votes that led to a change in decision-making procedures in the Council of Ministers of the EU. Some large countries, especially France, become opposed to it.

Expanded membership of the EU is becoming increasingly politically

uneven, culturally and traditionally more diversified, and being less and less able to make effective decisions with a high degree of conformity between the EU member states (Anthony I., Teasdale, 1996). After the EU enlargement with the countries of Central and Eastern Europe, the question of legislative effectiveness of EU institutions became highly questionable. This problem is described by qualified majority voting (QMV), and necessitates a re-configuring of the relationship between EU institutions as an urgent issue.

In accordance with the Nice Treaty, qualified majority voting gets an incredibly complicated *modus operandi*. In order to make valid decisions by qualified majority voting (QMV), it was necessary to reach so called “tripartite qualified majority in the EU Council of Ministers. The Tripartite Qualified Majority Include: 1. qualified majority of the votes in the EU Council of Ministers; 2. qualified majority of the total number of EU member states, and 3. so called “demographic qualified majority” which has a meaning that for a valid decision must be voted number of EU member states in which live at least 72% of the total population of EU. In this system, “qualified majority voting” constituted on average 70% of the total voting rights of EU member states, while blocking minorities constitute approximately on average 30% of the total number of votes in the EU Council of Ministers.

The reform of decision-making procedures in the EU Council of Ministers has continued to the Lisbon Treaty in 2007. In this Reform Treaty “tripartite qualified majority” has been replaced with “double qualified majority” in decision making in EU Council of Ministers. In “double qualified majority” system valid decision of the EU Council of Ministers should provide cumulative: 55% of the total number of EU member states, which are inhabited by at least 65% of the total EU population. Blocking minority in this model of decision making has been established at the 35% of the total EU population plus one EU member state (Richard Baldwin, Mike Widgren, 2004). This procedural model of decision making in the EU Council of Ministers and system of “blocking minority”, has restricted the possibilities of large EU member states to achieve dominance through their mutual coalition. However, the problem of the “democratic deficit” and “deficit of accountability” in the EU still remains open (Manfred J. Holler, 2011).

With this reformation of the system of decision making, the possibilities of broad consensus among EU member states is being opened. This institutional consensus simultaneously preventing the creation of groups or block/coalition governments which could dominate over the interests of other member states. With introduction of “double qualified majority” in decision making in the EU Council of Ministers, nature of the institutional balance of power in EU has been slowly shifted from dominance of national interests of political elites to balance of interests between the EU supranational institutional bureaucracy and political elite of the EU member states, that will have great weightiness for the further development of the balance of normative and political power in the EU.

Relations between the EU Institutions as an Element of the Balance of Political Power in the EU

The relationships between the EU institutions have a major impact on the balance of political power in the EU. The EU Council of Ministers, European Council, EU Parliament and EU Commission have great capacity for power in

decision making within the EU. The degree of influential power held by each of the EU institutions in legislative initiatives, in processes of passing laws, and in the process of implementing laws, will depend in which direction the institutional balance of power in EU is going to be developed. In other words it means that the process of balancing power in EU will incline toward creating EU as community of citizens (supranational integration), or toward creating EU as union of states (state-centric – Intergovernmental integration), or to mutual equilibrium of these processes, and will depend on the ratio of influential power between supranational institutional bureaucracy to that of national political elites of EU member states.

The EU Council of Ministers was the main legislative body of the EU until introducing the “codecision procedure” into the process of adopting legislative acts in the EU. By introducing this procedure (Maastricht Treaty), EP acquire an equal position with the EU Council of Ministers in the process of adopting EU legislation. In this process the EU Commission, as supranational institution of the EU, still remains the highly notable institution with the exclusive “legislative initiatives”. The question of which institution in the EU has the greatest influence in the process of introducing legislative acts, in the process of implementing EU law, and most influence on other institutions, still remains an open issue around which many theoretical and practical opinions differ.

This question will occupy a central place in the Lisbon reform treaty that will bring major changes in the institutional balance of political and normative power of the EU, which will lead to dramatic changes in relative normative and political power between the institutions of the EU. Changing the balance of power between the Council of Ministers, EP and EU Commission, and introducing European Council (which consists of the Head of States or Governments) in official EU institutional network, as another powerful and influential state-centric institution, the Lisbon Treaty has opened a new phase of re-balancing of power in European integration.

Through the process of institutional re-balancing of normative power in the EU, a new “structure of the EU political space” is being created. In this new EU political space the EU institutions have received a new capacity of normative power which is precisely defined by this EU treaty. In this process of “institutional balance of normative power” the relationship between the EU institutions has reached the new level of re conceptualization of the political system of the EU, in which the sovereignty of the member states is increasingly moving from the decision-making process at the national level to influence on process of decision making at the supranational level.

In the first stage of European integration, until the introduction of direct elections for the EP, the balance of political and normative power between the national political elites of the EU member states, and weak supranational bureaucracy in European institutions, in the EU had been considerably imbalanced. The relationship between normative power of the EU Council of Ministers and the EU Commission has created political structure of Community, dominated by the EU Council of Ministers. During this period, the EP did not have adequate political or legal power. Elected from the national parliaments of the EU member states, and with a negligible budget authority, the EP has served to build up the position of political elites of the EU member states. The EP has grown up into an important institution of political and normative power in the new institutional structure of the EU. Some factors that were responsible for this were: several Treaty reforms, introduction of

direct elections of EP (1979), introduction of co-decision procedures in adapting EU legislature, obtaining budgetary authority, and the power to appoint the EU Commission.

The EP has strongly fortified its political position via the Lisbon Treaty and in initiating the revision of treaties (Article 48 (2) TEU), which the EP submits to the Council of the EU. The EP has obtained authorization to give approval to the European Council to authorize the EU Council of Ministers to use the procedure of qualified majority instead of unanimity procedures in decision making in the domain of the common foreign and security policy (CFSP), only with the exception of military intervention (Article 48/7 TEU). EP also receives a significant role in initiating and strengthening of structural cooperation between the EU member states with the approval on this cooperation (Article 329 (1) TFEU).

Together with the appointment of the EU Commission and the selection of the President of the EU Commission and consent to nomination of HR / VP (High Representative of the EU / Vice President of the EU, Article 17 (7) TEU), the EP becomes a powerfully influential institution in the institutional balance of political power in the EU. If we take into account the powers regarding the adoption of the EU budget (Article 314 TFEU), the Lisbon treaty did make the EP equally constitutive influential institution as the EU Council of Ministers, which will make supranationalism/intergovernmentalism one of the major determinants of European integration in the post Lisbon period.

What specifically will raise the influential power of EP in the EU institutional network, following the adoption of the Lisbon Treaty, is an extension of the co-decision procedure (now known as the Ordinary Legislative Procedure - OLP -) on new forty fields including agricultural policy and fisheries policy, structural funds policy, politics judiciary, interior affairs and transportation policy. In addition the Lisbon Treaty required the consent of the EP in the process of concluding international treaties. Now for adoption of all the laws for which adoption is envisaged codecision

legislative procedure, or special adoption procedure, the consent of EP is needed. By introducing the Lisbon Treaty the EP is receiving an equal role with EU Council of Ministers in the process of adopting the EU budget. With this the EP has grown into an equal partner in decision making on all important issues to external and internal economic, political and legal development of the EU, that has led to the dual constitutional balance of power in the EU.

Lisbon's Programme of dual constitutional transformation of the EU has been particularly enhanced by the introduction of the European Council in the official EU institutional network (Article 13 (1) TEU) and by giving a series of very important constitutional prerogatives to this institution, which is represented by the heads of state or government of the EU member states. With the authorization of moving unanimity procedures of decision making into codecision procedure in certain areas of decision making (Article 48 (7) TEU), and the possibility of making a decision to change the Part III of the Treaty - Part Three TFEU (Article 48 (6) TEU), with the authorization of setting general policy directives and priority (Article 15 (1) TEU), as well as determining the strategic interests and objectives in the area of common Foreign and Security Policy of EU (Article 22 (1) TEU), and authorization of appointments and addresses the duties of the High Representative (HR / VP (Article 18 (1) TEU), the European Council has grown into a strong support to EU

Council of Ministers, which make together a powerful intergovernmental block of the institutional structure of the EU.

The Treaty of Lisbon strengthened the position of the EP through the introduction of the European Council in the institutional network; and in an indirect manner significantly enhanced the impact of EU member states in the political institutional structure of the EU, which in turn strengthened bipolar institutional structures of the EU as a community of citizens (extension jurisdiction of the EP) and the EU as a community of states (introducing European Council of EU institutional network), thus reinforcing the dual supranational-intergovernmental nature of the EU political space. In this way introducing the European Council into the institutional network structure, changed and polarized EU political space.

In contrast to the European Council and the EP, whose institutional position was substantially affirmed, the Council of Ministers of the EU retain approximately the same position without any significant change in the institutional structure of power in the EU. One aspect of strengthening the normative power of the EU Council of Ministers in the Lisbon Treaty may be indicated by the introduction of codecision procedures in decision making in the new forty four fields (of this number in six fields decides ultimately European Council). However, no matter what the EP appears as an equal partner in codecision legislative procedure, the EU Council of Ministers have a more favorable position in the power in new normative structure in the EU.

The EU Council of Ministers remains as an institution having the highest relative power in the institutional structure of the EU, which comes directly through the support of EU member states. Notable attributes include: retaining position in proposing "strategic goals and priorities" of common foreign and security policy to the European Council (Article 22 (1) TEU), masterfully controlling the adoption of the budget policy, and keeping mandate appointment of HR/VP in its jurisdiction, although Vice-President of the EU Commission (VP) chaired the Council for Foreign Relations (Article 18 (3) TEU).

What could be considered as an impairment to the power of the EU Council of Ministers, in relation to the previous period, is the loss of direct connection between the Presidency of the EU Council of Ministers with the European Council on matters within the jurisdiction of the Foreign Affairs Council; this is now under the authority of the HR / VP (Article 27 (1) TEU), which is directly connected to and responsible to the Presidency of the European Council, rather than the rotating Presidency of EU Council of Ministers, as it was earlier. Bearing in mind that the EU Council of Ministers has the right of appointing HR / VP, but not the right to propose the HR / VP, it could lead to a restriction of the power of this institution in the common foreign and security policy of the EU.

While the European Council and the EP, and EU Council of Ministers, institutionally, has been strengthened, the EU Commission has remained largely at the margins of institutional changes in the Lisbon Treaty. Its institutional position is somewhat weakened and exposed to a powerful competition with the EP, which now has the ability to block certain processes regardless of whether they are supported by the EU Commission (Article 329 (1) TFEU). The EP being entitled to formally initiate the revision of the Treaty (Article 48 (2) TEU) which had previously belonged exclusively to the EU Commission, means a further weakening of the political position of the EU Commission in the EU. On the basis of the so-called

"special relationship" between the EU Commission and the EP, legislative initiatives of the EU Commission were brought in largely dependent upon the relationship with the EP. Although the Commission still retains the "legislative initiative", the EP now has the right to ask the EU Commission for an explanation for the reasons why legislative initiatives initiated by the EP are not put in power (Article 225 TFEU). The EU Commission is obliged to respond to this initiative of the EP within one year from the application filed, or to enter that proposal of EP in its own annual program. In this way the EU Commission largely lost independence for its exclusive "legislative initiative". Further weakening of the institutional position of the EU Commission is confirmed by introduction of so-called "regular dialogue" between the President of the EP and President of the EU Commission in which the issue of legislative initiative is debated. Attendance of the President of EP to sessions of the EU Commission means some kind of supervision over the activities of EU Commission by EP.

"The legislative initiative" of the EU Commission was placed under the possibility of another supervision and control. In accordance with Art. 6th "Protocol on the Application of the Principles of Subsidiarity and Proportionality" national parliaments of the EU member states may, within eight weeks of receipt of the draft legislative initiative, send their opinions to the President of the EP, to the EU Council of Ministers and the EU Commission, that the legislative initiatives of the EU Commission is not in accordance with the principle of subsidiarity.

If this opinion is supported by at least 1/3 vote of the national parliaments of the EU member states, draft legislative initiative must be revised. If the opinion is supported by a simple majority of national parliaments of the EU member states, the EU Commission must justify its decision not to withdraw the proposal. Draft legislative proposals may be withdrawn from further discussions with a majority vote of the EU Council of Ministers, or by a majority vote in the EP before concluding the first reading. Neither has the position of Vice President of the EU Commission in the institution HR/VP much importance for the improvement of the institutional position of the EU Commission. President of the EU Commission has the right to demand commissioners' resignation and resignation of HR/VP. However, the EU Council of Ministers has the mandate for the appointment and dismissal of HR/VP (Article 18 (2) TEU).

Earlier, the EU Commission had been formally entitled to submit proposals to the EU Council of Ministers in the field of common foreign and security policy (CFSP), but this has now been transferred to the HR/VP, where the EU Commission retains only the ability to support these proposals (Article 30 (1) TEU). By reducing the number of commissioners from 27 to 2/3 of that number (Article 17 (5) TEU) have only meaning greater effectiveness and denationalization of the EU Commission, but no increase to its relative power in the context of an institutionalized political space of the EU (Jörg Monar, 2010).

Relativisation of Institutional Balance of Normative and Political Power in EU

Bearing in mind that the EU Council of Ministers represents the government of the EU member states, some authors consider this institution the most influential one in the EU. However, another group of commentators believes that the EP can be

considered as the dominant institution in the institutional balance of power in the EU. These stances can largely be relativized through the procedures to be applied in the process of adopting of the EU legislation, by informal rules of behavior that are imposed by the participants themselves and by regulating the interaction between the EU institutions, as well as by timing and specialization of activities of the EU institutions.

Co-decisive adoption law procedure provides the possibility of the second reading of the proposed legislative act in the EP. In this procedure in the case of divergence of views between the EP and the EU Council of Ministers is formed Reconciliation Committee based on parity between the EP and EU Council of Ministers, which should formulate a common text of the law, in cooperation with the EU Commission. In this case, who will have more impact on the definitive determination of the common text of the law, depends primarily of the interpretation of informal rules: from which institution common text-proposal of law would be forwarded. The institution which forwards a common text of the law has more influence on content of the text of legislation (first move) in relation to an institution that receives act on reading. In this case, the informal procedures can have a significant impact on the balance of normative and political power between the EU Council of Ministers and the EP (Robert Thomson, 2006).

Also, the shortness of the period of six months rotating presidency of the EU Council of Ministers, the general specialization COREPER, which acts on behalf of the EU Council of Ministers, in relation to the longer term elections of EP and narrower specialization of the EP Committee, who have expertise in reading legislative initiatives, can have a large impact on the distribution of power between the capacity of the EU Council of Ministers and the EP in the political space of the EU. In this view of many scholars, EP often receives primacy in normative and political balance of power in the EU (Farrell H., & Heritier, A., (2003).

The general attitude toward the balance of power between the EP and the EU Council of Ministers in the Lisbon Treaty, is becomes much more relativized if the policy of implementation of the provisions of the Lisbon Treaty in practice and legislation, introduce into the analysis. The provisions of the Treaty of Lisbon, which is being transferred into legal and political arrangements and administrative practices, were not significantly changed institutional balance of power between the EP, the EU Council of Ministers and the EU Commission in practice. This relatively institutional stability in balance of power between these EU institutions comes solely due to the manner of implementation of Article 290 (delegated acts) and Art. 291 (comitology) of the Lisbon Treaty, although the text of the Lisbon treaty favors EP (Thomas Christiansen and Mathias Dobbels, 2012).

In considering the issues of relativization of institutional balance of normative and political power in the EU, it is important to bear in mind that in large part, the EU Commission retains the exclusive right of legislative initiative, which enables the EU Commission to create a legislative initiative in a broader term in which its initiative will be debated.

Keeping legislative initiative under its control in a practical sense, the EU Commission gives a lot of great opportunities to affect the content of legislative initiatives, no matter what is constitutively restricted by the jurisdiction of the EP. If this is added to the fact that the EU Commission remains active in debating legislative initiatives in the EU Council of Ministers, and that has been active in debating a

number of issues between the EU Council of Ministers and the EP, it becomes quite clear what authority the EU Commission has in creating a balance of normative and political power between the EP and the EU Council of Ministers. Hence the relations between the EU Commission with the EU Council of Ministers and the EP have a great importance in the process of relativization institutional normative and political balance of power in the EU (Robert Thomson (2006).

Final Considerations

Institutional balancing of normative and political power in the EU leads us to the question of which EU institution has the highest relative normative and political power in the EU. Considering answers to this question, many authors scrutinizing the EU Council of Ministers conclude that it draws its power from direct links with national political elites of the EU member states, that contributes most to its institutional power. The EU member states provide the EU Council of Ministers with high professional and technical expertise and political support, which is not the case even with the EU Commission nor the EP. In addition by introduction of the European Council in EU institutional network, the functional links between normative and political balance in EU is further strengthened by the additional role of the EU member states in further strengthening of political and normative space of the EU.

Every six months the EU member states rotate on the position of the Presidency of the EU Council of Ministers, which gives them significant administrative power, which in certain circumstances can significantly strengthen the position of the presiding member state and change the institutional position of the EU Council of Ministers regarding relations to other EU institutions. The mandate of the Chairman of the EU Council of Ministers takes over the administration of the EU Council of Ministers, organizes meetings of EU Council of Ministers, determines prioritiet decision making in the EU Council Ministers, mediates in resolving disputes between the EU member states, presents the EU Council of Ministers in external communications, and presents the EU Council of Ministers on the Committee of Reconciliation in the event of disagreement between the EU Council of Ministers and EP in co-decision procedure law adopting (Talberg, J., (2004).

In theories of European integration, opinions are divided as to how the state, which is chaired to the Presidency of the EU Council Ministara, can affect the balance of political and normative power in the EU.

One opinion comes to the setting of so-called "Responsibility without power", denying the possibility of the state, which is chaired by the EU Council of Ministers to have any influence on decision-making process in the EU Council of Ministers and therefore to make any influence on normative and political institutional balance of power in the EU. This opinion is based on the role of the Presidency as a "neutral broker" in which the institution of the Presidency has considerable administrative and managerial roles, but without being able to influence the balance of normative and political power in the EU.

Another group of commentators focuses on the fact that the presiding country in the EU Council of Ministers, having the privilege of access to information on political preferences of other EU member states in the decision-making process, has the privilege of making proposals for a compromise solution in the case of

disagreement between the EU Council of Ministers and the EU Parliament in the co-decision procedure; and that may affect the timing of decision making in the EU Council of Ministers, which in certain junctures can have a determining role in the decision making process. In this view it is considered that the presiding state over the EU Council of Ministers can have a significant impact on the decision-making processes that are closer to its political preferences, which significantly changes the institutional balance of political power in the EU.

Bearing in mind the intricacy of decision making in the EU Council of Ministers, the complexity of the implementation of the EU legislature, the sophistication of the "division of responsibility" in the EU stemming from the nature of the relationship between citizens/voters and political parties of EU member states, and the complexity of the election policy of the EU Parliament, then the question of balance of normative and political power in the EU remains extremely questionable and still vague. Will the European integration tend more towards the EU as a "community of citizens" or the EU as a "community of states", or toward some kind of balance between these two options? Which of these evolves will depend on the nature of the interests and power of national political elites of the EU Member States and the interests of supranational institutional bureaucracy of the EU in an era of global structural change.

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NATO's Open Door Policy ahead of the Wales Summit

In order to provide an insight into NATO's Enlargement and Open Door Policy today, it is important to put the Alliance and the environment in which it operates into a wider context.

In December 2013, the 28 Foreign Ministers of the North Atlantic Alliance's member nations agreed key topics for NATO's upcoming summit, to be held in Wales on 4-5 September 2014. At the Summit, NATO heads of state and government are expected to take decisions in order to ensure that the Alliance remains ready and flexible and is capable of maintaining and developing key capabilities in order to tackle current and emerging security threats. Another important theme of the Wales Summit will be to strengthen NATO's engagement with partners, which will be increasingly important to its success, to reaffirm the transatlantic bond and to reconfirm NATO's commitment to Afghanistan's future.

Presenting his Annual Report on 27 January 2014 in Brussels, the NATO Secretary General elaborated outlined some of his views on the Wales Summit. Branding it as the "Future NATO, an Alliance that is robust, rebalanced and ready to provide security for the next generation", he provided additional details regarding the work remaining to be done by the Alliance:

First, we must invest in the capabilities and we need to deal with the risks and challenges that we face. From terrorism, piracy and instability in our neighbourhood, to missile and cyber attacks. I expect European Allies to play their full part in developing critical capabilities, such as joint intelligence, surveillance and reconnaissance, and missile defence. As our economies start to recover, we need to show the political will to keep defence in Europe strong. This will also keep NATO strong.

Second, our troops need to stay connected, just as they are today in Afghanistan and Kosovo. So that we stand ready to operate together when called upon, as Allies and with Partners. At the Wales Summit, we should commit to a broad programme of realistic exercises, demanding training and comprehensive education as part of our Connected Forces Initiative.

Finally, we need to deepen and widen our cooperation with partners. At a time of global risks and threats, NATO must continue to look outwards. We have political and operational partnerships with over 40 countries and organizations on five continents. We must do more with our partners. And we must do more for our partners. To build and develop their security sectors. Because it is far better to support and build stability today than to have to fight instability tomorrow."²

Although Enlargement does not feature among key topics being discussed for Wales, Allies remain firmly committed to NATO's Open Door policy. Allies agree that for NATO, enlargement has fostered stability and security in Europe and will

¹ Barbora Maronkova, Programme Manager, Engagements Section, Public Diplomacy Division, NATO

² Release of Secretary General's Annual Report on 27 January 2014

continue an individual approach to aspirants, judging each aspirant country on its own merit. With just a few months left before the September Summit NATO Foreign Ministers are expected to update assessments of each of the aspirant countries when they meet by the end of June.

History of NATO's Open Door

On 1 April 2014, leaders of the 28 member states celebrated in Brussels the various enlargement rounds of the Alliance; 1999, 2004 and 2008. Altogether, 12 nations became NATO member states in the past 15 years.

At the occasion of the anniversary ceremony in Brussels, US State Secretary, John Kerry, stated support for further enlargement in which “the United States joins the Allies in reaffirming that NATO’s door remains open to any European country in a position to undertake the commitments and obligations of membership, and that can contribute to security in the Euro-Atlantic area.”³

The origins of NATO’s open door policy after the Cold War go back to the fall of the Berlin Wall. The fall of the Berlin Wall also raised the question of NATO’s future. When, on October 3, 1990, Germany was officially reunified as a member of NATO, the future of the Alliance could no longer be questioned.

‘Getting Moscow to agree to German unification in NATO was among the greatest foreign policy accomplishments of President George Bush and his national security team’, writes Ron Asmus⁴, the U.S. Deputy Assistant Secretary of State for European Affairs (1997–2000). Although it seemed like a “mission impossible” to many in those days, the US diplomacy led by James Baker managed to convince the then Soviet President Gorbachev that Europe and Russia would be better off with a unified Germany in NATO rather than outside of it.

Asmus believed that this was the first step in overcoming Europe’s divide—and in retooling NATO for the post–Cold War era. In his view, the German unification in NATO was the first post–Cold War enlargement of the Alliance and an early sign that NATO’s role in Europe was growing, not shrinking. ‘To what degree German unification was thought of as a precursor of NATO’s subsequent enlargement to Poland, the Czech Republic, and Hungary is less clear—and remains a bone of contention even today.’⁵

The US Administration, under President Bush and later President Clinton, was eager to see the expansion of NATO and was instrumental in persuading other Allies [namely Germany and Great Britain] to support the enlargement of Central and Eastern Europe. The senior US policy makers, such as National Security Advisor Anthony Lake and Assistant Secretary of State for European Affairs Richard Holbrooke, have convincingly argued – both within the US and abroad - that in order for NATO to adapt to the post–Cold War environment, expansion was necessary.⁶

In his book “Opening NATO’s Door”, Asmus recalls that Czechoslovakia, Poland and Hungary officially launched a NATO membership request on 6 May 1992. Two political developments in the course of 1991 contributed to the decision of

³ Remarks of US State Secretary John Kerry in Brussels;

<http://www.state.gov/secretary/remarks/2014/03/224228.htm#.Uzq7wymjp8Q.twitter>

⁴ Ronald D. Asmus, *Opening NATO’s Door*, Columbia University Press, 2002

⁵ Ronald D. Asmus, *Opening NATO’s Door*, Columbia University Press, 2002

⁶ Ryan C. Hendrickson, *NATO's Open Door Policy and the Next Round of Enlargement*, *Parameters*, Winter 2000-01, pp. 53-66.

the Visegrad countries to openly seek NATO membership: one was the bloody dissolution of Yugoslavia and wars in Croatia followed by Bosnia Herzegovina. The second was the coup d'état in the USSR and the arrival of Boris Yeltsin and creation of the Russian Federation.

NATO Allies formally agreed to launch the first round of post-Cold War enlargement in 1997, following the completion of work on the Case Study on NATO's enlargement. The work was commissioned at the NATO Foreign Ministerial meeting in Brussels in December 1995. Two parallel tracks were, in fact, instigated by the US administration in the period of 1994-1995 towards the NATO enlargement: the study on NATO's enlargement that remains the most comprehensive analysis of NATO's enlargement⁷ and the process of how to engage Russia with NATO and in what format. The second track resulted in the signature, on 27 May 1997 in Paris, France, of the NATO-Russia Founding Act.⁸

The Madrid Summit communiqué in 1997, after agreeing to the Czech Republic's, Poland's and Hungary's accession in NATO, stated that: "the door remains open to new members. . . . The Alliance expects to extend further invitations in coming years."⁹

From the Madrid Summit in 1997, all consecutive NATO Summit communiqués have restated the Alliance's Open Door policy together with an explicit paragraph in NATO's Strategic Concept from 2010. With 12 new members in NATO since 1999, the Alliance is set for further enlargement.

Open Door and the Western Balkans

Albania and Croatia officially joined NATO in April 2009, one year after receiving an invitation emanating from the Bucharest Summit in 2008. The membership of these two countries from South East Europe was of great importance for the Alliance – despite being fairly small states with correspondingly small militaries, their inclusion in NATO could not be considered as militarily strategic, however, their membership can play a political role in helping to stabilize southeastern Europe.¹⁰

The enlargement in the area commonly referred to as the Western Balkans remains an important goal for the Alliance and for the consolidation of peace and stability in the region. The countries of the region wish to join the Alliance to reconfirm their desire to belong to the community of European democracies and seek the stability and security in their neighborhood together with the prospects of EU membership.¹¹

Rekawek believes that further enlargement of the Alliance, and a fair and positive management of the process, could also be seen as an element of NATO's post-2014 relevance, when the drawdown from Afghanistan is to be completed. Admitting new members will not suffice as the Alliance's *raison d'être*, but it could

⁷ NATO Study on Enlargement; 1997

⁸ NATO Russia Founding Act; 1997

⁹ NATO Press Release M-1 (97)81, "Madrid Declaration on Euro-Atlantic Security and Cooperation," 8 July 1997

¹⁰ Vincent Morrelli&Eds., NATO Enlargement: Albania, Croatia, and Possible Future Candidates, Congressional Research Service, CRS Report for Congress, April 2009

¹¹ Nida Gelazis, NATO, EU Integration Efforts Deserve Greater U.S. Support, The Commission on Security and Cooperation in Europe (U.S. Helsinki Commission) hearing, 18 January 2012.

be testament to NATO's ongoing attractiveness, especially in the light of future, post-Western Balkan enlargements.¹²

The transformative power of both NATO and EU on the candidate countries cannot be neglected. Even if NATO's accession criteria are not as complex as EU's *acquis* they are, nevertheless, an important impetus for aspirant countries to restructure defence and security sectors, align civilian and military intelligence services according to NATO's standards, train and equip military forces with modern military counterparts etc. NATO also conducts assessments of a broader nature such as of independence of judiciary, good neighbourly relations, the level of public support or of efforts in the fight against corruption and organized crime.

In many cases, the NATO accession process became interlinked with the EU accession which also requires closer cooperation between the two organizations in their assessment and progress reports.

NATO's enlargement ahead of the Wales Summit

Ahead of the Wales Summit Allies have decided to review the progress of the aspiring nations alongside the usual annual progress reports that are a result of the adopted Annual Action Plans. The June 2014 Foreign Ministers' meeting in Brussels is set to assess the progress made by Bosnia Herzegovina, Georgia, Montenegro and the Former Yugoslav Republic of Macedonia*.

Despite considerable progress in all the aspiring nations on NATO's accession criteria, challenges remain. With regards to Montenegro, the NATO Secretary General stressed during the visit of the Premier Minister to NATO, Milo Djukanović on 25 March, the need to reinforce the rule of law, fight against corruption and organized crime, finding the resources to modernize the armed forces, and explaining to the public the importance of Euro-Atlantic integration.¹³

The main deadlock on the name issue of the Former Yugoslav Republic of Macedonia* and the political deadlock on the immovable defence property issue in Bosnia Herzegovina are the most serious setbacks in a positive evaluation by the Allies for these two countries with regards to their NATO aspirations. NATO can provide assistance in carrying out the necessary reforms [for example through the Partnership for Peace Planning and Review process - PARP or legal and technical assistance in mapping the immovable defence property in Bosnia Herzegovina] but the ultimate responsibility rests on the leadership of both countries for political solutions.

In his analysis, Ian Bond calls on NATO to reevaluate possible membership aspects for Ukraine and Georgia. 'Georgia has consistently backed NATO membership and has been a major contributor to ISAF in Afghanistan; it should be rewarded at the NATO Summit in September with a Membership Action Plan (MAP) and a clear and short pathway to full NATO membership. There has never been a popular majority in Ukraine for joining the Alliance, but after the Presidential election in Ukraine, once a new government is in place, NATO should discuss with Kiev how the NATO/Ukraine relationship should develop.'¹⁴

¹² Kacper Rękawek, 'The Western Balkans and the Alliance: All Is Not Well on NATO's Southern Flank?', Policy Paper no.14, June 2013, Polish Institute of International Affairs

¹³ Press conference by NATO Secretary General and PM Milo Djukanovic on 27 March in Brussels

¹⁴ Ian Bond, 'Europe and Russia – Continental Divide', Centre for European Reform, 2014.

*Turkey recognizes the Republic of Macedonia with its constitutional name

Damon Wilson from the Atlantic Council of the United States also advocates NATO's enlargement. In his op-ed posted in the Washington Post dated 4 March, together with Stephan J. Hadley, the former National Security Advisor from 2005-2009, he writes "the United States and Europe should demonstrate that Russia's aggression has not undermined their commitment to a Europe whole and free. NATO could invite Montenegro to join this fall, extend a membership action plan to Georgia and restate its commitment of the 2008 Bucharest communiqué to ultimate NATO membership for Ukraine."¹⁵

It is perhaps too early to draw up conclusions from the current Ukrainian crisis on the future of NATO's enlargement and on the outcomes of the Wales Summit in September 2014. It is, however, important to note that any enlargement decision is bound to consensus by all 28 NATO Allies. NATO has, throughout its whole history, always considered and evaluated the enlargement based on the political interest of the Alliance and geostrategic environment in which the Alliance finds itself.¹⁶ The Wales Summit will be an opportunity for NATO to evaluate this geostrategic environment for 2014 and beyond.

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¹⁵ Damon Wilson, Stephan J. Hadley, Putin's takeover of Crimea is a part of a larger strategy, Washington Post, 3 March 2014.

¹⁶ Ferdinando Sanfelice di Monteforte, On the Geostrategic aspects of NATO's enlargement, NATO at 60, IOS Press, 2010

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Nusret Hanjalić¹ Cooperative Security and Southeast Europe

Introduction

Southeast Europe continues to remain the most volatile region in Europe. The disintegration of former Yugoslavia brought about decades-long ethnic and political tensions, as well as unprecedented social and economic concerns. The international community has launched many initiatives in an attempt to stop hostilities and create conditions for the new democracies and economic prosperity. The countries of the region share a multitude of economic, social and political issues and it is imperative that they are able and willing to address these problems in order to achieve regional stability.

The aim of the international community and region countries is creating the conditions for long-term and sustainable stability in the Southeast Europe. The concept of cooperative security has proved to be an optimal way for reaching this aim.

Concept of Cooperative Security

The concept of “cooperative security” has been developed over the past decades. One definition from the early nineties sees it as “a strategic principle that seeks to accomplish its purposes through institutional consent rather than through threats of material or physical coercion”.²

The term Co-operative Security became a catch phrase for a rather idealistic approach to the swiftly changing international climate. In 1992, three leading American strategists Ashton Carter, William Perry, and John Steinbruner spoke of Cooperative Security in terms of providing new way toward world peace: “Organising principles like deterrence, nuclear stability, and containment embodied the aspirations of the cold war. Co-operative Security is the corresponding principle for international security in the post cold war era”.³ In 1994, former Australian Foreign Minister Gareth Evans described Co-operative Security as tending “to suggest consultation rather than confrontation, reassurance rather than deterrence, transparency rather than secrecy, prevention rather than correction, and interdependence rather than unilateralism”.⁴

Co-operative Security can become the basis for a more peaceful and harmonious future. It combines four basic arrangements: Individual Security,

¹ Nusret Hanjalić, M.A., Ministry of Defence of Montenegro, Montenegro - Attitudes expressed in this document are personal opinion and do not represent the official policy of Montenegro

² Nolan James, The Concept of Cooperative Security, in: Nolan James (ed.), Global Engagement, Cooperation and Security in the 21st Century; Brookings, Washington, D.C., 1994, p. 4-5.

³ Ashton B. Carter, William J. Perry, and John D. Steinbruner, *A New Concept of Cooperative Security*, Washington, DC: The Brookings Institution Press, 1993.

⁴ Gareth Evans, “Cooperative Security and Intra-State Conflict,” Foreign Policy, No. 96, 1994.

Collective Security, Collective Defence, and Promoting Stability in widening rings of security (Figure 1).⁵

Individual Security, has popularised as „Human Security“, stands at the centre of any real international security system built around liberal democratic ideals. The protection of the basic freedoms of the individual is the core from which all other forms of security must radiate. Damage to the security of individuals in one country, by external or more often by internal forces, now means that other peoples and their governments feel that their own security is diminished. Recent gross violations of the individual security of large numbers of human beings in such widely flung countries as Rwanda, Kosovo, and East Timor have had a dramatic impact on the international community.

Collective Security looks inside to attempt to ensure security within a group of sovereign states. The first Collective Security organisation was the League of Nations founded in aftermath of World War I. At the end of World War II, the newly formed United Nations took up the role of Collective Security from the League of Nations. In 1970, the Conference on Cooperation and Security in Europe (CSCE), now the Organisation for Security and Cooperation in Europe (OSCE), was formed to provide Collective Security to all of states of the Eurasian-Atlantic region. However, these organisations have been only partially effective.

A Collective Defence organisation looks outside to defend its members from external aggression. NATO, the Western European Union (WEU), the Central Treaty Organisation (CENTO), the Southeast Asia Treaty Organisation (SEATO), and Warsaw Pact, all designed to provide Collective Defence to their members, were founded after of World War II.

Promoting Stability is the active promotion of stability outside the boundaries of the states forming the Co-operative Security system. Promoting Stability could be seen as a license for unwarranted intervention by larger powers or international organisations in the legitimate internal affairs of other, mainly smaller states. Active intervention- diplomatic, economic, or military, must therefore be very carefully sanctioned and monitored in accordance with international law and clear and widely accepted humanitarian norms.

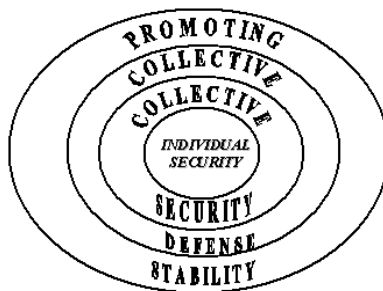


Figure 1: Cooperative security - The four Rings

⁵ About concept of cooperative security see: Richard Cohen and Michael Mihalka, *Cooperative Security: New Horizons for International Order*, The Marshall Center Papers, No. 3, George C. Marshall Center for Security Studies, 2001.

A Co-operative Security system requires from the democratic states that form it a willingness to closely cooperate with each other and to reach out, if necessary, to intervene in areas outside their territories that might affect their common peace and security. According to the model of Co-operative Security, NATO is the world's only working example of a Co-operative Security system. It embodies, however imperfectly, all four of the basic functions. The EU is in the process of enlarging this NATO core into a wider and deeper Euro-Atlantic Co-operative Security space.

Security in South Eastern Europe: Past and Present

The disintegration of the former Socialist Federal Republic of Yugoslavia (1991-2008) followed the aspiration of new post-communist elite that in its ground form a new mono-ethnic state formations (nation-state).⁶ This process is now largely completed thanks to the forming of four mono-ethnic states (Slovenia, Croatia, Serbia and Macedonia⁷), a one three - ethnic state (Bosnia and Herzegovina) and civil state (Montenegro) in the Former Yugoslav soil. Poor legacy of the armed conflicts in the Former Yugoslav space left deep marks on the bilateral relations between emerging countries within the region, which is the European Union called Western Balkan. It is necessary to distinguish the meaning of the two terms: Western Balkans and Southeast Europe. The term Southeast Europe is used in its original meaning, and it talks about a region that stretches from the Black Sea on the east to the Bay of Trieste on the west and includes: Greece, Turkey, Bulgaria, Romania, Croatia, Serbia, Bosnia and Herzegovina, Macedonia, Montenegro and Albania. Western Balkans are marked States of the former Yugoslavia, except Slovenia (Croatia, Bosnia and Herzegovina, Serbia, Montenegro, Macedonia) and Albania.⁸ The introduction of the term Western Balkans correlates with the gradual development of a regional approach of the European Union (EU) to perennial conflicts in the suffering region. In public spheres (political, professional, cultural) states of the Western Balkans is dominate two approaches regarding the further development of bilateral relations in the Balkans. On the one hand there is the orientation on basis that to establish the truth, accountability and reconciliation to overcome the bad legacy of the nineties of the last century, while on the other hand there is the vision by which conflicts are close to the Balkan Peninsula and it is almost a rule cyclically repeated. The forming of bilateral and multilateral relations among countries in the region depends on whether political, cultural or scientific elites advocate the first or second vision. But, the leading actors of the international community, especially the UN, the EU, NATO, the OSCE and the US, supported the normalization of relations between emerging countries and entities, from the phase of duration of the armed conflicts to date. Over the past 20 years can be seen a gradual transition from the Western Balkan states armed conflict to stabilization of security, economic and political situation on the basis of European values: peace, democracy, human and minority rights, equality and solidarity.⁹

The efforts of the US had an outstanding importance for the stabilization of

⁶ Hejden Robert, *Skice za podeljenu kuću: ustavna logika jugoslovenskih sukoba*, Samizdat B92, Beograd, 2003, p. 65-107.

⁷ The UN recognised Macedonia as Former Yugoslav Republic of Macedonia (FYROM).

⁸ Đukanović Dragan, *Zapadni Balkan: od sukoba do evrointegracija*, FPN Beograd, Godišnjak 2009, III deo: Međunarodna politika i međunarodni odnosi.

⁹ Ibid, p. 496.

the Balkans. A crucial event to stop the war in Bosnia and Herzegovina (1992-1995) was the signing of the Dayton Peace Accords on Bosnia on November 21, 1995.¹⁰ In addition, a significant and Erdut agreement (November 12, 1995), which are part of Republic of Croatia gradually reintegrated into its composition. In the first years of post-conflict stabilization in the Western Balkans, the international community has failed to contribute to the substantial improvement of relations among emerging countries. The outbreak of conflict in Kosovo in 1998 had negative impact to efforts of international community to stabilize the region. NATO stopped that conflict by air campaign since the end of March to early June 1999.

The EU has taken the role from NATO to preserve the fragile peace and stability in Bosnia and Herzegovina through its the first mission EUPOL (2003) and military operation "Alhea". NATO took the responsibility for keeping the peace in Kosovo performing the operation KFOR (Kosovo Forces), but also the EU, through mission EULEX.

The efforts of progressive forces and international community did not succeed to fully stabilize the region, bring the trust and reconciliation among former belligerents. Current security situation in the region is still complex.¹¹ Former war zones are nowadays post-conflict areas where the security providers are still international forces deployed to Bosnia and Herzegovina and Kosovo. Despite great deal of efforts and initiatives, still there is no full reconciliation among nations.¹² Aggravating circumstances are such that the countries in the region have not created common identity through the history. No country in the region could be seen as a leader which would be followed by the others with a view to gradually regaining trust. The name dispute between the FYROM and Greece remains an obstacle to both national and regional integration, and significant tensions remain with the Albanian population in FYROM. Additionally, the region is very sensitive to global security threats, especially to: organized crime, economic and social problems, drugs, weapons and human trafficking, illegal migrations, environment pollution, weapon of mass destruction proliferation, terrorism, natural and man-made catastrophes.

Fortunately, nowadays security situation is much more favourable than immediately after the conflict. Bilateral and multilateral cooperation is improved in many areas: commerce, police and custom affairs, emergency management and military-defence cooperation. This is supported by the fact that all countries in the region became EU and NATO members or they are going to be soon. EU members are: Greece, Romania, Bulgaria and Croatia. Montenegro, Serbia, Macedonia (FYROM) and Turkey¹³ have the EU candidate status. Albania fulfils the key

¹⁰ See: The Dayton Peace Accords on Bosnia, University of Minnesota, <http://www1.umn.edu/humanrts/icty/dayton/daytonaccord.html>, accessed 28/01/2014.

¹¹ Vukadinović Radovan calls the security situation in West Balkan „*unstable stability*“. See: *Southeast Europe Europe and European Security Architecture*, p.163.

¹² For example, **76.5%** of the population in Albania considers Serbia a hostile country, while 25.6% think that Montenegro is hostile toward Albania. In Croatia **57.4%** of the population think that Serbia is hostile. In Kosovo **59.6%** think that Serbia is hostile toward them, 23.7% think that Montenegro is hostile, 21.3% say that Macedonia is hostile and 19.3% say the same for Bosnia and Herzegovina. In Serbia **77%** of the population think that Kosovo is hostile, 45.4% that Croatia is hostile and 21% think the same for Bosnia and Herzegovina.

(Gallup Balkan Monitor, www.balkan-monitor.eu, 10 August 2012).

¹³ Turkey, in 1987, submitted to the European Economic Community application for membership, it gained candidate status in 1999. In November 2013, it opened Chapter 22 – Regional policy and coordination of structural instruments.

requirements for candidate status. Kosovo has started in 2013 dialogue with the EU concerning the Stabilization and Association Agreement¹⁴. Bosnia and Herzegovina has started high level dialogue concerning accession process. Greece, Turkey, Slovenia, Bulgaria, Romania, Albania and Croatia became NATO members.

Participants of Membership Action Plan are Montenegro and Macedonia, while Serbia is NATO "Partnership for Peace" programme member¹⁵. In July 2012, Kosovo submitted request for joining NATO "Partnership for Peace" programme. However, four NATO members did not recognise Kosovo as independent country, by which they blocked its participation in programme¹⁶.

Today, Bosnia and Herzegovina and Kosovo are potentially the most sensitive countries in the region concerning security. Even though the Bosnian entity "the Republic of Srpska" according to Dayton Peace Accords is integral part of Bosnia and Herzegovina, the actual president of the entity Milorad Dodik and part of Serb population in Bosnia and Herzegovina strive to their independence. As an argument, president Dodik alleges the non-functioning of the whole state, and emphasizes that the independence of Republic of Srpska would be a better solution. Bosniaks, on the other hand, do not appreciate this kind of opinion, but see this as looking for new reason for final Bosnia and Herzegovina splitting. Bosniaks intercede for preservation of integral Bosnia and Herzegovina, otherwise they would be the greatest losers. According to the official policy, and to the statements of the Bosniak prominent academicians, Bosniaks do not want to create national state in the Bosnia and Herzegovina.

This point of view concerning Bosnia and Herzegovina political model is shared and supported by Bosniaks and Muslims in Serbia and Montenegro, because they consider Bosnia and Herzegovina as state with the most concentration of Bosniak population¹⁷. The other two constitutional nations of Bosnia and Herzegovina, Serbs and Croats, through the history established their national states on the Balkans. Croatian people from Bosnia and Herzegovina and Republic of Croatia as guarantee party of Dayton Peace Accords, plead for its further implementation. The key crisis cause in Bosnia and Herzegovina is in historical animosity of its nations, as well as in the tendencies for mono-ethnic state model. Ethnic cleansing and forced migration from Bosnia and Herzegovina, as well as current aspirations of part of Bosnian Serbs for independence of the Republic of Srpska approve earlier premise¹⁸.

¹⁴ Kosovo progress report 2013, extract from the Communication from the Commission to the European Parliament and the Council "Enlargement Strategy and Main Challenges 2013-2014", COM(2013)700 final, http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/brochures/kosovo_2013.pdf, 20/02/2014.

¹⁵ Serbia has no aim to become full NATO member, because the Resolution of the National Assembly of the Republic of Serbia on protection of sovereignty, territorial integrity and order, Provision 6, proclaimed military neutrality. <http://pescanik.net/2007/12/rezolucija-narodne-skupstine/>, 20/02/2014.

¹⁶ Greece, Slovakia, Romania and Spain. These countries are either traditional allies of Serbia, or have minority populations for whom they fear Kosovo independence could set an unfortunate precedent, or both.

¹⁷ In 1991, in Bosnia and Herzegovina it was registered 4,377,033 citizens, among which 1,902,956 (43.47%) Muslims (Bosnians), 1,366,104 (31.21 %) Serbs, 760,852 (17.38 %) Croats, 242,682 (5.54 %) Yugoslavs, 10,071 (2.3 %) Montenegrins, 1,596 (0.03 %) Macedonians, 2,190 (0.05 %) Slovenians, 4,295 (0.10 %) Albanians, 590 (0.01 %) Czechs, 732 (0.02 %) Italians, 426 (0.01 %) Jews, 893 (0.02 %) Hungarians, 470 (0.01 %) Germans, 526 (0.01 %) Poles, 8,864 (0.20 %) Romani people. (Source: Publication of Federative institution for statistics and registry of FNRY and SFRY, census 1948, 1953, 1961, 1971, 1981 and 1991).

¹⁸ Almost complete political and military leadership of Republika Srpska (RS) was charged by Hague Tribunal for war crimes. Biljana Plavšić, former president of RS, during the proceeding admitted her crimes

Security situation in Bosnia and Herzegovina will primarily depend on cooperation willingness between its nations and international community actors concerning Dayton Peace Accords implementation. The implementation of cooperative security concept, in this phase of stabilization process, has vital importance, as well as peace and stability promotion. All in all, the full stabilization of Bosnia and Herzegovina will take long period of time, concerning its historical heritage, proportion of war, suspicion, poor state administration and difficult economic and social situation¹⁹. That is the reason why in the Bosnia and Herzegovina, the presence of foreign actors is still necessary until the final state stabilization.

On February 17, 2008, Kosovo declared its independence. Serbia and the Kosovo Serb minority heatedly objected to the declaration and refused to recognize it. Serbia continues to view Kosovo as its province. To date, Kosovo has been recognised by 104 UN Member States, including 23 EU Member States.²⁰ Russia has strongly opposed Kosovo's independence. Russian opposition will likely block Kosovo's membership in the United Nations for the foreseeable future, due to Russia's veto power in the UN Security Council.

The NATO-led Kosovo Force (KFOR) has continued to help ensure security in Kosovo. Currently, NATO presence amounted to about 5 000 personnel. KFOR also plays the leading role in overseeing the training of the 2 500 strong Kosovo Security Force (KSF) called for by the Ahtisaari plan. NATO and the US are providing assistance and training to the KSF, which possesses small arms, but not heavy weapons such as artillery and tanks.²¹

EULEX, which operates under the EU's Common Security and Defense Policy (CSDP), monitors and advises the Kosovo government on all issues related to the rule of law, especially the police, courts, customs officials, and prisons. It has the ability to assume "limited executive powers" to ensure that these institutions work effectively, as well as to intervene in specific criminal cases, including by referring them to international judges and prosecutors. In 2012, the EU rule of law mission, EULEX, was reconfigured. EULEX's mandate has been extended to June 2014. The mission was downsized by some 25%.

The Kosovo's government wants NATO to certify that the KSF is fully operational. It wants the KSF to assume responsibility for Kosovo's security, with continuing assistance from the Alliance to prepare the country for eventual NATO membership. However, KFOR, like EULEX, functions as a „status-neutral" body, given that a few NATO member states do not recognize Kosovo's independence.

Europeans had sought to stabilise the Balkans since the NATO military intervention in Kosovo and in particular to take steps towards normalisation between Serbia and Kosovo since 2004. The High Representative for Foreign Affairs and Security Policy had invested heavily in the talks, which went through 10 rounds since

and served her sentence. Proceedings against former president of RS Radovan Karadžić and former CHOD of RS Army Ratko Mladić are ongoing. Former president of National Parliament of RS Momčilo Krajišnik was sentenced and he already served his sentence.

¹⁹ In February 2014, civil demonstrations have started throughout Bosnia and Herzegovina requesting alternation of political leadership and enhancement of their economic and social status.

²⁰ Five EU countries: Greece, Cyprus, Slovakia, Romania, and Spain have expressed opposition to Kosovo's independence.

²¹ Woehrel Steven, *Kosovo: Current Issues and U.S. Policy*, Congressional Research Service, 7-5700 www.crs.gov, 17/02/2014.

they began in 2012. The agreement that announced in Brussels in April 2013 represents a huge step forward for the region and its relations with the EU. Serbia in effect accepted that the north of Kosovo would remain part of Kosovo under Kosovo law, in exchange for recognition of the rights of the ethnic Serb communities. Agreement on these issues provides hope that violence can be avoided in the future and opens up the possibility for Kosovo to establish contractual relations with the EU, though much work remains to be done.

Regardless the dialogue and agreement made between Serbia and Kosovo with the EU mediation, full Kosovo stabilization will take long. The two parties will hardly close their views, for Serbia does not recognize forced Kosovo separation, concerning this province as cradle of its tradition, culture and religion. On the other hand, Albanian people are fighting for its independence concerning that their human and minority rights have been jeopardizing within the constitutional frame of Serbia. During the conflict (1998-1999), Serbian security forces in Kosovo used excessive force, which lead to Albanians exodus and fortunately the humanitarian catastrophe was bypassed. Accordingly, the concept of cooperative security in Kosovo will be of the extraordinary importance in the future, concerning: mediation, maintenance of optimal security conditions, security forces training, strengthening the rule of law and state administrative and regional cooperation.

Regional Cooperation

Southeast Europe is involved in a considerable number of multilateral initiatives, from those of the general political types to specialized thematic form of cooperation. General policy initiatives such as the Southeast European Cooperation Process (SEEC), Stability Pact for South Eastern Europe (which included initiatives such as Southeast European Cooperative Initiative and the Royaumont Process) with his "successor" Regional Cooperation Council (RCC), the Central European Free Trade Agreement (CEFTA), the Organization of the Black Sea Economic Cooperation (BSEC), Central European Initiative (CEI), the Danube Cooperation Process (DCP) or the Adriatic-Ionian Initiative (AII).

The reasons that incited multilateral cooperation in the Balkans and Southeast Europe in recent years derived primarily from the interest of the region: the need to approaching the EU and other integration and reliance on each other (the limited national market, the level of economic development, infrastructure development, regulation and social economic issues, the use of shared resources).

On the policy side of regional security, the cooperation is steadily developing. The Regional Cooperation Council (RCC) is the pivotal point for this policy development. The annual reports of the Secretary general of the RCC on regional cooperation in Southeast Europe for 2010-2011 and 2011-2012 show that regional security cooperation is improving. Efforts are being made for these endeavors to be streamlined with the EU's activities and the Instrument for Pre-Accession (IPA) Multi-beneficiary program.

There are existing and institutionalized mechanisms for regional cooperation on „soft“ security issues such as the fight against organized crime and corruption, as well as refugees and asylum seekers. These are: the Southeast European Law Enforcement Centre (SELEC), Southeast European Prosecutors Advisory Group (SEEPAG), Regional Anti-Corruption Initiative (RAI) and the Migration, Asylum,

Refugees, Regional Initiative (MARRI) Center. At the same time, the RCC supports the improvement of minority rights and promotes closer cooperation in countering terrorism, cyber security and defense procurement.

There is also standing regional cooperation on „hard“ security issues. The Regional Arms Control Verification and Implementation Assistance Centre for Security Cooperation (RACVIAC center) grew from a center for arms control and confidence building to fostering dialogue and security cooperation. There are also several other standing initiatives that promote closer security cooperation. These are: the Regional Secretariat of the Disaster Preparedness and Prevention Initiative (DPPI), South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC), Southeast Europe Defense Ministerial (SEDM), the US Adriatic Charter A5 and the South Eastern Europe Clearinghouse (SEEC).

Regional initiatives significantly help to return trust, reconciliation and stabilization of the region. However, the region was always under strong influence of big powers.

Key Actors in Shaping Security in Southeast Europe

According to influence that they exert on shaping the security situation in Southeast Europe, can sort out: the US, Russia and Turkey. NATO and the EU have had a decisive influence in stopping the conflict, and later through the stabilization of the region.

The conflicts that followed by the dissolution of Former Yugoslavia led to the first military intervention in fifty year history of NATO. NATO's engagement in Bosnia and Herzegovina and Kosovo were decisive in ending the conflicts. NATO's role was significant, together with the UN, the EU, the OSCE and many non-governmental organizations to stop the wars, the establishment of security and peacekeeping efforts. NATO members have contributed through the program „Partnership for Peace“ to the national and regional capacities in Southeast Europe in the field of security. Initiatives in defense reforms have resulted a significant reduction of military forces in the region, civilian democratic control of the military, transparency, planning, budgeting, procurement and increased ability to support the shared responsibility for achieving regional security needs in a cost effective manner.²²

The EU is the most important external mediator in Southeast Europe in promoting reforms and integration into Euro - Atlantic structures. The EU has made a major importance to the promotion of democratic values, human rights, market economy and the building of regional and wider security cooperation and integration. During the last decade, the EU has launched a number of regional initiatives aimed at promoting multinational cooperation and integration with Europe. Modernization and expansion of Central European Free Trade Agreement (CEFTA) was very important step which has paved the way for future integration into the EU. Membership of Bulgaria, Romania, Slovenia and the Croatian in the EU is a powerful incentive for

²² About actors that significantly influence to security of Southeast Europe, see: Sharyl Cross and Vukadinović Radovan, *Shaping the Twenty-First Century International Security community in Southeast Europe Europe and Beyond: An Intraduction in Shaping Southeast Europe Europe's Security Community for the Twenty-First Century, Trust, Partnership, Integration*, Edited By Sharyl Cross, Savo Kentera, Radovan Vukadinović and R. Craig Nation, Palgrave Macmillan, 2013, p. 10-25.

neighboring countries that seeking membership. The EU offers Stabilization and Association Agreement that countries, which promotes reforms in the fields of politics, economics, human rights, in exchange for deeper cooperation with the member states. Weak EU recovery from the effects of the financial crisis could have a negative impact on the planned reforms in Southeast Europe.

The prospects for membership in NATO and the EU in particular, were the most important motivational element for defining the direction for the development of the countries of Southeast Europe during the last two decades. Euro - Atlantic integration allows access to major security and economic institutions, greater movement of people, goods and services among the neighboring European countries and most of all the increased security guarantees for the future. Both, NATO and the EU membership incentives use to encourage positive democratic reforms and deepen security cooperation in Southeast Europe.

The US is currently in the process of preparing for the termination of the engagement of two expensive war in Iraq and Afghanistan, directing the focus to Southeast Asia and the Pacific. The consequences of the financial crisis have inevitable impact on reducing the defence budget. However, European security and economic support to Southeast Europe will remain a strategic imperative. The US has a significant capacity for further security involvement in Southeast Europe and maintenance of routine consultations and military presence in Bulgaria, Romania and Kosovo.

Beside the US, NATO and the EU, two other key strategic players were present and will continue to have interest in the Southeast Europe, and they are Russia and Turkey. The level and form of the US, NATO, the EU, Russia and Turkey involvement will be changeable but remain constant.

Russia strongly supports Serbia in confronting Kosovo independence and its political and economic involvement in Southeast Europe is in line with its aspiration to maintain its historic role and strategic goals. Moscow has powerful influence in United Nations Security Council concerning unrecognizing Kosovo, keeping, at the same time, good relations with Bosnian entity the Republic of Srpska, especially in the energetic and commerce areas. As main oil and gas providers, Russian companies Gazprom, Lukoil and Transneft invested in many Balkan countries. Russia approves the solution to have one branch of gas pipeline "South stream" through Serbia. Bulgaria and Greece also cooperate with Russia concerning "South stream" pipeline. Slovenia is considered the biggest Russian partner in the region, and the Russia is among leading commerce partners in the Balkans. Russian investments in Montenegro are considerable, especially in tourism. Russian foreign policy has negative attitude toward Montenegrin integration in NATO, even though official Moscow explicitly supports it.

Turkey has such geographic, historic and cultural heritage which made it one of the Balkan countries. As the twelfth economy power in the World and second biggest NATO member according to the number of soldiers, Turkey has considerable capacities for influence in the region. Even though Turkey has not yet reached the stage for entering EU, it strongly supports the region country on their NATO and EU integrations. Turkey has interest for investing in the region development and it

abandons neo-Ottoman ambitions. Turkish foreign policy community encourages the reconciliation among people, what is vital for peace and stability.

Turkey initiated consultations with Bosnia and Hercegovina, Croatia and Serbia in 2009 to help to find a resolution for ethno-religious based differences in Bosnia and Hercegovina, suggesting that reconciliation and cooperation would also coincide with the interests of Serbia and Croatia. Turkey also supports peaceful solution of name dispute between Greece and FYROM.²³

Turkey is major economic partner for Albania, FYROM and Kosovo, and it ranks among top trading partners for Romania and Bulgaria. Turkey and Serbia in 2010 concluded bilateral agreement aims to boost trade and investments plans between two nations.

All major powers involved in Southeast Europe, including the US, the EU, NATO, Russia and Turkey would benefit from a peaceful and stable security environment in the region.

Conclusion

In terms of *security*, *Southeast Europe* is the *most* unstable *zone* on the continent. International community efforts to stabilize the region after the war in ex Yugoslavia haven't been successful so far. Throughout the history this region had been troubled by different conflicts. It's peaceful at the moment but crisis in Bosnia and Herzegovina and Kosovo represent the most vulnerable points. In spite of the international community efforts to solve the problems there has been no considerable progress whatsoever. Bosnia and Herzegovina is facing ineffective political system based upon the Dayton Peace Agreement and Republic of Srpska aspiration for independence.

Although, the UN did not *recognize Kosovo*, most of NATO and the EU members did. Serbia doesn't acknowledge Kosovo separation and has strong Russian support in the Security Council of the UN. Regional cooperation is jeopardized by conflict between Macedonia and Greece because of the name dispute and Greece blocked Macedonian entry to NATO. Different global security issues and very particular geographical position of this region make security situation even more vulnerable.

Considering nature of the crisis, co-operative security could be the optimal concept for the region stabilization. Through the co-operative security concept, international community tries to gain permanent peace and stability. However, due to complexity of this problem, further engagement of the most important international factors is needed. International community uses different diplomatic, political, military and economics instruments. Number of states, governments and non-governmental organizations have been engaged in resolving crisis in Western Balkans.

The US, the UN, NATO, Russia and Turkey are the most influential in resolving security issues in Southeast Europe. All these factors have considerable capacity for stabilization, if they act with the same goal in accordance with principles of co-operative security.

This region has always been under constant influence of different factors and will remain as such in the future. Integration of the region states within NATO and the EU is powerful instrument of cooperation, trust regain and region stabilization.

²³ Turkey recognized Macedonia under her constitutional name.

Due to difficulty in bilateral relations, countries of this region haven't really succeeded to establish any kind of security identity yet. The US, NATO and the EU have initiated different regional projects in order to strengthen trust and reconciliation, as a condition for permanent stabilization. Democratic society reforms, weapon use adjustment, regional cooperation, *democratic control* of *armed* forces, rule of law and state strengthening are important measures initiated within the EU and NATO integration. The main effort of the international community is peace maintenance in Bosnia and Herzegovina and Kosovo, through different the EU and NATO led operations.

Promoting stability in Southeast Europe is the best concept for region stabilization. This is complex process that will be led by the most important factors in region and wider.

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Stojan Slaveski¹
**Integration of the Western Balkans Countries into
Euro-Atlantic Structures: Still uncompleted Task**

Since the breakup of Yugoslavia in the early 1990s, the countries of the Western Balkans have faced numerous challenges, from constitutional crises to building and reinforcing state institutions. As a result, they have been missing out on the economic momentum and benefits of the Euro-Atlantic partnership. The future of the Western Balkans depends on their successful use of the “smart power” approach to overcome challenges in cooperation with NATO and the European Union.

NATO and the EU have been involved in the region through crisis management in Bosnia and Herzegovina, Kosovo and Macedonia. The political, economic and military power of NATO and the EU gives them significant influence because most countries in the region seek membership. But the global security environment poses new challenges for NATO and its partners. U.S.-European security relations are evolving while the small Western Balkan states are looking to find their place in international relations. Euro-Atlantic integration should contribute to the stability and development of the whole region. NATO and the EU work together — NATO contributes to security, and the EU facilitates constitutional solutions through political reform and economic development. NATO’s security role has meant an extended military presence in the region, while the EU uses the promise of future membership to assist in transforming the region.

In 2013, the Western Balkans saw positive movement toward integration into the European mainstream. Croatia became a member of the EU, and Montenegro is following its example in working toward EU accession. Serbia awaits the start of its association negotiations, and Albania and Kosovo look forward to improved status following successful elections and the Kosovo-Serbia agreement. However, Bosnia and Herzegovina struggles with the need to reshape its federal political structure, and the Republic of Macedonia faces a difficult compromise with Greece over “the name issue” as a precondition for NATO and EU membership.

Western Balkan Region as a Security Complex

Security is a phenomenon expressed with many mutual relations. Because of that, anyone who wants to do a research on the national security of a state cannot do that without having understood the peculiarities of the security relations on which it is based. Hence, the reality of the mutual correlation is inevitable. The only hope to define a certain subject that could be subject to a research is to get to the heart of the hierarchy of the analytical levels within the international system as a whole.

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It is clear that the defining of the term “region” is not a simple issue of geography, but it is also linked to the politics, economy, society, culture and, the last but not the least, security. From the security aspect, “region” is understood as a separate and important subsystem of security relations existing among a complex of states whose destiny is to be situated geographically close to each other.² For more comprehensive analysis of the regional security, an analytical framework of the security complex is used, which, according to Barry Buzan “is defined as a group of states whose primary security concerns are correlated closely enough so their national security cannot really be analyzed one without the other.”³ Such analysis also requires the research of the national security of a certain state to take into account the interrelation of the region with the international system as a whole. The security complex enables a systematic approach to the security analyses which require the necessary attention to the macro level, the influence of the global actors on the system, to the medium level, the relations among the states in the region, and, to the micro level, the situation in the security sphere of the states themselves.

Paying attention to all three levels, the security complex underlines their interdependence. Firstly, the external influence in the resolution of the internal problems of the states, secondly, the mutual local influence among the states, and thirdly, the limitations that the domestic problems in the states have on the external influence. In our analysis we will use the analytic approach to the security complex in order to highlight the key moments of all the three levels of interaction in the search for the answer to the perspectives of the regional security of the Western Balkan countries.

The Influence of the Global External Actors on the Region

If we analyze the situation at macro level, the external influence of the global actors, NATO and EU, in the resolution of the internal problems of the states in the region of the Western Balkans, we can conclude the following. The external engagement in the region had two dimensions. First, a short-term dimension, as the military involvement of NATO was in the attempt to stop the war actions and establish a stabile security environment, then, a long-term dimension, through the EU stabilization and association process to offer to the countries a road sign to a stable and prosperous future that can be strengthened with EU membership. These two mechanisms have acted together as an incubator and have provided a climate that has enabled the region to move forward.

NATO as a Creator of a Stable Security Environment

The Dayton Peace Accords signed in Paris in 1995, which was reached under the auspices of the USA, gave to the international organizations, particularly to NATO, an engaging role in the Balkans, with an enlarged regional dimension. NATO

² This paper will analyze the security of the region defined as the Western Balkans (Croatia, Albania, Macedonia, Bosnia and Herzegovina, Serbia, Kosovo and Montenegro).

³ Barry Buzan, *People, states and fear: an agenda for international security studies in the post-cold era*, Second Edition, Lynne Rienner Publishers, Boulder, Colorado, 1991, p. 190.

has tried to minimize the bilateral character of the Partnership for Peace by encouraging the multilateral PfP activities in the Balkans as a means for building confidence and cooperation in the region. This understood organizing military exercises that included different Balkan countries and NATO members, other types of multilateral training, defence education and similar activities. The regional cooperation in the Balkans has been one of the main areas of discussion within EAPC ever since it was created.

Several years after the signing of the Dayton Peace Accords at the margins of the Washington Summit in April 1999, the NATO South East European Initiative (SEEI) was launched with the intention to promote “the regional cooperation and lasting security and stability in the region”. This initiative is founded on the establishing of the SEE Security Consultative Forum⁴, promoting regional cooperation in SEE through activities under the auspices of EAPC, use of PfP mechanisms and programs for security cooperation among the countries in the region. The objective of the initiative is “to ensure transparency in defence planning, crisis management and defense management”.⁵ This objective is being accomplished through holding workshops on topics of interest for the countries in the region and with aim to promote stability through regional cooperation and integration. A South East Europe Security Coordination Group (SEEGROUP) has been established to coordinate the regional projects. At the foreign ministerial of the initiative member countries⁶ held on 29-30 May 2001 in Budapest, the South East Europe Common Assessment Paper on Regional Challenges and Opportunities (SEECAP) was approved. The paper is significant because the participants in the process agreed that “there wasn’t a direct danger from military aggression against the national sovereignty, territorial integrity or political independency” among the SEE countries.⁷ This paper served as a basis for the preparation of the individual threat assessments of the countries in the region.

Another instrument used by the countries of the Western Balkans, the aspirants for NATO membership (Albania, Croatia and Macedonia) is the Membership Action Plan (MAP). When in 1997 at the Summit in Madrid NATO invited the three aspirant countries (Poland, Hungary and the Czech Republic) to join the Alliance in the first post-Cold War enlargement, it faced major difficulties in their adaptation to the procedures of the new organization. That was the reason why at the next summit held in Washington in 1999, when the invitees formally became members of the organization, the Alliance declared this Plan. Although at the time when this Plan was promoted it was not intended only for the Western Balkan countries, with the accession to the Alliance of the seven Vilnius countries, it remained to be “a practical manifestation of the open door policy” and an instrument for evaluating the progress of the rest of the aspirant countries on their way to NATO

⁴ The Consultative Forum in the beginning includes: NATO members, SEE Partner countries (Albania, Croatia and Macedonia) and Bosnia and Herzegovina. Than Serbia and Montenegro was included.

⁵ NATO Initiative for South East Europe, Washington, 23-25 April 1999.

⁶ Though it is not participating in the Initiative, Serbia and Montenegro (at the time SR Yugoslavia) attended the meeting as a member to the Stability Pact and the SEE Cooperation Initiative.

⁷ South East Europe Common Assessment Paper on Regional Challenges and Opportunities (SEECAP), Budapest, 29-30 May 2001.

membership.

However after the integration of Croatia and Albania into NATO structures in 2009 seems that Alliance is losing interest for the region. Having in mind the problems that the Balkan countries have been facing and the unsolved problems still existing among them, there is enough space for NATO to continue and perhaps expand its activities in this region. Primarily, to include the countries from the Adriatic group, Macedonia, Montenegro and Bosnia and Herzegovina in its family. Furthermore, Kosovo should get involved in the PfP program as soon as possible.⁸ Next, the Alliance needs to provide bigger financial support to the PfP/EAPC activities and to encourage the dialogue about the non-military security aspects (such as the economic and cross border cooperation, thus contributing to decreasing of ethnic tensions). Also, the Alliance may contribute more to enabling bigger practical support in the establishing and implementing of the bilateral and multilateral confidence building measures.⁹

European Union, a Road Sign to a Stable and Prosperous Future

Since it failed to intervene successfully in the conflict in Bosnia and Herzegovina and in Croatia in the beginning of the 90-ties, the European Union has gradually taken over the principal role in the Balkans. EU and its members are among the biggest donors of assistance in the post-conflict peace building in the region. Through the stabilization and association agreements concluded with the Western Balkan countries, EU has also got engaged in enhanced bilateral cooperation with the states in the region.

In April 1997, the Union adopted the “regional approach”, thus establishing political and economic conditions for the development of the bilateral relations with the Western Balkan countries. The conditions included respect of democratic principles, human rights, rule of law, protection of the minorities, reforms of the market economy and the regional cooperation. For the first time in 1999, the European Council announced the perspective of the Balkans for integration in the EU. Then, at the Fiera Summit in June 2000 the European Council encouraged the cooperation among the states in the region. Thus, the region as a whole should reach bigger economic and political stability and overcome the conflicts that have been burdening it for a long time. Encouraging the regional cooperation is a significant dimension of the Union policy towards the region. It was supported both politically and financially, through donations and long-term strategies such as the Stability Pact (SP), the Stabilization and Association Process (SAP) and the Community Assistance for Regional Development strategy (CARDS).

The SAP process has established a new form of contractual relations, Stabilization and Association Agreements, for the countries of the so called Western Balkans. The principal elements of this process were suggested by the Commission in May 1999.¹⁰ At the summit in Zagreb, held on November 24, 2000 the Final

⁸ Kosovo has not been able to join NATO's Partnership for Peace Program because Greece, Romania, Spain and Slovakia, all of them do not recognize Kosovo, have threatened to veto any such attempt.

⁹ See more: Kiriakos J. Kalogiannis, “Pursuing NATO integration in the Balkans”, in *Western Balkan Policy Review 2010*, CSIS, September 2010, pp. 19-26.

¹⁰ A Commission Communication (COM (99)) 235 of 26 May 1999.

Declaration included a spectrum of conditions and objectives of the Process. It supports the Western Balkan countries in their development and preparation for future EU membership in a combination of three key instruments: stabilization and association agreements, commerce measures and significant financial assistance. The regional cooperation remains in the core of the Process.

In May 2003, the Commission's paper on "Western Balkans and the European Integration"¹¹ suggested to reinforce the policy of the Union towards the region with elements taken from the enlargement process with emphasized aim of the countries in the Western Balkans for EU membership. The Summit between EU (including the candidate countries) and the countries of the Western Balkans, which was held in the vicinity of Thessalonica in June 2003, gave hope to the Western Balkan countries for their European perspective.¹² The Summit promoted the European Partnership for the countries of the Western Balkans, which indicates the short-term and middle-term priorities for each country individually. In return, the countries have committed themselves to increased mutual cooperation on the key issues, including the fight against organized crime and corruption, development of more robust regional infrastructural network and liberalization of the trade regimes.

After the Union received the message for the unsuccessful referenda on the Constitution in the Netherlands and France, when a partial blame for the rejection was tossed on the enlargement achieved so far, the EU Commission prepared a new enlargement strategy.¹³ The too fast enlargement with ten new countries and the promise for membership negotiations given to Turkey, combined with insufficient information of the EU citizens, led to a fall in the support for further enlargement. The new strategy of the Commission is based on three elements: consolidation of the EU commitment to enlargement; application of fair, but strict limitations for the aspirant countries and an explanation of the enlargement to the citizens. The Strategy includes the promise that the enlargement process that has always been a part of the European project, will continue, but that in the future the Union will be careful during the accession of new members. The last European Union document issued in 2012 confirmed enlargement policy "based on the principles of consolidation of commitments, fair and rigorous conditionality and good communication with the public, combined with the EU's capacity to integrate new members".¹⁴

Most of the activities initiated from the outside come from the Stability Pact. Created in 1999 after the NATO intervention in Kosovo, the Stability Pact was designed "to be complementary with the SAP process and to give a transatlantic dimension of the regional cooperation". The main priority of the Stability Pact Special Coordinator was to encourage the regional discussions and cooperation in each of the three priority areas: democratization, economic development and security. Success, though difficult to be quantified, is evident in the wider dimension of the areas subject to discussion, as well as in the agreements already signed. In the areas, such as free

¹¹ COM (2003) 285 final of 21 May 2003.

¹² Declaration of EU-Western Balkans Summit, Thessalonica, 21 June 2003.

¹³ Communication from the Commission – 2005 Enlargement Strategy Paper, COM (2005) 561, Brussels, 9 November 2005.

¹⁴ Communication from the Commission to the European Parliament and the Council, Enlargement Strategy and Main Challenges 2012-2013, COM (2012) 600, Brussels 10.10.2012.

trade in the region, freedom of the media and fight against organized crime, the Stability Pact has assisted with aim to increase the cooperation among the states in the Balkans. However, the Stability Pact had, primarily, an international context, which was not enough to develop a culture of cooperation with a regional character. Such cooperation must come from the region itself. Therefore Stability Pact was transformed in Regional Cooperation Council (RCC) with the aim that regional cooperation will be “regionally owned and driven”.¹⁵

Initiation of the regional cooperation process is not so easy task and it is still a challenge. The last twenty years full of wars, disintegration of states and embargoes had a great effect on the internal economies of the Balkan states, the cross border trade and, in certain cases, the social and political cooperation among the states. The lack of economic cohesion, high rate of “grey economy”, delayed democratic transition and ethnic nationalism were identified as obstacles for the regional cooperation. Furthermore, the situation was deteriorated with the lack of sincere political will for cooperation and not acknowledged necessity for joint action. Or, said in other words, the cooperation existed in the areas that had been clearly defined by EU as areas requiring regional response (such as the fight against the organized crime, illegal immigration, other forms of illicit trade, visa policy, border management and infrastructural projects) and only because of the perspective for possible integration in the Union. Finally, the EU itself and its member states also contributed to complicating certain situations in the nineties of the past century. Often lack of coordination of the national policies was evident, as well as difficulties in the definition of an appropriate and coherent regional strategy. The policy of the Union for fulfilling certain conditions by the countries in the region sometimes appeared to be problematic. Namely, while on one hand the SAP process functioned on bilateral basis, the Stability Pact, on the other hand, promoted regional cooperation.¹⁶

The EU attempts to promote stability and regional cooperation have had only a limited success. EU has only had a partial success in the use of its economic and political capacities in the intention to encourage the domestic reforms. Thus, EU has probably made smaller progress than NATO in the overcoming of the bilateral character of its relations with the countries of the Western Balkans and the encouragement of the multilateral, regional form of cooperation. One of the ways to promote such cooperation may be the use of the channels opened with the bilateral agreements and the assistance program, aiming to promote the multilateral and cross border cooperation in the economic development, infrastructure, transportation, ecology and crime prevention.¹⁷

¹⁵ See more: Annual Report 2012-2013, of the Secretary General of the Regional Cooperation Council on regional cooperation in South East Europe, Sarajevo, 25 April 2013.

¹⁶ Ruby Graopas, *Functional Borders, Sustainable Security and EU-Balkan Relations*, in *Southeast European and Black Seas Studies*, Vol. 4, No. 1 (January 2004), pp. 49-76.

¹⁷ See more: Heather A. Conley and T. J. Cipoletti, “The European Union’s Policy towards the Western Balkans”, in *Western Balkan Policy Review 2010*, CSIS, September 2010, pp. 11-19.

Regional Cooperation among the States in the Region

In order to reach a sustainable security level that would enable prosperity and development of the states in the Western Balkans, the international community imposed on them the requirement to comply with the Dayton Peace Accords, the Ohrid Agreement and the UN Resolutions on Kosovo. On the other hand, it was also assessed that, to reach a long-lasting peace that will allow prosperity and development of the region, it was necessary for the region to get integrated in the transatlantic security architecture and the European security community. In order to get integrated in these security communities, the states from the region were instructed first to resolve their mutual problems and to cooperate regionally.

EU emphasizes the importance of the regional cooperation in the Balkans, underlining that “the initiative for that must come from the region”.¹⁸ The European Union tried to dissuade the skeptics, most of them coming from the Balkans, who saw the insisting for a bigger regional cooperation as an alternative for EU membership. That was also highlighted by the European Commission Enlargement Commissioner, Gunther Verheugen, who said that “if the states (from the Balkans) want to join EU, they need to demonstrate the ability to develop a regional cooperation and to resolve their problems together with their neighbors”.¹⁹

It was very important for the Balkan countries, NATO and EU, the local actors to demonstrate preparedness and ability to work together to resolve the mutual problems. Hence, at middle level of interaction, feeling the need for shared cooperation as a prerequisite for membership in the Euro-Atlantic structures, the Western Balkan countries started joining the regional initiatives promoted by the global international actors, but also, to declare their own initiatives in the attempt to join their efforts for reaching the wished objective.

The steps taken by the states in the Balkans show that they are in full accordance with this approach. Since 2000 there has been “an explosion” of regional activities, designed to create foundations for practical cooperation in the key priority areas. Some of them were initiated from outside, while most of them had a regional stamp. In some cases the cooperation is aimed at specific areas for resolving certain problems, while in others, it tries to cover a wider area and is accomplished more on a political level.

The promising forum that promotes the quality of the political leadership for regional cooperation is the South East Cooperation Process (SEECP).²⁰ It started as a framework for dialogue, but in the last several years it has grown into something else and it has shown potentials for resolving local regional problems. This positive development was welcomed by the EU foreign ministers and while encouraging the states to move in that direction, they pointed out that “SEECP is gradually becoming

¹⁸ EU General Affairs Council, 19 November 2001.

¹⁹ Quoted by the Stability Pact Special Coordinator Bodo Hombach, Opening statement, Second Regional Conference for Southeast Europe, 25 October 2001, Bucharest, Romania.

²⁰ SEECP members are six countries from the EU Stability and Association process (Albania, Bosnia and Herzegovina, Serbia, Montenegro, Macedonia and Turkey); four candidate countries (Macedonia, Montenegro, Serbia and Turkey) and four member countries (Greece, Romania, Bulgaria and Croatia). The SEECP presidency is rotating. An annual summit is held in spring and a number of regular foreign ministerials throughout the year.

the voice of the region”.²¹

The beginnings of the Process go back to 1996 when the foreign ministers of the countries from the region had been meeting under the Process for Good Neighborhood, Stability and Security of the Southeast European Countries, in order to build confidence, good-neighborly relations and stability. At the Bucharest Summit in 2000 the heads of states changed the name of the Process into SEECP and signed the Charter for good-neighborly relations. In the Charter, the signatories committed themselves that “their future lies in the peace, democracy, economic prosperity and complete integrations in the European and Euro-Atlantic structures”.²²

In the security sphere, the countries committed themselves to respect the international borders and resolve disputes with peaceful means. Furthermore, they committed themselves to intensive diplomatic dialogue on the priority issues and supported the enhanced dialogue between the parliamentarians and the representatives of the civilian society. They also encouraged further dialogue on other security related issues, but did not specify them.²³

SEECP has been playing and still continues to play a central role in the development of the regional cooperation that needs to express the regional requirements and aspirations. At the same time, SEECP enables the region to promote itself as a subject in front of the international actors, particularly in front of the EU, that it is serious in the search of new ways for resolving the existing problems. Its evolution in the last several years and the actions it has been taking envisage better days for this region, particularly when it will be integrated in a wider EU. However, in order to be fully successful, the SEECP needs to impose itself as a dominant process in the region. It must not only set the regional priorities, as it has been doing in the last couple of years, but, also, it has to take energetic actions for their realization. That understands the necessity for developing mechanisms that will enable it to accomplish the given objectives and to establish new ones according to the requirements of the region. Only in that way the SEECP will be an authentic voice of the region and will fulfill the international and regional expectations.²⁴

The Western Balkan countries will have to turn more to themselves. In the past period the regional cooperation has not been developed enough, primarily because the regional clashes have been more important and because the countries have believed that they would gain bigger benefit from the cooperation with the external subject than with their neighbors, unstable, and poor states.²⁵

²¹ EU General Affairs Council, 19 November 2001.

²² Bucharest Declaration of the Third Meeting of Heads of State and Government of Southeast European Countries, 14 February 2000.

²³ See: Stefan Dehnert and Dane Taleski (eds), *Monitoring Regional Cooperation in South East Europe*, Friedrich Stiftung Ebert, Berlin, 2013.

²⁴ Andrew G. Hyde, “Seizing the Initiative: The Importance of Regional Cooperation in Southeast Europe and the Prominent Role of the Southeast European Cooperation Process”, in *Southeast European and Black Sea Studies*, Vol. 4, No. 1 (January 2004), pp.1-22.

²⁵ Interesting for analysis are the data taken from the International Monetary Fund for 2001-02 which show that, for example, 91,8% of the export of Albania is towards the EU, while only 2,8% towards the other countries from the Balkans, Bosnia and Herzegovina exports 46,3% towards the EU versus 31,2% towards the Balkans, Croatia 55% versus 17,4%, Serbia and Montenegro 47% versus 28,7% and Macedonia 21,4% versus 38,3%.

Security in the Countries from the Region

Over a longer period of time, the countries of the Western Balkans have been facing numerous challenges, starting from resolving some constitutional issues to problems related to reinforcement of their state institutions.²⁶ This year we have some positive movements towards accession of the region into European mainstream. Croatia became member of EU, Montenegro is following example of Croatia and conducting the association process with EU²⁷, Serbia is waiting a date for starting the negotiations and Albania and Kosovo are looking forward to improve status of their respective countries in relation with EU after successful election and agreement with Serbia. On the other side, Bosnia and Herzegovina awaits restructuring of the federation in order to proceed on the way of European integration²⁸ while the Republic of Macedonia is facing with difficult compromise with Greece on “the name issue” as precondition for the NATO and EU membership. Hence, at micro level, some countries of the Western Balkan are facing internal problems that are an obstacle for a bigger foreign support and its Euro-Atlantic integration.

It all influences the different relations of the countries from the region with NATO and EU. Namely, Macedonia, Montenegro, Bosnia and Herzegovina and Serbia are members of the Partnership for Peace, the Euro-Atlantic Partnership Council, while Kosovo is not. Regarding the EU membership, five countries are part of the EU Stability and Association process (Albania, Bosnia and Herzegovina, Serbia, Montenegro and Macedonia); three are candidate countries (Macedonia, Montenegro and Serbia) and four member countries (Greece, Romania, Bulgaria and Croatia) while Kosovo is awaiting inclusion in SAP Process.

As a consequence of such internal condition, there is a different level in the approach of the Western Balkan countries to the institutions of EU and NATO, i.e. to the economic and military assistance that they can provide for them. This causes difficulties for EU and NATO in their efforts to attract all the countries in the region equally in the activities concerning the regional cooperation.

The reasons for the different levels in the relations lie in the progress these countries have achieved in the field of the human rights, economic reforms, respect of minority rights and developing friendly relations with the neighboring countries. This trend will most probably continue in the following couple of years. That inevitably leads to different level of involvement of the countries when regional activities of cooperation are concerned. In long-term, however, the regional cooperation in the Western Balkans will have a limited effect if the countries, which, in fact, are the biggest source of instability and conflicts in the region, are excluded. Hence, EU and NATO face the necessity of delicate balancing, on the one hand, between the ways of gradual approaching of these countries in the regional cooperation and the meeting of

²⁶ See more: Lidija Čeholić Vukadinović, “New Euro-Atlantic Relations and Region of Western Balkans: Prospects and Challenges for Both Sides”, in *Yearbook Šipan 2012*, The Atlantic Council of Croatia and Center for International Studies, Zagreb, 2013, pp. 150-161.

²⁷ See: Gordana Đurović, “Montenegrien Integration Perspective in Regional Context and Crisis Time”, in *Yearbook Šipan 2012*, The Atlantic Council of Croatia and Center for International Studies, Zagreb, 2013, pp. 96-106.

²⁸ See: Miloš Šolaja, Bosnia and Herzegovina: “With or Without NATO?”, in *Yearbook Šipan 2012*, The Atlantic Council of Croatia and Center for International Studies, Zagreb, 2013, pp. 135-150.

criteria for their inclusion in the PfP and SAP process, on the other hand.²⁹

Republic of Macedonia – from an Extra to a Role Player?

It is interesting that during the first years of its independence, the Republic of Macedonia was a place where the global actors at the international scene tested their capacities for preventive diplomacy and crisis management, while later it grew into a leader of the regional cooperation and a contributor to peace maintaining.

There has been an emphasized interest at macro level of all the actors at the international scene (UN, NATO, EU, OSCE and USA) in the security in the Republic of Macedonia since its very independence and it still goes on. That interest has been manifested through the UN preventive mission and the engagement of NATO, EU, OSCE and the USA in the resolution of the 2001 conflict.³⁰ In the post-conflict period and the implementation of the Framework Agreement, the EU has a particular role through the Stabilization and Association Agreement and the advisory mission PROXIMA in the police reforms. NATO presence and its interest in the security sector reforms have been manifested through the NATO Advisory Team and the liaisons with KFOR on issues concerning border security. On the other hand, the USA has been actively involved through the “Booz-Alen-Hamilton” advisory team in the army reforms. Consequently, after the stabilization of its security situation because of the 2001 conflict, the Republic of Macedonia has steadily transformed itself from a security consumer to its creator. By participating in the NATO-led mission ISAF, it is acquiring the experience required for participation in crisis management operations that will be its responsibility as a perspective NATO member. On the other hand, the strategic partnership with USA was building and confirming through its participation in the mission in Iraq. The mosaic was completed with participation in the mission ALTEA in Bosnia and Herzegovina, which is part of the EU Common Foreign and Security Policy.

At middle level, after the initial skepticism that followed the independence, the Republic of Macedonia has realized the importance of the cooperation with the countries in the region on increasing security and achieving the objective for its Euro-Atlantic integration. Thus, it has intensified the regional cooperation as one of the three pillars of its foreign policy that is complementary to its strategic objective for integration in the European Union and NATO. The activities that are taken not only at national level, but at the both regional and international levels, make the Republic of Macedonia a promoter for improving the regional peace and stability. However in the last years it seems that country is losing interest to keep that role. Failure to organize the Summit Meeting during the Macedonian presidency with the SEECP in 2013 is confirming this attitude.

At the micro level, in order to get integrated in the Euro-Atlantic structures the Republic of Macedonia takes the reforms required for fulfilling the political, economic and legal criteria of EU and for meeting the NATO standards. Initially the reforms have been taken in relation to the Euro Atlantic integration of the Republic of

²⁹ Janusz Bugajski, “Regional Overview”, in *Western Balkan Policy Review 2010*, CSIS, September 2010, pp. 1-11.

³⁰ For more details see: Slaveski Stojan, *The National Security of the Republic of Macedonia and the Euro Atlantic Integrations*, Digiprint, Skopje 2003, p. 206-226.

Macedonia and have been considered as an obligation towards NATO and EU. By the time awareness has raised that these reform should improve living conditions in the country and as something that it needs in order to improve the society that live in. However, blockade of the Republic of Macedonia to integrate into Euro-Atlantic structure due to the “name issue” can endanger all results already achieved. Country is facing to strategic choice and changes in Strategic Culture. Whether it will be “fine tuning”, compromise and integration in Euro-Atlantic structures or “fundamental change” in security policy goals is still tentative?.

Instead of Conclusion

The strategy of the international community was NATO to contribute to security, and Europe to constitutional solutions and the economy development of the Western Balkans. The first meant extended presence of NATO in the region, and the latter asked for the Union to assist in the transformation in the region with a promise that it will become a member. Thus the Euro-Atlantic integrations should have contributed to the stability and development of the whole region. NATO and EU are involved in the Western Balkans as a result of their activities related to enlargement, through the NATO MAP process and the EU Stabilization and Association Agreements. Also, their involvement is manifested through the crisis management in Macedonia, Bosnia and Herzegovina and Kosovo. The political, economic and military power of NATO and EU gives significant influence to these organizations, which comes as a result of the wish of most of the countries in this region to join them.

Besides the strong presence of the principal European and international organizations in this area we cannot speak about achievement of some impressive results. The enlargement policies are based on the premise that the countries can be accepted in a group; however the decisions on the membership will be based on the readiness of each applicant country individually. This approach has not encouraged the regional cooperation among the partner countries, and it has even, sometimes, increased the competing among them in relation to developing closer relations with the West.

While NATO and EU can and need to do more in order to improve the regional cooperation in the Western Balkans, the progress of the regional cooperation cannot be separated from the wider political and security development in the region. It will not be possible for the regional cooperation to develop or play a significant role if the Western Balkans is characterized with deterioration of the inter-ethnic and mutual relations. In this context, the West has not succeeded in developing an effective strategy for meeting the mentioned reasons for regional problems caused by the defects in the democratization process and the violent nationalism. In a long run, the resolution of these problems in the Western Balkan countries and the increase of stability throughout the Southeastern Europe will depend on the development of the democracies that will respect the human and minority rights in all states and the principle of non-changing the international borders. In order to achieve this goal, the key NATO and EU member countries will need to remain deeply engaged in the Western Balkans in the years to come. One element of this engagement needs to be the reinforced support to the regional cooperation. A challenge to the principal

European and international organizations will be the finding of a political space in which the regional organizations will be able to develop and provide political and material support for maximizing this cooperation.

In general, the international cooperation has shown readiness to get engaged with political and military means and to assist the region financially. However, NATO and particular EU is careful in undertaking commitments when it is necessary to integrate the region. And more than that, during this process the countries in the region need to show bigger interest for the Union than the Union for them. This asymmetry did not encourage the regional cooperation. Though this fragmented integration approach may not result in further separation of the Western Balkans countries, it does not promote the integration, that is, it does not lead to increased cooperation in the region.

After the last crisis in the Union and when the interest of NATO for this region is decreasing, it is necessary for the countries to show a bigger interest in the regional cooperation. It is very possible Albania, Bosnia and Herzegovina, Serbia, Montenegro and Macedonia not to fulfill the requirements for EU membership in foreseeable future, and NATO and the Americans as its driving force to continue withdrawing from the region, because they have enough problems in other regions. Having in mind this situation, there are already some warnings that the region could again be destabilized if there is a standstill in the integration process as a consequence to the new global challenges for NATO and the internal crisis in EU.

The plan was the Union to take the commitments of the Balkans. However, after the EU internal crisis, it seems that it is not so certain. Moreover, the enthusiasm for the achieved enlargement has deflated, and not to speak about any new ones. There are also requests in some other countries to take a break with the enlargement process. If the Western Balkan countries do not get integrated they will become engaged, i.e., under a strong control and influence of the West. The problem is that up to now, most of the regional cooperation has been based on the idea that it will be accomplished through mediation from outside. As a result it has led to dependency on the "third party".³¹ Thus, for some of the problems that need to be resolved in the bilateral cooperation, mediation by the international community is waited for.

The necessity is felt for joining the efforts of the Western Balkan countries in their attempt to become a part of the Euro-Atlantic family. On the contrary, the whole region is threatened to be left out of NATO and EU for a longer period of time. There are even considerations in some European countries that the countries of the Western Balkans need to stay out of the Euro-Atlantic integrations. These views may become even more influential if the crisis in the Union and the debates on the future of NATO get deeper. Because of that, the Western Balkan countries need to act together, regardless of the fact that each of them will get integrated according to its own progress.

³¹ More on the role of the "third party" see in: David Carment and Dane Rowlands, *Vengeance and Intervention: Can Third Parties Bring Peace Without Separation?*, Security Studies 13, No.4, 2005, pp. 366-393.

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Višnja Samardžija¹

What does the European Union Membership of Croatia mean for the Countries of the Western Balkans

Introduction

Croatia entered the European Union on July 1st 2013 and became the 28th EU member state, after long transition and integration process. It is the first accession after the 2004/2007 waves of enlargement and the first country that negotiated the membership with a very different Union. It is also the first example of the EU single country enlargement after Greece. For the difference of previous rounds, the accession of Croatia will certainly not cause any stronger impact on the EU institutions or policies due to the fact that it is a small state with the population of 4.3 million, the land area of some 56,600 km² similar to Ireland, Slovakia or Denmark and with the some 61% of GDP per capita as compared to the EU 27 average².

Thanks to the achieving the EU membership Croatia could be considered as the first success story of the EU enlargement to Western Balkans as it proved the credibility of the SAP process. The SAP supported Croatia's preparations for future EU membership (as well as the accession of the other countries of the region³) by combining three main instruments: the Stabilisation and Association Agreements (SAA), trade liberalization measures and financial assistance instruments. During the initial period of institutional relations with EU Croatia benefited from the Community Assistance for Reconstruction, Development and Stabilisation (CARDS) programme which was introduced in 2000. Since 2005, Croatia was a beneficiary of Phare, ISPA and SAPARD pre-accession programmes. Finally, the Instrument for Pre-Accession Assistance (IPA) was introduced within the EU Multiannual Financial Framework 2007-2013.

The EU membership opened a new page for the future development of Croatia and was in the same time good news for the countries of the Western Balkans region. However, withdrawing positive impacts of this new position highly depends on Croatia itself but also on the reform capacities of the countries of the region.

What has Croatia learned from the Accession Process?

The case of Croatia shows that the process of EU integration became more demanding in terms of conditionality, which was initially set for the full EU membership.⁴ The process of EU accession developed after the 2004/2007 rounds of

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² EUROSTAT, GDP per capita PPS, Index (EU 27 = 100).

³ The Stabilisation and Association Process covers the following countries: Albania, Bosnia and Herzegovina, Croatia, FRY Macedonia (in continuation Macedonia), Montenegro, Serbia and Kosovo.

⁴ The conditions for the EU membership was set by the Copenhagen European Council of 1993 and later amended by the Madrid council in 1995.

enlargement the specific requirements for the SAP countries, particularly when it comes to political issues. Apart to the basic Copenhagen political preconditions of stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, Croatia had to fulfil some additional, SAP specific political preconditions that were not envisaged for the former candidates. The conditionality also included the requirements from the Stabilisation and Association Agreement (SAA) and Negotiation framework.

Thus important issues to be dealt with were the rule of law, respect of rights and protection of minorities, ethnic issues, return of refugees, functioning of democratic institutions, independence of judiciary, fight against corruption, etc. The progress was also measured against the requirements of Croatia's full cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY), commitment to good neighbourly relations and the strong contribution to the development of closer regional cooperation. Cooperation with ICTY was among the most important political precondition in the first phase of Croatia's EU accession. Opening of negotiations with the EU was highly conditioned, not only with the need of providing clear results of full cooperation with ICTY confirming respect of legal obligations, but also with the need to demonstrate full respect of international agreements and to confirm the credibility of respecting European values.

Finally, the precondition for progress in relations with the EU was fulfilment of Croatia's obligations agreed under SAA signed in 2000⁵ as well as implementation of the European Partnership which was regularly revised on a yearly basis. The Negotiation Framework for Croatia⁶ envisaged that the country had to undertake measures for peaceful settlement of border disputes. It became an important issue due to the bilateral disputes with Slovenia which escalated with Slovenia's blockade of Croatia's accession negotiations.

Regional cooperation and good neighbourly relations were essential elements of the SAP itself. Their aim was to foster good neighbourly relations among countries of the region and it was seen as a key for political stability, security and economic prosperity of the region. Regional cooperation had particularly high importance as a practical mean for promoting reconciliation among the people in the region and was part of the EU integration process. Croatia strongly contributed to the stability and co-operation in the region through different bilateral and multilateral mechanisms by assuming the role of a political and economic frontrunner in the region. The contribution was not only through the active involvement in the Stability Pact for South Eastern Europe⁷ and the Regional Cooperation Council⁸ as its successor, but also through active participation in various other initiatives.

Croatia was the first country that negotiated the EU membership upon a new, more demanding methodology. Based on the experiences of the previous enlargement

⁵ The Stabilisation and Association Agreement between the European Communities and its Member States and the Republic of Croatia was signed on October 29, 2001 and entered into force on February 1, 2005. See: Official Gazette – International Treaties 20/01, 20/05, 20/06, 20/11.

⁶ The Negotiation Framework for Croatia was adopted by the European Council in June 2005 and was largely based on the Pre-accession Strategy, as well as on the conclusions of the European Council of December 2004.

⁷ The Stability Pact for SEE was launched in 1999 as the first conflict prevention strategy of the international community, aimed at fostering peace, democracy, respect for human rights and economic prosperity. Supporting regional co-operation and integration into Euro-Atlantic structures were its' important aims.

⁸ The Regional Cooperation Council (RCC) was launched at the meeting of South-East European Cooperation Process (SEEC) in Sofia, on 27 February 2008, as the successor of the Stability Pact for SEE.

and particularly due to the weaknesses in preparations of Bulgaria and Romania for the EU membership, a number of innovations were introduced which strengthened the accession methodology. The principles, content and structure of negotiations were defined by the Negotiation Framework for Croatia which followed the logic of previous negotiation frameworks with some crucial differences. It determined that negotiations will be based on Croatia's own merits and will depend on the country's individual progress in meeting the requirements for membership. The number of negotiation chapters increased to 35, while negotiations were opened with the easiest ones. For example, the chapter 23 Judiciary and Fundamental Rights which was introduced for the first time and assessed as the most difficult one was opened rather late and closed at the very end of the process.

Benchmarks for the opening of some chapters were introduced in addition to the existing benchmarks for the provisional closure of negotiations of particular chapters. The Commission approach was that introducing the opening benchmarks was necessary for number of chapters and it was novelty in negotiations. Track record on implementation was required by the Commission while monitoring tables related to the temporarily closed chapters were introduced.

During the accession negotiations Croatia received 127 benchmarks for opening and closing chapters (together sub-benchmarks the total number reached some 400). There were 23 benchmarks for opening of 11 chapters.⁹ Their substance was mostly preparation of strategies, action plans (with requirement to precisely define aims, deadlines, implementation bodies and costs), administrative capacity building, and adoption of national plans for restructuring (steel, shipbuilding), etc. On the other hand, there were 104 closing benchmarks set up for 31 chapters. The requirements for closing the chapters related to adoption or adjustment of some legal acts, development of administrative capacity for implementation of certain legislative document, drawing clear implementation plans, making preconditions for finalisation of implementation the SAA, respecting EU rules regarding state aid, etc.¹⁰

However, the benchmarks were not always measurable, clearly elaborated and balanced. Therefore it was sometimes difficult to estimate precisely at which point the certain benchmark was fulfilled. Another problem was the fact that introduction of opening benchmarks resulted with „frontloading“ the conditionality to the beginning of negotiations instead of allowing country to make a progress and fulfil the requirements during the course of negotiations. It significantly slowed down the process in comparison of previous practice when it was possible to fulfil requirements during the whole negotiation period for a certain chapter.

Another difference from previous negotiations was the possibility for introducing the suspension clause in the case of serious and persistent breach of the principles of liberty, democracy, respect of human rights and freedoms, and the rule of law. This new clause was understood to be the outcome of the experiences in some weaker countries of the previous enlargement. However, there was no reason to apply this rule in the practice of negotiations with Croatia.

Croatia's experience showed that start of negotiations with the easiest

⁹ Opening benchmarks were defined for the chapters such as free movement of goods and capital, public procurement, competition policy, social policy and employment, judiciary and fundamental rights, justice, freedom and security; environmental policy and some other areas.

¹⁰ Report on Croatia's accession negotiations with the EU (in Croatian only), p. 7 - 8.

chapters did not prove to be the best approach. It has already been recognised as one of the lessons learned for the continuation of negotiations with the remaining countries of the region.¹¹ It became evident that better practice would be to start earlier with more demanding chapters which needed much more time to be negotiated. The most demanding chapters in negotiations for Croatia were certainly Judiciary and fundamental rights, Justice, freedom and security, Competition policy, Regional policy and coordination of structural instruments and Agriculture and rural development. These chapters were concluded at the end of the negotiations. Some of the reforms were carried during the whole process of accession (such as the reform of judiciary) while crucial decisions in some chapters were left until the end of negotiations, which was not the best approach. This was the case with the restructuring of shipbuilding and the steel industry sector, although the schedule for their restructuring was set already earlier by the SAA.

The accession talks between Croatia and the EU were concluded on 30 June 2011 and the Accession Treaty¹² was signed in Brussels on 9 December the same year. The results of negotiations, namely the conditions under which Croatia entered the EU are elaborated in the Treaty. Certainly, the results of negotiations are determined by a number of different conditions and requirements.

Croatia has successfully harmonised its legislation during negotiations. Some 370 legal acts and 1.133 bylaws were adopted in accordance with the *acquis*. Changes in Constitution were adopted in June 2010. Some 130.000 pages of legislation were translated.¹³ The modalities of adoption of the *acquis* were agreed, namely the laws, political orientation, practice and the obligations that the EU member states have adopted based on the Founding Treaties and later on, with the Lisbon Treaty. Croatia has submitted 109 requests during negotiations (out of which 46 within the Chapter Agriculture and Rural Development) while 80 requests were adopted. This means that some 85% of negotiation requests received positive outcome.¹⁴ On the other hand, the EU has submitted and received two transition periods based on equal principles as it was agreed in the previous enlargement (free movement of workers and direct payments in the agriculture).

Bilateral issues were successfully solved with Slovenia after a long and exhausting communication. Due to the unsolved border issues Slovenia blocked negotiations for 11 months¹⁵. The problem was finally solved in October 2009 when the both parties agreed to introduce international arbitration to find a mutually acceptable solution. This was important achievement and such experience would prevent the future governments of the country not to cause similar problems for its neighbours but, instead, to pawn for separating the bilateral from multilateral issues in the continuation of enlargement.

In spite of some weaknesses, it could be concluded that in a technical sense the negotiations were well prepared and guided. However, the overall achievement of negotiations will be visible after a few years of Croatia's membership in the EU. It

¹¹ Montenegro started negotiations with chapters 23 and 24 which were in Croatian case opened at a later stage and closed at the end of the process.

¹² Council of European Union. Accession Treaty: Treaty concerning the accession of the Republic of Croatia. Brussels, November 7, 2011. <http://delhrv.ec.europa.eu/files/file/articles-st14409.en11-1323455241.pdf>

¹³ Government of Republic of Croatia. Report on conducted negotiations on the accession of RC to the EU (...). Zagreb, 25 October, 2011. pp. 136-138.

¹⁴ Ibidem, p. 137.

¹⁵ December 2008 until October 2009.

goes without saying that the success of Croatia as a new EU member does not depend on the results of the negotiations only, but on the opposite - it will depend on the overall readiness of the country to cope with the competitive pressures of the membership. Therefore the first years of the EU membership are extremely important.

Croatia as the New EU Member - Achievements and Challenges for the Future

Croatia's accession was to a great extent different from the previous two rounds because the country entered the EU in the period of the Eurozone crisis which was not favourable for the newcomers. It was clear already in advance that the country could not expect the same economic synergic effects that might boost the national economy, as it was the case in the 2004 enlargement. On the opposite, the economic future of Croatia strongly depends on its own efforts to successfully continue the structural reforms and fiscal consolidation, revival of economic growth and strengthening competitiveness. With the achieved level of 61% of EU27 average GDP per capita in 2012, Croatia is positioned below most of the member states, but still better than Bulgaria (47%) and Romania (49%). On the other hand, the countries of Western Balkans are all lagging behind Croatia in this respect (Montenegro 43%, FYR Macedonia 35%, Serbia 35%, Albania 30%, and Bosnia and Herzegovina 28%).¹⁶

During the first year of EU membership Croatia is facing huge challenges resulting from structural weaknesses of its economy. Among the key issues is the need to change the economic development pattern towards job-rich growth, consolidate public finances, develop more flexible labour market and increase employment, improve competitiveness through the quality of business environment and continue the restructuring of industry. After five year's recession of Croatian economy deepened in 2012 and in the second half of 2013 (during first months of EU membership) it continued contracting. According to the Commission's estimations, the GDP will contract by 0.7% in 2013. Moderate recovery is expected in 2014 only, based on improved international environment, EU accession and new legislation adopted to improve the investment climate.

The Croatian Government is struggling to bring the general budget deficit (estimated by the Commission as 5.0% of GDP in 2012) below the 3% of GDP by 2016 as well as to reduce the rising trend of public debt which is approaching the limit of 60% of GDP. According to the autumn European Economic Forecast 2013¹⁷ the general government deficit was estimated to reach 6.5 % of GDP while the ratio of the public debt to GDP was expected to continue growing above 60% in 2014. The key issue was not the level of mentioned indicators only but the accelerating negative trend, particularly regarding the ratio of the public debt to GDP. Furthermore, it was of crucial importance to change the decreasing trend of the economy and reduce the double-digit unemployment rate (estimated at 16.7% for 2014). As a result of these trends the Excessive Deficit Procedure (EDP) was formally opened on 28 January

¹⁶ <http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&init=1&plugin=1&language=en&pcode=tec00114> (last access 8 November 2013).

¹⁷ European Commission (2013). European Economic forecast, autumn 2013, *European Economy* 7/2013. Pp. 66-67.

2014 and Croatia has three years to bring the deficit to sustainable level.¹⁸

This shows that the overall economic convergence with the EU requirements will not be easy. It could be expected that implementation of strict measures will last another two or three years. Strengthening the economic growth becomes one of the priorities for Croatia after accession which means that continuity and sustainability in implementation of reforms is needed as well as developing the positive investment climate for foreign and domestic potential investors.

On the other hand, as already mentioned, Croatia made huge positive changes through harmonisation of legislation with the *acquis* and its' enforcement, institution building, transformation of policies and public administration reforms. It was a big step forward in Europeanization of society and minds of citizens. The process resulted with enormous institutional memory which is very useful for the countries of the region that follow Croatia on the path toward the EU.

The awareness of the need to implement the legislation was significantly raised among citizens. However, the process was not ended with the entry into the EU membership and it would be wrong to conclude that Croatian legal system is completely harmonised with the *acquis*. On the opposite, it remains a permanent obligation of Croatian legal authorities to continue the adjustment with the obligations that are deriving from the EU membership.¹⁹ Finally, there is still the obligation to further strengthen the administrative capacities and judiciary structures for the implementation of the *acquis*.

The EU transformative effect was particularly evident through the newly introduced negotiating chapter - Judiciary and Fundamental Rights (23) which made the ground for comprehensive reforms in the area of rule of law and judiciary. Fight against corruption is a clear example that such changes (arrests, investigations and sanctions at highest political levels) could hardly be done without the EU guidance and support. The political will to fight against corruption was significantly strengthened while the legal framework and administrative capacity to combat corruption has been improved. Efforts were made to raise awareness of the impacts of corruption at all levels in the society, to build a culture of political accountability and to tackle high level corruption in particular. However, corruption still exists in the society and it will be necessary to continue addressing this important issue in the future.

Communication with citizens was another important area during the negotiation process. In spite of the fact that Croatia had prepared rather good communication strategy for the EU accession, the negotiations itself were not enough transparent. They primarily relied on public administration and did not involve all interested stakeholders into in-depth debates to the extent that was necessary.²⁰ Among other, the reason for it was the fact that the space for negotiations was greatly

¹⁸ According to Commission recommendation, Croatia was asked to correct the deficit by 2016. The deficit targets are 4.6% of GDP for 2014, 3.5% of GDP for 2015 and 2.7% of GDP in 2016. See: Council of the EU. Council opens excessive deficit procedure for Croatia. Brussels, 28 January 2014. 5646/14 PRESSE 29.

¹⁹ Rodin, Siniša. Croatian and European Law one Year before the EU membership. In: Puljiz, Vlado; Ravlić, Slaven; Visković, Velimir. „Croatia in the EU: what lies ahead? (In Croatian). Centar za demokraciju i pravo Miko Tripalo. Zagreb, 2012. (p. 9).

²⁰ Maršić, Tomislav: Assessing the negotiation experience: quick accession or good representation? In: Ott, Katarina (Ed). *Croatian Accession to the European Union. The Challenges of Participation*. Fourth Volume. Institute for Public Finances. Zagreb, 2006. Pp. 29-57.

limited by the nature of the accession process and its methodology, so the outreach of the political and administrative elite to the citizens turned out to be the weakest aspect of the accession process and, consequently, Croatia's accession ended up more or less as an elitist project.²¹

The final outcome was the decreasing public support for the EU membership. The other reasons for it could be found in long duration of the process as a whole, postponed negotiations and bilateral problems which Croatia was facing on the way to the EU. For the difference of a period of strong public support in Croatia for the integration process in early 2000 (when most of the public opinion surveys carried out on a six month basis showed that around 70 - 80% of population have positive attitude towards EU integration), the surveys that followed indicated significant decrease in public opinion support.²²

The EU referendum for entering the EU results showed that 66.27% of citizens voted for, 33.13% voted against, while the turnout was rather low, only 43.50%.²³ These results, together with the recorded low turnout on the European Parliament elections held in April 2013 (slightly above 20% of citizens), re-confirm the fact that there is need to communicate with wider public in a more effective way. This is challenge particularly during the campaign for the 2014 European Parliament elections.

Therefore it is understandable that there was no big euphoria in Croatia regarding the accession before the country entered the Union. Most of the citizens had realistic attitude, without high expectations. According to the national public opinion survey conducted on behalf of the Delegation of the European Commission in Croatia before the EU accession (spring 2013), the attitude of citizens was almost equally split between those expecting more benefit than harm from the EU membership, more harm and neutral attitude (all three categories between 30-37 %).²⁴ The confidence in the EU institutions were in the period before the accession moderate (37%, which was slightly higher than in 2012) but it was significantly higher than the confidence in national authorities (17%, which showed decreasing tendency in comparison of 20% in 2012).²⁵ Therefore communicating the EU issues with citizens remains one of important tasks in Croatia during its first year of membership, particularly having in mind the European Parliament elections.

Relevance of Croatia's Accession for the Western Balkan Countries

The countries of Western Balkans are progressing towards the EU membership in a much slower speed as compared to Croatia. Only two of them have already started negotiations with the EU (Montenegro and Serbia) while the others are

²¹ Škrabalo, Marina. Transparency in retrospect: preliminary lesson from Croatia's accession process. Discussion paper commissioned by the Greens / EFA in the European Parliament. GONG Research Centre. Zagreb, November 8, 2012. Pp. 4-5.

²² Samardžija and Dukes (Eds). *Communicating integration impact in Croatia and Ireland*. Zagreb: Institute for International Relations - IMO; Dublin : Institute for International and European Affairs : IIEA, 2008.

²³ State Election Committee (2012). Final Results of the Referendum on the EU Membership (Croatian only), [http://www.izbori.hr/izbori/dip_ws.nsf/0/285B8CAADE86805FC12579920040C324/\\$file/Sluzbeni_potpuni_rezultati_glasovanja_referendum.pdf](http://www.izbori.hr/izbori/dip_ws.nsf/0/285B8CAADE86805FC12579920040C324/$file/Sluzbeni_potpuni_rezultati_glasovanja_referendum.pdf), date accessed 8 November, 2013.

²⁴ The attitudes of Croatian citizens toward Croatian accession to the EU, research of Ipsos Puls Public Affairs, with support of EU Delegation in Croatia (4 June 2013, survey carried out in April 2013). See: http://delhrv.ec.europa.eu/files/file/vijesti/PrezentacijaHR_Ipsos_Puls_DEU_2013_v3.ppt

²⁵ Ibidem.

significantly lagging behind. Montenegro seems to be the most advanced country in the accession process, has started negotiations on June 29, 2012 and is progressing well. After the agreement on normalisation of relations with Kosovo was reached (April 2013), Serbia has opened negotiations on January 21, 2014. Being a candidate country Macedonia could have started negotiations already in 2009 when the Commission has recommended it. However, the country is blocked by the name dispute with Greece, which lasts for a number of years. Candidate status was recommended by the Commission for Albania, but the country is still waiting the invitation to start negotiations and is involved in a High Level Dialogue with the EU. Bosnia and Herzegovina is a potential candidate and is at the standstill in the European integration process due to numerous problems (primarily not completed state building process, open ethnic issues). Kosovo has also the status of potential candidate and has started negotiations on SAA with the EU (October 28, 2013) which is the initial step in the EU accession process.

When estimating positive impacts of Croatia's EU membership, the security asset should be underlined as the most important benefit both for the countries of Western Balkans and the Union. By integrating the first regional representative, the EU has contributed to triple transition: democratisation, market economy and consolidation of the countries in the region. Croatia's membership is important achievement for the Western Balkans having in mind the fact that it is the first regional, post-conflict country representing the region that entered the Union. This will primarily have a strong stabilisation effect for the region, although its political and economic implications are not less important.

Croatia is the first (and at the moment the only) example of a successful competition of the negotiations within the SAP process. This sends encouraging message to the Western Balkan countries that the successful reforms should be seen as a rewarding process of the EU negotiations which ends with the EU membership status. In the recession time marked by rising Euro-scepticism or even pessimism, the EU membership of the first representative from the region symbolically means encouragement for the others.

Stability and prosperity of the region remain important goals for Croatia which is naturally, historically and culturally part of the region and is therefore strongly supporting continued enlargement. Having this in mind, Croatia intends to play important *"bridging"* role towards the remaining countries of Stabilisation and Association Process. One dimension of this role would be continued involvement in regional cooperation to which the country is strongly committed. The current Government Programme underlines that „the advantages of the EU membership will not be complete until the remaining countries of the region do not join the EU. In this respect Croatia will pawn for regional stability, good neighbourly relations and the European future of all countries of South-Eastern Europe.²⁶

Through its foreign policy Croatia continues to be the loud proponent regarding for of the enlargement with the position that the enlargement needs to continue, complemented with the new innovative tools. The starting assumption is that the stability of neighbourhood is the key precondition of the own stability. The European standards and speeding up the EU accession process are a necessity for future development of Western Balkans. Having this in mind Croatia aims to influence speeding up the process proposing that the open issues should not block the

²⁶ The Programme of Republic of Croatia Government for the mandate 2011-2015. December 2011, p. 43.

start of negotiations, but should be dealt with constantly during negotiations while the conditionality principles should not be reduced.

Being a country that shares a large part of the European Union's external border towards Western Balkans, Croatia is in a challenging position as the new EU member. It has undertaken the obligation of supervising of 2.374,9 km of land border and 948 km of maritime borders and the country is preparing itself for joining the Schengen area within next few years, with the support of the Schengen Facility. On the other hand, the region has now a new direct border with the EU that opens the ground for numerous forms of cross border cooperation through the EU funded projects.

Croatia's accession to the EU has also some direct economic implications for the region. Namely, with the entry to EU membership Croatia had to adopt the EU trade regime and, consequently, to withdraw from own previously existing free trade agreements, including the Central European Free Trade Agreement - CEFTA 2006²⁷. This means the loss of duty free trade access to CEFTA market for Croatia. As a former CEFTA member, Croatia has liberalised trade with the mentioned free trade area and had important share of some 20% of total exports to the Western Balkan region. Markets of neighbouring Serbia and Bosnia and Herzegovina are traditionally very important for Croatia. Having in mind that trade in industrial products is almost completely liberalised between the CEFTA countries and the EU, the open issue remains trade in agricultural products whose exports from Croatia is now burdened with tariff and non-tariff barriers. This caused some problems for Croatia because the exports of some Croatian foodstuffs and confectionary products were significant for the country and in recent years the agricultural processed products represented some 27.4% of total Croatian trade to CEFTA.²⁸

The new trade regime was the subject of negotiations between the European Commission and CEFTA countries²⁹. The new trade regime resulted with significant decrease of Croatian export of foodstuffs to Bosnia and Herzegovina in the first months of EU membership. However, the new situation on the market might open new chances for the countries of the region. It could result with redistribution of shares and potentially new trends in trade within the mentioned free trade zone, having in mind that Croatia was significant exporter to CEFTA countries. But it is even more important to stress that competitiveness becomes a serious challenge for Croatia when speaking about future trade prospects within the CEFTA market.³⁰

Croatia will play important role in supporting the region through the transfer of knowledge and sharing the institutional memory or lessons learned in the accession process. Croatia is the first country which has gained knowledge and experienced the new EU methodology and has experience in organisational aspects of negotiations. The country was relatively successful in attracting the pre-accession funds and has

²⁷ Croatia entered the CEFTA in 2002. After the initial CEFTA members left this free trade area due to joining the EU in 2004 and 2007, the countries of Western Balkans successively joined the association. Macedonia joined the "new" CEFTA (also called CEFTA 2006) in 2006, Albania, Bosnia and Herzegovina, Montenegro and Serbia including Kosovo in 2007, Moldova in 2007.

²⁸ Čudina, Adrijana and Sušić, Gordi: The impact of Croatia's Accession to EU trade and economic relations with CEFTA countries (in Croatian). *Ekonomski pregled*, 4/64, p 380. Zagreb 2013.

²⁹ Negotiations were not finalised between the European Commission and Bosnia and Herzegovina in the time of preparing this paper.

³⁰ The last Global Competitiveness Report positions Croatia in the middle of the scale, at 75th place among the 148 countries included in the report. See: World Economic Forum. *Global Competitiveness Report 2013-2014*.

done the extensive work in translation of the *acquis* to the language which is understandable for most states in the region. The recently established Council for Transition Processes (Centre of Excellency) within the Ministry of Foreign and European Affairs already started to promote transfer of knowledge through seminars, workshops, study tours, conferences and forums.³¹

However, it should be stressed that the process of EU enlargement to Western Balkans has significantly been slowed down. In the context of the current developments in the region it remains important task for the Union is to rethink the strategy towards the region for the period after Croatia's accession. Evidently, the future negotiation packages will be "heavier" than the previous ones, with the constantly growing number of chapters and the "upgraded" expectations regarding the quality of negotiations.³² Having this in mind the EU is facing the need for introducing new instruments for the period which might be much longer after the Croatia's accession. A new approach would be needed, with reshaped instruments, clear goal and vision, time horizon, target dates, with the action plan cut in smaller steps. Slowdown of the enlargement would bring more frustration, new populism and nationalism in the region might be expected together with slowdown of reforms.

Conclusions

With achieving the EU membership Croatia made a huge step forward through the harmonisation of legislation with the *acquis* and its' enforcement, institution building, transformation of policies, judiciary and public administration reforms and, above all, through the Europeanization of the country. It was enormous work which significantly exceeded the initial expectations in the country.

However, the first months after becoming the EU member showed that Croatia will not be able to withdraw the economic benefits of membership in a way that was expected. The external environment was not favourable and the EU crisis has contributed to such developments, but the reason for it should primarily be found in slow structural reforms and the prolonged, five-years recession in the country. During the negotiations Croatia proved to be capable for implementing reforms but the work on reforms should not stop by entering the EU. Future position of Croatia within the EU highly depends on efficient continuation of reforms at home, particularly in judiciary and in the economic sphere.

By joining the EU Croatia completed one very difficult task and faced another, new one. The EU membership is a demanding task which requires a very proactive approach and transformation of the country from "policy-taker" to a "policy-maker".³³ Having this in mind, Croatia should continue building capacities and implementing reforms to be able to successfully answer to this demanding obligation in a best possible way.

The EU membership is of essential importance for the countries of the region. At the moment, completing enlargement towards Western Balkans represents important EU's unfinished business. Accession of Croatia sends an encouraging

³¹ <http://www.mvep.hr/hr/posebni-projekti/centar-izvrnosti/> (Accessed on 12 November 2013).

³² Inotai, Andras. The future of EU enlargement. Euro Atlantic Quarterly, Budapest, 2013. P 11.

³³ Kümmel, Michael. In: Vlašić Feketija, Mirna; Goran, Petra (Eds.). The Final Step for Croatia – How to Function Successfully in the European Union. Ministry of Foreign Affairs Denmark, Republic of Croatia, British Council. Zagreb, December 2010. P.7-8

message to the region showing that accession efforts are worth making and that the EU delivers its promise given to the region. However, the region is faced with impacts of the economic crisis, reform challenges and above all the fact that the accession process continues at a slower pace than before. In order to prevent the region from backsliding in the reform process, keeping the momentum for the EU membership is of outmost importance.

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Gordana Đurović¹
Towards NATO and European Union
Membership: Fulfilment of Political Criteria

**Integration into Euro-Atlantic and European Structures as Strategic
Foreign Policy Priority of Montenegro**

In the second half of 20th century the two main integration strategic directions for European countries were defined – these imply the integrations into the European and Euro-Atlantic structures. Time has shown that European countries have recognized the interest in strength of these supranational organisations, a strategic concept of their future development and growth, their flexible and timely adaptation to the global challenges of security, stability and prosperity. These integrations mark the 21st century, as well.

The main goals of European and Euro-Atlantic integrations are: security, stability, democratic values and prosperity. The very motives of integrations have changed in the function of time. The motives of integrations during the NATO and European Coal and Steel Community foundation and what Union and Allies represent nowadays were very different in relation to redefined integration priorities that exist today.

Time has shown that European countries chose economic integration as a pillar of European integrations whereas the Euro-Atlantic integrations were determined by the strategic–security motives. The political and socio-cultural aspects of the integrations follow these basic motives. Over the time, the axis of economic integration has been extended with the socio-economical motives of integration, while cultural diversity remained the wealth of integration structures.

NATO is the most powerful and most numerous security organisation today which, in order to survive in radically altered geo-political, geo-strategic and geo-economic surroundings, needed to undertake the reforms of its structure, goals and strengths, and also to establish partnerships and cooperation with other international institutions. NATO has opened its doors to new members. By approaching NATO and achieving full membership in NATO, Montenegro aspires to gain political security and an economic framework for its successful overall development. At the same time, through integrations into European and Euro-Atlantic structures, Montenegro will stimulate its economic development, as well as the development of democratic society. In this respect, NATO represents the most powerful political-military alliance in the world, which gives a solid guarantee to each member for maintaining its sovereignty and territorial integrity, and stable economic development².

Today, the European Union is a community of 28 states, on the territory of

¹ Prof. dr. Gordana Đurović, University of Montenegro, Faculty of Economics, Podgorica.

² Čehulić-Vukadinović L., NATO u novom svjetskom poretku – transformacija NATO (u “Crna Gora u XXI stoljeću u eri kompetitivnosti – integracije u evropske i evroatlanske strukture”, red. Djurović G.), CANU, Podgorica, 2010, p. 107-108.

4.3 mil km² and with around 506 million inhabitants (7, 1% of the world population which creates 25% of world GDP) in which official communication is conducted in 24 languages, and policies are conducted through a complex mechanism of institutions joined and regulated by European Acquis. A number of European countries are running for EU accession: Montenegro is one of them. EU is a great market which provides the opportunity for economic integration of small economies while setting up the framework for development of the state and the rule of law. After five circles of enlargement, remaining European countries outside the EU, especially Balkans countries, see EU accession as the strategic and the middle-term priority. With the Lisbon Treaty coming into force, the EU has passed the exam of institutional consolidation and has shown its readiness to face the challenges of competitiveness brought about by the 21st century. The EU has a vision that must be taken into account in international scene in the decades ahead of us³.

Finally, integration into the Euro-Atlantic and European structures should become the key support for the increase in the standard of living and prosperity of Montenegro.

The fourth Montenegrin Annual National Programme with Focus on the Key Political Criteria

The aim of each country which participates in Euro-Atlantic integration process, on the way to the NATO full-fledged membership, is not only to become its formal member, but to conduct necessary reforms within the country, by which, it will reach the expected level of interoperability of its own security system with other NATO members, through joint participation in peace activities aimed at international stability and security.

Montenegro sees NATO membership as the right model for achieving long-term stability, economic and social prosperity and fully shares the goals and values of Euro-Atlantic community. In previous period, since joining the Partnership for Peace, Montenegro has developed a significant cooperation with NATO partners and has met its commitments stemming from the PfP programme.

Montenegro was invited to join MAP, NATO program of assistance and practical support tailored to individual needs of the aspiring members of the Alliance, in December 2009. The first Annual National Programme (ANP) was adopted by the Montenegrin Government on 16 September 2010 and was presented at the NAC meeting in Brussels, after which Montenegro has commenced the first cycle of MAP implementation.

Annual National Programme stipulates the tasks and objectives to be realized over the forthcoming cycle, with particular emphasis on setting the clear and realistic objectives. The model of work practiced so far, through the interagency coordination of the relevant agencies and regular monitoring by the Council, will be applied during MAP implementation. It will secure continuity of reforms, coordination among various government and state authorities and a high level of dedication of all actors in pursuit of this strategic priority of Montenegro.

The First Annual National Programme (ANP) presented on October 28, 2010 in Brussels on the NAC meeting in marked the beginning of the first cycle in MAP

³ Djurović G., *Evropska unija i Crna Gora: politika proširenja*, Ekonomski fakultet, Podgorica, 2012, p. 10.

implementation. The first ANP contained the priorities of MAP cycle regarding the democratic, institutional and defence reforms in Montenegro, in the areas which make an integral part of overall reform processes conducted by Montenegro with aimed at further democratisation and realization of strategic priorities in the EU and NATO integration⁴.

The first ANP was divided into five chapters: I Political and Economic Matters; II Military and Defence Matters; III Resources; IV Security Matters; V Legal Matters. Chapter I - Political and Economic Matters consists of several sub-chapters: NATO and EU integration; Enhancement of Relations with Neighbours, Regional and Cooperation with International Organizations; Strengthening of Democracy and Rule of Law, Respect for Human and Minority Rights; Fight against Corruption and Organised Crime; Arms Control and Antiterrorism; Economic Development; Crisis Management; and Scientific Cooperation and Environmental Safety. Almost all of the mentioned sub-chapters are closely linked with political and economic criteria of the EU integration process (rule of law, respect of human and minority rights, neighbourly relations, regional policy, cooperation with international organizations, such as fight against corruption and organised crime). It was the case in all later Montenegrin annual programmes.

It is Montenegro's intention to go through this integration process at such a pace that could bring it close in due time to its ultimate goal – NATO membership. The pace of integration to date, presented through four ANPs indicates that Montenegro has the political will, determination and the administrative capacity to successfully address the challenges of Euro-Atlantic integrations and implement the complex requirements stemming from the process.

Table 1. Cycles of MAP implementation in Montenegro

| | ANP adopted | Implementation report adopted |
|----------------|---------------------------------|--------------------------------------|
| The first ANP | 16 th September 2010 | 24 th February 2011 |
| The second ANP | 29 th September 2011 | 1 st March 2012 |
| The third ANP | 11 th October 2012 | 7 th March 2013 |
| The fourth ANP | 17 th October 2013 | (March 2014) |

Montenegro enters the fourth MAP cycle guided by the positive results from the previous three cycles, at the same time taking into account NATO recommendations as the main guidelines when creating the Fourth Annual National Programme (ANP). While assessing the impact that Montenegro has achieved in the third MAP cycle, NATO allies identified progress in a number of areas. In this cycle, Montenegro aims to continue the positive trend concerning the implementation of activities that have already been started to fulfil its main foreign-policy priorities including, primarily, integration into the EU and NATO. Further progress towards NATO membership and the fulfilment of obligations in this process will remain a priority in the future, so that Montenegro can be ready for the assessment of progress

⁴ Government of Montenegro, The First Annual National Program, 16. September 2010

at the next enlargement Summit. Montenegro will continue achieving good results and developing good relations which make it a recognized reliable and responsible partner in the region and in international organizations and operations, and will remain dedicated to the implementation of fundamental reforms in the key areas of democratization.

Complying with the key reform areas (defence and security sector reform, strengthening the rule of law and increasing public support for NATO membership), the structure of the Fourth Annual National Programme (ANP) has been modified compared to the previous three documents, in order to clearly reflect the priorities of Montenegro and follow activities aiming to fulfil them. In this regard, the Fourth ANP has seven chapters: I Political Matters, II Rule of Law, III Parliamentary Reforms, IV Security Matters, V Military and Defence Matters, VI Economic Matters and VII Legal Matters.

As for the political matters, in the coming MAP cycle Montenegro will also continue to cooperate intensively both with NATO and its member countries in all fields of common interest. In this regard, Montenegro has built up structures dealing with Euro-Atlantic integration. The highest body that deals with monitoring the NATO integration process - Partnership for Peace Council, was renamed into the Council for NATO Membership. In the future, it will have an even more significant role in the process of identifying, directing and monitoring the key activities within this process. The National Coordinator for NATO was appointed, who manages a team of associates from the competent institutions in charge of activities within the process of NATO integration. Increasing public support for NATO membership remains a challenge the Government will work on with increased intensity. Communication Team for public dialogue was set up. It is managed by the National Coordinator and it also coordinates cooperation with NGOs, academia and the business community, political parties, etc. The aim is to increase awareness about NATO through dialogue and in a rational manner, put the public focus on the facts, and to work on the elimination of prejudice by using quality arguments. The public dialogue will include, to a greater extent than before, the highest officials, headed by the Prime Minister, as well as representatives of parliamentary parties and NGOs⁵.

In line with the efforts to step up negotiations on the European Union accession, the Government adopted action plans for Chapters of role of law (23, Judiciary and fundamental rights, and 24, Justice, freedom and security) as precondition for opening of the accession negotiation in this area. Action planes were opening benchmarks and the EU defined transition benchmarks in their Joint negotiation framework⁶.

Montenegro will continue to have a strong political dialogue with the neighboring countries at the bilateral and regional levels. The fact that relations with neighboring countries are unencumbered by issues opens up space for further intensive bilateral cooperation with all neighboring countries. Montenegrin actions are recognized as constructive and welcome in matters of importance to the stability of the region and its further integration into the EU, which is an added value of Montenegrin foreign policy efforts.

⁵Government of Montenegro, The Fourth Annual National Program, 17. October 2013, p. 2-3;

⁶European Union common position, Chapter 23: Judiciary and fundamental rights, Accession document, AD 17/13, Conf-ME 13, Brussels, 12. December 2013; European Union common position, Chapter 24: Justice, freedom and security, Accession document, AD 18/1//13, Conf-ME 14, Brussels, 17. December 2013;

The priority of Montenegrin presidency of the US-Adriatic Charter (A5), which was taken over in July this year, is the promotion of regional cooperation, continuing to contribute to global security, as well as further progress of its members towards NATO membership. In the future Montenegro will also be committed to participation in international missions and operations, as well as participation in the ISAF mission, including the post-2014 period, in agreement with NATO and in accordance with its capabilities and capacities. Montenegro will continue intensive cooperation with international organizations with an emphasis on a quality fulfillment of obligations and a more visible participation in the bodies of these organizations. In the future the Government will step up activities to promote NATO Science for Peace and Security Programme. Activities are planned to promote the new list of priorities for application as well as mapping of potential candidates, future users of grants for scientific research. Implementation of planned activities concerning the projects of the Seismological Office of Montenegro and Electro-Technical Faculty are continued.

Strengthening the rule of law in all respects will be among the top priorities of the Government of Montenegro in the fourth MAP cycle. The adoption of amendments to the Constitution concerning the judiciary on July 2013 has created prerequisites for further reform activities provided in the action plans for chapters 23 and 24. Montenegro recognizes the establishment of an independent, professional and reliable judiciary as a strategically important area in the further process of European and Euro-Atlantic integration. Organic laws in the area of justice, which were adopted by the Parliament in late September this year after their harmonization with the constitutional amendments with the aim to ensure greater independence and efficiency of judicial authorities, are an important step towards a better rule of law. Activities to boost international and regional cooperation will be continued, in particular by concluding bilateral treaties in the field of judicial cooperation in criminal matters, especially extradition treaties.

The Government of Montenegro sees further fight against organized crime and corruption as one of the most important segments of strengthening the rule of law. In the future, attention will be focused on the efficient implementation of adopted regulations and further improvement of the integrity of public administrative bodies and their cooperation with the NGO sector. The results of previously adopted Analysis paper of court network rightsizing and the 2013-2015 Court network rightsizing plans support this commitment. The Analysis paper will serve as the basis of reforms aiming to centralize competences for the criminal acts of corruption, organized crime, terrorism and war crimes, and changing the organization of the specialized Public Prosecution Office's Division for suppressing organized crime, corruption, terrorism and war crimes.

Montenegro remains committed to the promotion, protection and advancement of human rights and opposition to all forms of discrimination, with emphasis on gender equality and the protection and promotion of LGBT rights and the rights of persons with disabilities. A series of activities are planned in the future that will be directed towards the marginalized social groups.

During this MAP cycle, adopting new and implementing the existing strategic documents and laws governing the powers and procedures of the MoI and Police Directorate will be continued. Boosting international and regional police cooperation, interoperability of the military and police as well as implementing the state borders electronic surveillance project will also be continued.

As for parliamentary reforms, emphasis is placed on strengthening the legislative and control roles of the Parliament of Montenegro. To that end, Action plan to reinforce the legislative and control roles of the Parliament of Montenegro in 2013 was adopted. It should serve as a guideline when planning and implementing activities at all levels in the Parliament and to provide for planned, systematic and coordinated actions by all participants in the work of the Parliament. Also, special attention will be focused on increasing the overall capacities of the Parliament and defining its role in the process of discussions on accession to the European Union.

As for security matters at the state level, the Action plan for the security sector reform is planned to be adopted by November 2014. Implementation of the new internal organization and job descriptions act of the National Security Agency (NSA) is under way. Work is in progress regarding the implementation of activities aimed at upgrading NSA capacities, especially in the field of cyber security and economic security. With the establishment of the Military-Intelligence and Security Affairs Division in Ministry of Defense, the conditions for the completion of the security intelligence community and improvement of defense and national security of Montenegro are created. For the purpose of meeting the partnership goal "National Security Cooperation Programme with NATO", revision of the existing national security policies and rules in the following fields will be continued: personal security, data security, INFOSEC and physical security. Amendments to the Law on Data Confidentiality will harmonize the Law with NATO recommendations and NATO security policy regarding persons who access classified data without the permit to access classified data⁷.

Continuous implementation of international documents and UN conventions on disarmament and arms control as well as control of exports and imports of arms and military equipment will be carried on. New Law will be passed in the coming period in order to accept the standards in the field of controlling foreign trade flows of arms. In the area of money laundering and terrorist financing preparations are underway to develop the National Risk Assessment, which is the process of collecting and analysing relevant data in order to assess the level of the state's exposure to risks of money laundering and terrorist financing. Its purpose is to examine the state of play in order to improve the system of anti-money laundering and terrorist financing in terms of its effective engagement and coordination of available financial, technical and human resources in the fight against money laundering, financing of terrorism and all forms of financial crime.

The progress Montenegro has made in the area of cyber security is evident by the adoption of the 2013-2017 Cyber security strategy which aims at a coordinated development of organizational, institutional and management capacities, upgrading laws and bylaws to improve information security in Montenegro, in accordance with EU and NATO standards (see 4.2). When it comes to emergency situations, a facility for the "Disaster Recovery" site was built for the needs of public authorities, which is fully ready both from the infrastructural and the telecommunications side, to switch services to a backup location. Work is in progress to establish real-time mechanism for coordination with other countries in order to react in a timely manner. Montenegro also actively participates in the implementation of the cooperation program with

⁷ Government of Montenegro, The Fourth Annual National Program, 17. October 2013, p. 5-6;

international and regional organizations, institutions and other entities involved in protection and rescue in emergencies.

As for military and defense matters, Montenegro will continue the process of strengthening of the defense system in order to build institutions, necessary infrastructure and acquire capabilities to perform obligations pertinent to the full membership in NATO and the EU. Via its participation in international operations and regional initiatives, Montenegro will strive to improve military capabilities, crisis management capabilities, and overall cooperation and stability with the region. Montenegro will also continue the process of implementing international treaties on arms control, disarmament and the fight to prevent the proliferation of weapons of mass destruction, as an important factor of international security and stability, and will continue implementing the project "Building Integrity Initiative" in order to reduce the risk of corruption in the defense system and the UN Resolution 1325 in order to improve gender equality in the defense system. Priority activities of the Ministry of Defense will be linked to the implementation of the Strategic Defense Review, adopted on 4th July 2013. It will be continued with the adaptation of the strategic documents in accordance with the redefined mission and tasks of the Army, as well as the activities on the restructuring of the Ministry and the Army.

Further focus will be placed on enhancing the interoperability of the Armed Forces of Montenegro through the implementation of partnership goals (third package 49 50 PG). Moreover, the equipping and training of units declared to the Operational Capabilities Concept (OCC), military-to-military cooperation with partner countries, as well as participation in joint exercises at home and abroad will also be continued. Training, schooling and advanced professional training of personnel will be conducted in the country and abroad. The focus in the development of the logistics of the Armed Forces of Montenegro will be staff training to use NATO logistics procedures and processes, increasing the quality level of maintenance of weapons and military equipment, improvement of resources' storage conditions, resolving issues of surpluses arms and military equipment, increasing logistics capacities, which will be done by adopting NATO logistics standards. The main priorities in terms of equipping the Armed Forces will be declared forces, solving the problem of air space surveillance and command and information systems.

Resources: The Law on Budget for 2013 for the first time allocated funds, except for arms and military equipment, which would be provided from the sale of the former immovable military property to be used to implement partnership goals up to the level of 4.5 million euro. The share of total defense costs in the GDP in 2013, without military pensions, is expected to be around 40 million euro or 1.1% of GDP (the costs of administration 60%, material expenditures 23% and the costs of equipping and modernization 17%). The proposed budget for 2014 budgets for the allocation for defense costs amounting to 43.12 million euro, which is consistent with the guidelines provided in the new Strategic Defense Review. In 2014 as well the Government will continue assisting the defense budget by allocating to the budget revenues which will be generated from the sale of arms and former immovable military property. It is expected that expenditures for equipping will reach the level of 12%. The new Strategic Defense Review of Montenegro provided the allocation of 1.2 - 1.3% for defense costs with a positive and progressive growth trend and reaching the appropriation levels of 1.4% out of the total GDP (excluding military pensions). It is believed that this approach would establish a balanced structure of

defense costs which would enable implementation of major projects in order to reach the relevant military capabilities, especially as regards equipping and modernization.

In this MAP cycle, priorities in the field of economic development are maintaining a stable macroeconomic environment through a sustainable economic growth; low inflation rate and attracting foreign direct investments. Objectives in the field of public finance in the future include: continued fiscal consolidation both in terms of the budgetary revenues and expenditures, reducing the budget deficit and creating conditions for public debt reduction. Activities will be continued in order to increase tax revenues, reduce tax debt and grey economy. Structural reforms and improving the business environment will be continued, which should contribute to business development, increasing investment and spurring economic growth. Activities to promote Montenegro as an investment destination will be kept up. Additional efforts will be invested to increase the competitiveness of the Montenegrin economy by implementing measures of the 2011-2015 Strategy of development of small and medium sized enterprises, the 2011-2015 Strategy for stimulating competitiveness at the micro level and the establishment of new business zones. Given that the energy sector is recognized as one of the leading development branches of the Montenegrin economy, implementation of activities regarding the construction of small hydro power plants, wind power plants as well as agreements on concessions for detailed geological explorations and exploitation of mineral resources will be continued. Also, all the principles of free trade required by the CEFTA, WTO commitment, SAA with the EU and all bilateral FTAs are respected.

With respect to legal matters, the established Expert Working Group on Legal Matters will ensure continued activities carried out to develop sectoral analyses and examinations of relevant regulations, as well as make an assessment of their compliance with NATO binding legal documents, while communicating with NATO representatives. It will give its recommendations and opinions and thus participate in the development of policy documents, conceptual papers, laws and bylaws. On top of it all, it will carry out monitoring and analysis of their application⁸.

Having in mind the mentioned goals and priority areas of future activities in this MAP cycle, with focus on fulfilment of political criteria, we can conclude presence of numerous similarities with the process of fulfilling the political criteria in the framework of the EU accession negotiations.

Opening of the EU Accession Negotiations with Focus on the Key Political Criteria

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. Any European state which respects these values (referred to in the Treaty on EU, Article 49) and is committed to promoting them may apply to become a member of the Union. Therefore, Montenegro – being a good example of European multi-religious, multiethnic and multicultural society, dedicated to regional and good-neighbourly cooperation and as an old European country which nourishes and respects European common and democratic values – applied for the membership in the Union⁹.

⁸ Government of Montenegro, The Fourth Annual National Program, 17. October 2013, p. 4-6;

⁹ Djurovic G., Montenegro after the Commission's Opinion, European Policy Centre, Policy Briefing,

The first legal framework for the institutionalization of relation between Montenegro (the smallest Western Balkans country) and the European Union - the Stabilization and Association Agreement entered into force in May 2010. The European Council of December 2010 granted the status of candidate country to Montenegro.

Accession negotiations with Montenegro were opened in June 2012 and screening process is completed by June 2013. The European commission prepared and the Council adopted almost all screening reports by February 2014. Chapter 25 – Science and Research and 26 – Education and Culture were opened and provisionally closed (on meetings held in Brussels on 18 December 2012 and 15 April 2013 respectively). On December 18, 2013 four chapters are opened: chapters related to rule of law with opening and interim benchmarks (23 & 24), and three chapters related to economy without opening benchmarks (Public procurements, Company law and Industrial policy and entrepreneurship). Montenegro is the first country that is subject to the so-called “new approach” in the EU accession negotiations, which means that Chapters 23 – Judiciary and Fundamental rights, and Chapter 24 – Justice, Freedom and Security are the first ones to be opened for negotiation and the last ones to close. In that respect, the European Commission decided, even prior to the official opening of negotiations, to implement the screening process and check the level of harmonization of the national legislation with the EU Acquis regarding these two chapters.

In addition, according to the Commission evaluation, Montenegro's limited administrative capacity represents a challenge in a number of areas and needs to be strengthened to ensure effective implementation of EU legislation¹⁰.

Roadmap for Fulfilment of the Key Political Criteria: Interim Benchmarks for the Judiciary Reform and the Fight against Corruption and Organised Crime

Chapters related to rule of law (23&24) are opened following the new negotiation framework based on evaluation of 83 clearly defined so-called interim benchmarks. In this paper we are focused on benchmarks for judiciary and fight against corruption and organized crime, as key area in the process of fulfilment the political criteria for full-fledged membership for both – EU and NATO (51 out of 83 criteria).

Montenegro has to continue to make progress in the alignment with and implementation of the acquis covered by the chapter 23 & 24, the following interim benchmarks for judiciary reform and fight against corruption and organised crime need to be met before the next steps in the negotiation process of these chapters can be taken:

Brussels, December 7, 2010; (http://www.epc.eu/pub_details.php?pub_id=1200&cat_id=6);

¹⁰ European Commission (2013), Montenegro 2013 progress report, COM (2013) 700 final, Brussels, 16.10.2013: 4-12.

A) Judicial reform (Chapter 23)

1. Montenegro adopts and starts implementing its new national strategy of Judicial Reform (2013 - 2018) and the accompanying Action Plan. Montenegro ensures that a monitoring mechanism continuously follows up on the impact of various measures and takes remedial action where needed.

Montenegro strengthens the independence of the judiciary, in particular:

2. Montenegro implements constitutional amendments in line with the recommendations of the Venice Commission and European standards and best practices. Montenegro subsequently adopts implementing legislation. On that basis :

3. Montenegro establishes an initial track record of appointments of high-level judges and high level prosecutors based on transparent and merit-based procedures and substantial qualified majority thresholds where the parliament is involved.

4. Montenegro establishes an initial track record of recruiting judges and prosecutors on the basis of a single, nationwide, transparent and merit based system and ensures that candidate judges and prosecutors undergo obligatory initial training in the Judicial Training Centre prior to their nomination.

5. Montenegro establishes an initial track record of implementing a fair and transparent system of promoting judges and prosecutors based on periodic, professional performance assessment (including at senior level).

6. Montenegro strengthens the administrative capacity of the Judicial and Prosecutorial Councils allowing them to perform in a professional, accountable, transparent, and impartial manner their key functions.

Montenegro strengthens the impartiality and accountability of the judiciary. In particular,

7. Montenegro strengthens the system for random allocation of cases in all courts with three judges or more through the application of the PRIS system and ensures that the planned analysis on the rationalisation of the court system confirms the commitment to establish a minimum number of judges per court that allows for effective random allocation of cases.

8. Montenegro provides an initial track record of regular inspections of the work of judges and prosecutors and ensures that in case of detected breaches of rules, the disciplinary sanctions are effectively enforced. Montenegro develops case law on the interpretation of the disciplinary rules and raises awareness among judges and prosecutors of the interpretation, as well as the amended Code of ethics

9. Montenegro establishes a new disciplinary Commission in the Judicial and Prosecutorial Councils for the conduct of disciplinary proceedings against magistrates on the basis of objective criteria. Montenegro ensures that integrity managers in courts also develop measures fostering respect of ethical standards among other court staff.

10. Montenegro provides an initial track record that assets reported by magistrates are duly checked, that sanctions are applied in cases of non-compliance, should this occur, and that in cases where reported assets do not correspond to the reality, appropriate action is taken, including criminal investigations where relevant.

11. Montenegro aligns legal provisions with the constitution so as to make magistrates fully accountable under criminal law and avoids that the concept of

Montenegro improves the professionalism, competence and efficiency of the judiciary. In particular,

12. Montenegro develops a sound statistical capacity (based on the guidelines on judicial statistics of the European Commission for the Efficiency of Justice (CEPEJ) allowing it through the Judicial Information System (PRIS) to monitor the workload and performance of judges and courts, to measure inter alia the average duration of court proceedings per type of case, the clearance rate, the number of pending cases, as well as the recovery rate, the length and costs of enforcement proceedings. Montenegro analyses these statistics in order to identify backlogs, the exceeding of deadlines for preparing decisions, procedural bottlenecks, as well as human and financial resources involved in resolving a particular type of case. Montenegro actively uses these data as a management tool and takes appropriate action where needed.

13. Montenegro continues to implement the rationalisation of the judicial network. Montenegro finalises a new needs analysis establishing the basis for adopting the next steps of the rationalisation which should lead to closing down all unviable small courts.

14. Montenegro establishes an initial track record of further reducing the case backlog before the courts, particularly as regards old civil, administrative and enforcement cases. Montenegro makes increasing use of alternative measures such as mediation, court settlements and arbitration.

15. Montenegro puts in place a system of permanent voluntary horizontal transfer of judges, based on incentives allowing for an increase in the voluntary reallocations of judges to courts with the highest workload.

16. Montenegro ensures the full respect and correct implementation of court orders and rulings. Montenegro establishes an initial track record of an improved clearance and recovery rate of enforcement proceedings in civil and commercial cases. Montenegro finalises a general assessment of the enforcement system and develops further measures where relevant.

17. Montenegro adopts a law on training in the Judiciary and secures the necessary financial and human resources to turn the Judicial Training Centre into an institutionally and financially independent body in accordance with the set timeline.

Montenegro improves the handling of domestic war crimes cases. In particular,

18. Montenegro effectively demonstrates the capacity of law enforcement bodies and courts to handle impartially war crimes cases in line with international humanitarian law and the jurisprudence of the International Criminal Tribunal for the former Yugoslavia, and takes effective action to address issues of impunity, in particular by accelerating progress with investigations and prosecutions of these crimes, and by ensuring civilian victims' access to justice and reparations.

B) Fight against corruption (Chapter 23)

19. Montenegro implements its national strategy for the fight against corruption and organised crime (2010 - 2014) and the Action Plan (2013 - 2014). It continuously monitors and assesses the impact of the various measures and proposes remedial action where needed.

20. Montenegro establishes a new Anti-Corruption Agency with a clearly

defined mandate and effective powers. This agency should demonstrate a pro-active attitude, enjoy the necessary independence, sufficient resources, including as regards merit-based recruitment and well trained staff and be well connected to other relevant authorities (and their databases). Montenegro ensures that the nomination of the head of the Anti-Corruption Agency is conducted in a transparent manner, on the basis of merit and objective criteria, including professional skills.

21. Montenegro amends the Law on Conflicts of Interest and puts in place an effective system to prevent conflicts of interest at all levels of the state/public administration. Montenegro provides an initial track record showing an increase in the number of detected and resolved conflict of interest cases, including deterrent sanctions and effective recovery of damages caused to the public budget where relevant.

22. Montenegro provides an initial track record of effective implementation of the asset declaration and verification system, including dissuasive sanctions for non-compliance and appropriate follow up measures (including through criminal investigations where relevant) in cases where the reported assets do not correspond to the reality.

23. Montenegro adopts and implements ethical codes for members of the legislative and executive at all levels that would cover rules on conflict of interests, incompatibilities and other unethical or corrupt behaviour and puts in place corresponding accountability tools and a dissuasive sanctioning system for violations of these rules.

24. Within the public administration, Montenegro recruits, promotes and nominates public officials on the basis of clear and transparent criteria, focusing on merits and proven skills. Montenegro reinforces the capacity of the Administrative Inspectorate, implements a risks analysis methodology, adopts integrity plans and appoints trained integrity managers in the public administration. Montenegro provides an initial track record of effective sanctions in cases of breach of ethical values.

25. Montenegro amends its current legislation on political party financing, ensuring this is fully in line with GRECO recommendations, and reinforces the administrative capacity and independence of supervising authorities. Montenegro provides an initial track record on the correct implementation of the law, including application of deterrent sanctions where required.

26. Montenegro implements and assesses the impact of measures taken to reduce corruption in vulnerable areas and takes remedial action where needed, including through disciplinary and criminal measures in cases of detected irregularities.

27. Montenegro establishes an initial track record of efficient and effective investigation, prosecution and convictions in corruption cases, including high level cases.

28. Montenegro revises its Criminal Procedures Code such that pre-trial investigations become more effective. Montenegro establishes a new special prosecution office which should lead to better priority setting in dealing with serious crime cases, more specialisation of staff and substantially improved inter-agency co-operation and intelligence exchange.

29. Montenegro substantially improves the capacity of the Ministry of Interior to run investigations into financial crimes. Montenegro ensures that both the Ministry of Interior and the Special Prosecution Office are well connected to other

relevant agencies. Montenegro provides the necessary training on the concept of financial investigation and systematically conducts financial investigations in parallel

to criminal investigations into organised crime and corruption cases.

30. Montenegro adopts legislation on asset recovery, establishes an Asset Recovery Office (ARO), recruits the management of the ARO on the basis of transparent and objective criteria with a focus on merits and professional skills, and provides an initial track record of an increased number and amounts of criminal assets confiscated, including in cases of high level corruption.

31. Montenegro takes steps to improve the effectiveness of its whistle-blowers protection system.

32. Montenegro brings the procedure for closing criminal cases in line with EU best practices. This includes the obligation to duly justify the decision towards the alleged victim as well as the creation of a legal possibility for review of the prosecutor's decision on dismissal of criminal charges¹¹.

C) Judicial cooperation in civil and criminal matters (Chapter 24)

33. Montenegro conducts an analysis of and clearly defines further legal steps required to comply with the *acquis* in the field of judicial co-operation in civil and commercial matters.

34. Montenegro puts in operation an information system that will keep records on international legal assistance and monitors the efficiency in treating international requests in the area of judicial co-operation in civil matters.

35. Montenegro conducts an analysis of the administrative capacity, the budget and training needs required to implement the *acquis* in the field of judicial co-operation in criminal matters both within the Ministry of Justice as well as in the courts and prosecution offices and clearly defines further legal steps to fully comply with the *acquis* in this area, including as regards the European Arrest Warrant.

36. Montenegro adopts and begins implementation of a training plan (including teaching foreign languages) in the field of judicial co-operation in criminal matters through the Judicial Training Centre and the Police Academy.

37. Montenegro provides an initial track record of successfully handling requests for international judicial co-operation and applying bilateral agreements on judicial co-operation with other countries in the region.

D) Police cooperation and the fight against organised crime (Chapter 24)

38. Montenegro concludes an operational agreement with Europol and implements it in a satisfactory manner

39. Montenegro puts in operation a secure electronic communication system which allows law enforcement agencies and the prosecution office to exchange data in an effective and secure manner.

40. Montenegro ensures that the special investigative team in the special prosecution office has direct access to relevant databases.

¹¹ European Union common position, Chapter 23: Judiciary and fundamental rights, Accession document, AD 17/13, Conf-ME 13, Brussels, 12. December 2013, p. 19-27

resources and training needs in the field of police co-operation and ensures that the next steps are clearly defined.

42. Montenegro continues to implement its strategy against human trafficking, developing a comprehensive and victim-oriented approach, closely monitors the effects it generates and takes remedial action where needed.

43. Montenegro implements its national strategy for the fight against corruption and organised crime (2010 - 2014) and the Action Plan (2013 - 2014). It continuously monitors and assesses the impact of the various measures and proposes remedial action where needed.

44. Montenegro revises its Criminal Procedures Code such that pre-trial investigations become more effective. Montenegro establishes a new special prosecution office and substantially improves the capacity of the police to run investigations into financial crimes. Montenegro ensures that both bodies are well connected to other relevant agencies and intelligence exchange and inter-agency co-operation substantially improves.

45. Montenegro establishes an initial track record of efficient and effective investigation, prosecution and convictions in organised crime cases (including money laundering, trafficking in human beings, cybercrime, cigarette and drug smuggling and arms trafficking) and demonstrates strong political commitment to domestic and regional action against serious and complex organised crime cases.

46. Montenegro takes measures aiming at rationalising (High Court) and fostering specialisation of key institutions (Special Prosecution Office and the Ministry of Interior) in the fight against organised crime.

47. Montenegro brings its legislation in line with FATF recommendations, provides the necessary training on the concept of financial investigation and systematically conducts financial investigations in parallel with criminal investigations into corruption and other white collar crimes.

48. Montenegro develops an effective system for witness protection through amending its Law on Witness Protection and providing specialised training, better equipment and more staff to the unit for witness protection.

49. Montenegro adopts new legislation on asset recovery, establishes an Asset Recovery Office (ARO), recruits the management of the ARO on the basis of transparent and objective criteria with a focus on merit and professional skills, and provides an initial track record of an increased number of cases and higher amounts of criminal assets confiscated, including in cases of organised crime and money laundering.

50. Montenegro provides an initial track record of an increasing number of suspicious transactions reported to the Financial Intelligence Unit (FIU) and ensures these are pro-actively used in criminal investigations.

51. Montenegro implements its anti-terrorism strategy and takes steps to align with the relevant acquis in accordance with the timelines set in its Action Plan¹².

¹² European Union common position, Chapter 24: Justice, freedom and security, Accession document, AD 18/1//13, Conf-ME 14, Brussels, 17. December 2013, p. 19-24.

The EU underlines that it will devote particular attention to monitoring all specific issues mentioned above - including through peer-review missions - with a view to ensuring Montenegro's administrative capacity. In line with the provisions of the negotiating framework, the EU indicates its intention to propose updated interim benchmarks, whenever it is duly justified. In this respect, any measures to adjust pre-accession assistance may only be taken in accordance with applicable rules and procedures. Particular consideration needs to be given to the links between the present chapter and other negotiation chapters. A final assessment of the conformity of Montenegro's legislation with the *acquis* and of its implementation capacity can only be made at a later stage of the negotiations. In addition to all the information the EU may require for the negotiations in this chapter and which is to be provided to the Conference, the EU invites Montenegro to provide regularly detailed written information to the Stabilisation and Association Council on progress in the implementation of the *acquis*.

Conclusions

This paper presents complementarities in the EU and NATO integration processes based on analysis of fulfilment selected set of political membership criteria. Focus of research were political criteria related to judicial reform, fight against corruption and organized crime in the EU accession process, such as political meters and rule of law area in the process of join to the NATO.

Realized MAP cycles resulted in continuity of reforms in key areas and confirmed visible progress which Montenegro is achieved. NATO representatives assessed that Montenegro was a constructive actor and factor of stability in the region, and have encouraged further reforms in reaching the standards necessary for NATO membership.

At the Intergovernmental conference on June 29, 2012 Montenegro officially started process of accession negotiations with European Union. By summing up results from the first year of negotiations, Montenegrin administration can be completely satisfied with achieved results which represent solid fundamentals for next step in the accession negotiations. Coordination structures are established, screening process completed, two negotiating chapters temporarily closed and five chapters opened, including new rules for chapters related to rule of law. Country has made the first steps successfully and Montenegrin administration has learnt many lessons. In the second year of negotiations country is carrying on with the reforms aimed at further political and democratic stability, creation of ambience that would enhance economic growth and development of life standard of citizens and that would have concrete positive effects in all areas.

The fact is that both accession processes represent relatively new thing and huge challenge for Montenegrin society. Ambitions are very huge, but administrative capacities and financial support are quite limited and should be further strengthened. Explained transitional benchmarking as part of new negotiating rules in the rule of law area represents strong monitoring mechanism covering the whole negotiations. Following proposed benchmarks, semiannual reporting on adopted action plans for C23 and C24 is very requesting process for Montenegrin administration. However, progress achieved in this area is directly linked with the NATO integration requests and will be crucial for next enlargement.

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Mladen Nakić¹
**Regionalization of Bosnia and Herzegovina:
Path to the European Union's Legacy**

Introduction

In Bosnia and Herzegovina has been existed a kind of Machiavellian approach in last two decades. War cannons fell silent, but the “war” was continued by other means. If we raise the question about the key difference between the current situation in Bosnia and Herzegovina and what was nineteen years ago, we would have different answers. For pessimists, actually everything remained the same except there is no more war. Optimists would probably have listed some initiatives which admittedly did not give more visible results (e.g. April package back to 2006., Prud process in 2008., or Butmir talks in 2009.), but were part of the efforts of the international community to make things move from the deadlock. Realists simply conclude that Bosnia-Herzegovina even after nineteen years is still a divided society with a clear ethnic, and then political and religious affiliation. The focus is still on three constituent peoples, and then on the seventeen minority that live in B&H. On that fact occasionally remind the judgment of the European Court of Human Rights in Strasbourg and the subject of “Sejdic/Finci”.

Nineteen Years Later

Protest of chemical workers in Tuzla, a city which has a population of 200,000 and an unemployment rate of 55% (February 2014), reminded for a longtime of social and political *status quo*, or more precisely, unsustainable political and constitutional situation. The protests turned into civil discontent with the *status quo* over the past twenty years. Mostly Bosniaks in Federation of Bosnia and Herzegovina were protesting where they have a majority, but it is evident that the protests also occurred in two multi-ethnic towns, Brčko and Mostar. There is no doubt that the primary reason for the protest was a social revolt. It is therefore not surprising that the resentment of workers and citizens spread to Sarajevo, Zenica, Bihać and some other places because of the simple reason that the citizens (regardless of ethnicity) cannot stand high unemployment rate (45%), particularly among young people (57%), and misery with no prospects for normal living.

Simply they are tired of incompetent politicians who do not want to reach an agreement on the future of B&H. The fact that 77% of young people in Bosnia and Herzegovina want to leave B&H permanently, speaks for itself. The main driver of violent protests was dissatisfaction with privatization, or simply saying with plunder and corruption of political-governmental elite that only good live and where members of the B&H Parliament earn up to 3,500 euros a month, while only safe working places are those in the public sector (40% of employees).

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Dysfunctional political system of Bosnia and Herzegovina is outmoded with inadequate Constitution that has been imposed by the international community. The United States and the EU primarily have obligations to boost their engagement in searching for durable solutions.

It is easier to conclude that the political system and the social life of B&H in general, do not work. It is all about ethnic interests where the principle of decentralization of the country is entirely instrument of weakening of the central government in favor of ethnic daily political objectives. The political system of Bosnia and Herzegovina (including its electoral system) would be absolutely untenable experiment even for the richest countries. It is simply inexplicably giving every political level, owning their own system of governance. The result is that today in B&H there are thirteen governments (eleven in the Federation of Bosnia and Herzegovina, one in the Republika Srpska and Brčko District and the Council of Ministers at level of B&H). There are the same numbers of parliaments with six hundred of elected representatives. At entity and cantonal level exists seventy state institutions with over 180,000 employees. The result is that about 70% of the budget is allocated for maintenance of the entire administrative apparatus.²

The Dayton Peace Accords (DPA)

DPA has prevented the continuation of the war in Bosnia and Herzegovina, but at the same time was stopped the normal functioning of the country. It is unclear why one (common) peace conference embarked on cemented the political system of one so complex state community such as B&H. DPA have gone much further that resulted in the creation of a new state constitution. The imposition of the Constitution (Annex IV.) was not objectively necessary move because it demanded more political sensibilities, reality and strategic thinking. Critics of imposed constitution, among other things, highlight the Vienna Convention on the Law of Treaties (signed in 1969., entered into force in 1980.). Article 46. does not allow the principle of sovereignty to be subject of intergovernmental agreements and contracts as a result of coercion or signed against the will of the negotiators will considered null and void (Articles 51. and 52.).

Bearing in mind the past experience, it follows that the same actors who created the Dayton system must be re-convened a similar forum and modernize DPA or customize it to 21st century. This means a certain relaxation of ethnocentric political system towards a sustainable system of responsible management. DPA has created a neo-colonial protectorate of Bosnia and Herzegovina, which is too expensive, dysfunctional and thus absolutely unsustainable.

DPA has created a federal structure with two entities in which none of the three constituent peoples are not satisfied. The leadership of the Republika Srpska sees no future within Bosnia-Herzegovina and, on the other side, Bosniaks and Croats in the Federation of Bosnia and Herzegovina does not see a future of coexistence under current conditions where the main political framework based on ethnic identity is supported by the right of ethnic veto. It is also difficult to explain the reasons why the Constitution of B&H limits the fundamental human and political rights of national minorities. Only representatives of the three constituent peoples were given the right

² Vesna Bojičić- Dželilović, Decentralization and Regionalization in Bosnia and Herzegovina, LSEE, 2011.,str.5

to stand for a seat in the Presidency of B&H and House of Peoples as the upper house of Parliament. Representatives of national minorities, as well as all those who are not ethnically declared („others“), are deprived of their basic human rights. It is therefore not surprising that on the basis of a complaint of Jew Jakob Finci and Roma Sejdić Dervo in 2007. the European Court of Human Rights ruled out in 2009. as the case of discrimination. ECHR ordered the B&H correction of constitutional injustice that has not been done despite the principle of consent of all politicians. The problem for local politicians is now how to formulate the implementation solutions.

There is no doubt that the creators of DPA have a responsibility for the future of Bosnia & Herzegovina, but it's obvious that local politicians and political parties must demonstrate a key responsibility for its own citizens.

Euro-Regionalization Bosnia and Herzegovina

Political solution for Bosnia and Herzegovina should include a balance of ethnic identity with collective or civic identity. Re-federalization of Bosnia and Herzegovina is a prerequisite for creating of synergies between ethnic affiliation and existing civic cultural mentality. The current federal structure based on the two entities is not in compliance with the historical and political legacy, but is primarily a result of the war in Bosnia and Herzegovina (1992 - 1995).

The federalization of the entire territory of Bosnia and Herzegovina implies the regionalization according to the model of regions of the European Union. Regionalization is a synonym for regional diversity and development, and is a European legacy. Regionalization of Europe began more than thirty years ago on the principle of subsidiarity within each member of the EU and a cross-border and inter-regional cooperation as well. Regionalization of Bosnia and Herzegovina should be seen in the context of ensuring equality for all, including Croats, and not their ghettoization.³

In the asymmetric confederation consisting of Republika Srpska and the Federation of Bosnia and Herzegovina, three ethnic, political, cultural, religious and above all, three literally divided society of Bosniaks, Serbs and Croats are trying to coexist with a very prominent national identities. Bosnia and Herzegovina has its own specifics related to the history, tradition, political, ethnic and religious relations. One characteristic of Bosnia and Herzegovina on which political elites are reluctant to speak is a cultural mentality of people regardless of their political, religious and other differences.

Citizens of Bosnia and Herzegovina share a common historical and cultural mentality and ethnic space. Thereby, the cultural mentality should not be confused with the national (ethnic) identity that every nation wants to cultivate as their own heritage. Regionalization would provide synergy of cultural mentality and preserving the national identity of each nation and citizen. If regionalization in Europe is understood as a positive tendency in the development of regional specificities, there is no reason why B&H should be the exception. Such a regionalization does not mean making difference according to ethnic criteria. It is clear that in five or six regions in B&H cannot be ethnically pure regions. These are regions that have their own sustainability while respecting the historical, economic and cultural aspects. Pro-

³ Jasmina Osmankovic, Denis Zaimovic, Mirko Pejanovic and Elmir Sadikovic, Euroregions in Bosnia and Herzegovina, European Regional Science Association, 2006

European Bosnia and Herzegovina could be based on political and cultural community of regions while respecting democratic standards and a clear European future.

Political modernization Bosnia and Herzegovina could go in the direction that each constituent people has its own region, which would not be necessary territorially and ethnically compact with a large degree of political and cultural autonomy, including full implementation of democratic standards and respecting human and ethnic rights. Likewise, real politics should take into consideration Sarajevo as the capital, administrative and political center for decision-making on issues that is of common interest of Bosnia and Herzegovina as a single state. This would help to create a modern decentralized state that respects ethnic specificities of all three constituent peoples, as well as general civil rights.

Reorganization of Bosnia and Herzegovina and its re-federalization involves certain changes in the direction of changing the cantonal structure. It would also mean that it should redefine the position of the three cantons with less than 100,000 inhabitants with a Croatian majority (Posavina, West Herzegovina and Livno Canton). European Parliament resolution on Bosnia and Herzegovina dated February 6, 2014. exactly call politicians in B&H to re-create country on the principles of federalism. The resolution also provides guidance in which direction could go the EU to ensure the functionality and integrity of Bosnia and Herzegovina, as well as equality of peoples and citizens, and to prevent internal separatist and unitarian tendencies.

EU's Part of Responsibility

Local politicians in B&H are the most responsible for the situation in the country, but part of the responsibility is shared by the international community. The EU has made a particular effort to get B&H on a safe path towards integration into the EU. However, there is no visible result. After nineteen years of the signing of the DPA, the *status quo* is strongly cemented by the fact that B&H is too expensive state in which 40% of GDP is spent on the existence of the public sector, high unemployment with equally high level of corruption that promotes the interweaving of interests with ethnic leaderships as genuine centers of power and control. The EU policy towards (Western) Balkans such as Enlargement Strategy Paper and Progress Reports are not a classic strategy that specifically suggests how and where to look for political and constitutional arrangements. Those papers are likely conceptual documents that express expectations and give tasks that need to be done to meet all criterias as a precondition to open EU accession negotiations.

Part of the responsibility of the EU refers to the current approach that is giving too much emphasis on political dialogue with local political parties, and much less on the development and strengthening of the independence of political, judicial and legislative institutions in B&H. This includes making quality laws specifically electoral law that would recognize the judgment of the European Court of Human Rights concerning the case Sejdić/Finci. Simply EU must be more determined in a comprehensive approach involving all segments of society particularly the non-governmental sector.

Isn't the lack of the above reason why during the protest could not be seen the flag of the EU in the hands of the protesters? This is a certainly the message to

local politicians they finally expects more political will to resolve the accumulated problems. The EU and the international community should give greater responsibility to local politicians that will no longer be able to hide behind the decisions of the international community with no minimum political responsibility.

It would be advisable for the international community (including the signatories to the DPA) to go with the following activities: a) withdrawal of most of the international staff from B&H and remain with only the part necessary to monitor the political process, b) preparation and organization of an international conference Dayton II; c) making the relevant national (ethnic) politicians to work together and deliver quality legal and constitutional decisions and to reach a compromise on the future development of B&H, and d) politicians who continue obstructing will be excluded from political life. Otherwise, we cannot exclude the scenario that the EU could meet another case of separatism in addition to those already known, such as Scotland, Catalonia, and Belgium.

In addition, one should not forget that Croatia as an EU member has a constitutional obligation to take care of Croats in B&H. Results of the census conducted in Bosnia and Herzegovina in October 2013. showed that in this country now live 553 000 Croats (14.6% of total population) or 207,852 fewer than in 1991.

Conclusion

Can anyone guarantee that social unrest will not turn into ethnic conflict in B&H next time? The international community has pretended too long to impose strict conditions, and B&H even more pretended they want to fulfill the same. As a matter of fact, the EU has unclear and halting strategy in Bosnia and Herzegovina, which was never raised to the level of strategically important issues. The situation requires more political will and determination, but also concrete strategies that will involve all parties in Bosnia and Herzegovina. Bosnia and Herzegovina is primarily European problem, but without its all creators, the whole process does not have much chance for success. Unfortunately, due to saturation Bosnia and Herzegovina is not high among the political priorities even among the member states of The Peace Implementation Council (PIC) except Turkey. It should be clearly acknowledged that Daytonian B&H is not functioning as it should and it's the time to modernize the system, but only in cooperation with local politicians.

An essential basis to resolve the situation could be application of judgments of the European Court of Human Rights and the serious constitutional reform. For waiting some new generation of politicians in Bosnia and Herzegovina is now too late, because the situation calls for immediate action. All parties in Bosnia and Herzegovina must clearly agree that the rule of law, democratic standards and EU membership are top priorities. It is necessary to speed up activities towards membership in NATO, through the MAP, because all parties in Bosnia and Herzegovina have common interest to create a stable society.

Political, constitutional and economic reforms must be implemented through a political process led by local politicians and institutions while respecting the rule of law (including international law) and with the help of key international players involved (U.S., EU, Russia), rather than through ad hoc meetings. As part of the overall reforms, it is necessary to reduce the power of the collective Presidency on protocol level and strengthen the role of the Council of Ministers with the Prime

Minister who will have the ability to appoint and remove ministers.

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Miloš Šolaja¹
**A Failed Experiment: Bosnia and Herzegovina as
the Balkans Security Hot-Spot**

Dayton Peace Accord is widely recognized peace milestone in the Balkans. The serial of post-Yugoslav wars has been achieved as a predecessor of “instable security” in the Balkans with B&H as a one of main focuses. The biggest peace-making operation in human history – more than 62.000 military troops and few thousands of civilian agencies worked on the implementation of peace settlements – ended the horrible civil war.

Although International Community invested a huge amount of financial, economical, intellectual, human and other kinds of assistance key processes have not been completed successfully in terms of economy and infrastructural reconstruction, economy and political development and return of refugees. Democracy process hasn't been developing fast enough. It does influence on slow economic development and GDP growth.

B&H doesn't have basic prerequisites for stabile political system. Firstly, Constitution doesn't reflect 'consensus of population' because of internationally designed Constitution as the part of the Peace Settlement between 'big powers' (DPA). Consequences are inconsequent and inefficient power-sharing model of social organization that fixed predominance of national elites which prefer national internal policies instead of faster driving to EU and Euro-Atlantic integrations. B&H main challenge is still open possibility of interethnic conflict.

Main obstacles to stabile BiH are unfinished statehood similar to some Western Balkans as well as a majority of post-Soviet and post-socialist countries at the same time missing of any sort of identity with BiH by the majority of citizens more precisely two of third nations such are Serbs and Croats. From the geopolitical standing point B&H is surrounded by three former Yugoslav republics missing traditional neighbors. Serbia and Croatia are core countries for national communities of Serbs and Croats in Bosnia and Herzegovina who makes vast majority in B&H making core of the Balkans security.

Regardless recent Balkans wars open armed conflicts taken as a “hard security threats” for B&H actually are not real if it should stay on the own of the BiH peoples. Post-war reconstruction and development swallowed a huge amount of international assistance and direct financial investments but BiH has been steel kept on the grass root level. Even worse economy situation has been regressing comparing with the one mentioning just in a time approaching to civil war 1992 – 1995. Without foreign influence and interests ready to sparkle an eventual new armed conflict in BiH it is not so likely that three national communities are willing to start uncertain armed struggles without any foreign initiation and support.

It is absolutely clear that Bosnia and Herzegovina is burdened with huge many political obstacles even troubles. These problems force political discussion in

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order to firm political system and to gain habits of democracy political discussion. BiH experience does not provide such a practice of democracy procedures recently emerged of so called 'vertical structure' of society which the main characteristic is 'collective psychology' as a basement of authoritarian society. Almost twenty year after Dayton Peace Accord Settlement was signed we might have not talked about achieved values of liberal democracy society.

As a state imagination BiH has a specific even hybrid political system almost unique in the world history. State is contented of two broadly sub-state units broadly equipped by state authorities and legitimacy of power. The one is the Federation of BiH which reflects consociation of Bosniak and Croat peoples organized on ten regions-cantons as the basement of 'federation'. The second one the Republic of Srpska as the centralized political unit settled by huge majority of Serbs. Three peoples – Bosniaks, Serbs and Croats are at the same time constitutional cornerstones of BiH. The BiH constitution is not base of a 'natural law' it is Annex IV (one of 11 annexes) of DPA and practically internationally reached law arrangement. From that moment until today BiH is an object of "international constitutional management". That means that all solutions either for constitutional tiding or just attempts used to come from the side of international community. Although a necessity for constitutional changes are quite obvious, the first attempt for changes failed in the final step failing to pass in the parliament in BiH in April 2006. Although the long process of negotiations was conducted for a very long time predecessing to voting, although all political parties agreed with the negotiated solutions, the final document was not supported by Bosniak and Croat community which both group representatives divided themselves half and half. The fact than only Serb members of Parliament support constitutional changes was not sufficient and process was setback on the beginning. When will it start again now is very uncertain because the first failure was clear sign that BiH need much more sensitive approach to such a huge question. That clearly expresses that transition for international to local power is very complicated and sensitive question which needs precisely guided discussion, a lot of will for promises and mutual confidence between constitutional elements in BiH.

Firstly, at the fall of 1997 on the Bonn Peace Implementation Conference was adopted political rule of so called "Bonn Powers" which enabled High Representative to undertake nondemocratic individual measures absolutely democratically not limited by anybody. In terms of enforcing constitutional position of constitutional nations as well as minorities which due to that changes were named "others" as the unique example world wide. After that came so called 'April Package', April 2006. which failed in the last step – by parliamentarian decision in common BiH Parliament even previously facultative negotiated by main political parties. These changes were managed by United States Embassy to BiH but initiated and supported by United States Institute for PEACE and personally Donald Hays, former first deputy of High Representative in BiH. The failure can be explained only by missing a consensus of BiH three constitutional nations on basic postaments of society and political system. Another round of changes was enterprized successively by Spain and Sweden 2008. In the frame of so called "Butmir process"² Inconsequent and not enough thought and examined solutions resulted by absolute failure.

² Butmir is the area of the Sarajevo municipality where is NATO Mission to BiH is settled down. Talks on constitutional changes sparked by Spain and Sweden were organized on this NATO base which was symbolically explained as a clear foreign influence and way of "constitutional management" approach

The last attempt to change constitution of Bosnia and Herzegovina is so called the “Sejdic-Finci” case. The decision has passed by European Court of Human Right due to Protocol 12 related to nondiscrimination of minorities. The appellation was submitted by Roma resident Dervo Sejdic and Jew Jacob Finci who were motivated by legal insufficiency national minorities to be elected the highest positions in Bosnia and Herzegovina such as a member of BiH collective presidency as presidents of entities. Complex nature of political system combined with missing of basic understanding and confidence between three people turned their political representatives to try to use this decision in order to achieve some other political goals not directly related to an implementation of decision. Few times representative political parties in BiH were pretty close, finally it has not come to end. Differences are huge in the Federation BiH were Bosniaks insisted on more centralization of entire BiH and Croats insists to achieve political legitimacy focused to right for direct election of the political representative in the BiH Presidency. Almost two decades after Dayton Peace Accord provided peace Bosnia and Herzegovina has been weighted by few crucial dilemmas. Firstly, there is question of readiness for joining to European Union. Although BiH signed Stabilization and Association Agreement (SAA) June 2008, even before Serbia the Agreement has still not been ratified by EU members! The formal reason is failure to implement Decision by European Court for Human Rights (ECHR) on protection of national minorities in the so called “Sejdic and Finci” case. This decision tries to provide so called ‘passive election rights’ for minorities or “others” as they are named due to constitutional changes in BiH from 2002. That means “others” are not regulated to be allowed to be designated and elected on the highest positions in BiH such as members of three-members Presidency of BiH, presidents of entities (the Republic of Srpska and the Federation of Bosnia and Herzegovina)

Anyway BiH has been proving that is not able to achieve constitutional arrangement on its own even worse only under pressure and forced internationally arrangements. Sub sequentially, as this short review shows BiH is politically instable country without achieving basic consensus on key political issues and orientations including accession to Euro-Atlantic and European Integrations. The last foreign policy document “General directions of Foreign Policy” passed 2003. Defense Law Act 2003. Security Policy of BiH 2008. And Application to Membership Action Plan 2009. And some others declared by BiH institutions are in favor of NATO. Regardless on official attitudes and statements BiH society has not firm internal consensus on Euro-Atlantic Integrations. “Long-term goal BiH its its membership in NATO”, with recommendations for BiH to also join the Membership Action Plan (MAP).³ An opinion on membership in NATO entered the Law on Defence of BiH, where Article 84 specifically binds “the Parliamentary Assembly, Council of Ministers of Bosnia and Herzegovina, the Presidency, and all defence subjects within their respective constitutional and statutory authority, to conduct the necessary activities for Bosnia and Herzegovina’s membership in NATO”.⁴

Not only missing implementation decision in Sejdic-Finci” case but some other processes make B&H far away of NATO and EU too. One of those is the so called “mechanism of coordination” which would serve as a possibility of harmonization decision making and representing processes through coordination

³ <http://www.mod.gov.ba/files/file/dokumenti/Partnerstvo-za-mir-sr.pdf>

⁴ <http://www.oscebih.org/documents/8286-eng.pdf>

between two entities. Both conditions are requested in order to EU and BiH Stabilization and Association Agreement would have been the condition for ratifying Agreement and, finally, recognizing BiH as the 'candidate country'. This approach is fully in accordance with European Summit Thessaloniki Summit⁵ Declaration on Western Balkans from 20 June 2003 that stressed a clear future of WB countries once they meet the established criteria. "The Thessaloniki Summit also marked a pivotal moment in the EU's approach towards the region, which shifted from post-conflict stabilization (security) to European integration (enlargement)"⁶. Bypassing a development gap shows that "the prospect of being closer to Europe, the Western Balkans have to still overcome the trauma of war that raged during the 1990s still endures – a fact testified to by ongoing disputes between states and unruly arrangements within them. (Cornell 2009:11.) Generally estimated, Bosnia and Herzegovina is politically as well economically very unstable and insecure country.

BiH has recently received fifth negative European Commission Progress Report. It is a clear consequence of missing of the many transformations requested by EU through negotiations with and settled down by SAA. Country suffers of many "soft security threats" such are weak political infrastructures and lack of vision for future which leaves open space for manipulation by elites. Political decision making process and economy progress is captured by huge power of political cliques name themselves as 'political parties'. This provides a good soil for enormous dimensions of systemic corruption which is also good frame for all sorts of organized crime both are even threat to political system and position of authorities.

BiH has ambiguous attitude towards Euro-Atlantic integrations. Bosnia and Herzegovina has been passing very long and complicated way to reach Euro-Atlantic values and ultimately to join to the family of transatlantic nation. It was necessary to convey many reforms in order to achieve preconditions which would need to be recognized by international community as the fulfilled precondition for membership in Euro-Atlantic world. Before all, the most questionable task was defense reform which was generally conducted in two ways:

1. creating and organizing unified defense system and an Army in the country with very complicated structure as the result of civil war, ethnic and national conflicts form the 90's
2. changing political system and downsizing army capacities in order to achieve standards imposed by NATO as the core of accommodating of the armies to internationally implemented requests;

Democracy consolidation has been accepted as a crucial and the most important basement of enlargement in the WB and also for setting up a serial of association agreements with EaP countries. Expecting of democracy consolidation in the Western Balkans was huge, but processes have not been flowing in the wishful

⁵ European Council's Thessaloniki Summit met June 19 and 20 2003. In article 23 it re-confirmed conclusions on the determination for the Western Balkan countries to "move closer To EU" through Stabilisation and Association Process from Copenhagen EU Summit December 2002, supporting "European perspective of the Western Balkan countries which will become an integral part of the EU, once they meet established criteria" (article 40.)

⁶ Prifti, Eviola 2012, *Introduction: from stabilisation to integration*, ed. Eviola Prifti, *The European Future of the western Balkans*, European Union Institute for Security Studies, pp 18

direction. EU invested a lot of financial, educational and political capital in democracy transformation and consolidation used mainly policy of conditionality as the main means. Nevertheless it is not hard to conclude that a democracy development is not proportionally satisfied result of such investments. Some democracy progress, predominantly in WB, could be noticed until mid 2000-ties and first signs of global economy and financial crises. It was featured by approximately free elections, raising public discussion on social problems, enforcing influence of civil society, improvement of human rights and dismantling semi-authoritarian leaders and regimes. In the meantime enlargement enthusiasm in EU was disturbed by enlargement fatigue, but in aspiring countries was revealed a misfit of pro-EU policies and poses a question of its transformative power. In the recent two decades EU conditionality as the “sophisticated instrument not only to ensure compliance with the *acquis communautaire*, but also the country’s protection of human rights and democratic standards”⁷ policy was more turned to formal structural side of transition and accession preparations. As the result could have drawn out a lack of institutional, personal and political capacities to build democracy environment and institutions including efficient public administration.

Two processes were important in order to change defense system. First, BiH before 2001. Have two armies: Army of Federation BiH and Army of the Republic of Srpska. Army of Federation BiH was de facto also divided in two armies: on mainly pro-Bosniaks and another Croatian Council of defense. At the end of the civil war in BiH 1995. there were about 500.000 soldiers in all three armies. Before defense reform started it was very difficult to imagine any possibility of unifying defense and armies. It was the reason that international community represented in BiH by Office of the High Representative, ad-hoc internationally launched organization based on Dayton Peace Accord, initiated defense reform through Defense Reform Commission. Although Commission and reform were not welcomed by everybody in BiH and big disagreements were expected, after few-years run discussion in institutions of BiH and both entities, finally January 1st 2006. unified Ministry of Defense, defense system and Army of BiH become operational. Second, it was almost impossible to imagine that officers and soldiers who watched each other through rifles from different trenches for years would seat with their former enemies and build unified system. It also happened. It was clear sign of political will of people in BiH to make step further in creating better security environment. Miracle happened!

Three years had to be taken in order to pose consequent, stabile and confident system of defense oriented in one hand to deal in line with international community and in the other hand to improve security and stability in BiH. As the splendid result has come invitation and later on recognition BiH as the partner country in Partnership for Peace Program (PfP) together with Serbia and Montenegro in November-December 2006. Fruits of becoming “partner country” had become visible very soon: better impression of BiH in international environment, higher security and increasing interests for investments. It was a good prize for invested efforts of all political subjects in Bosnia and Herzegovina raised in Joint Political Statement passed by all institutions in BiH: three-member Presidency, Parliament,

⁷ Bieber, Florian (2011), *The Western Balkans are Dead—Long Live the Balkans! Democratization and the Limits of the EU*, ed. Vedran Džizhić and Daniel Hamilton Cendter for Transatlantic Relations, Johns Hopkins University Washington pp. 4.

Council of Ministers and supported by all parliamentary political parties 2001.

The new Strategic Concept adopted by NATO at the Lisbon summit in 2010 found BiH entangled in two important processes. The first is the redefinition of global security challenges, whereby BiH cannot be recognized as an indicator of important international events, which – to some extent – was the case during the 1990s. The other is the need for internal self-definition of the state framework established at Dayton in 1995 and of the internal changes which should identify the new relation of the international community towards BiH. In 2010, the EU started implementing the Lisbon Treaty as a kind of constitutional settlement which imposed the need for (re)defining the EU's common foreign policy as a systematically under-developed political principle and political mechanism. In an effort to establish the mechanisms, both politically and institutionally, to define and manage the EU's foreign policy, BiH is important as a place where policy approaches are tested, as well as providing the EU with the opportunity to achieve initial success, as already happened in the early nineties when it was transformed on the basis of the politics of the European Economic Community.

Lisbon Strategy Concept of the “open door policy” as a philosophy of enlargement inclines clearly to “an active and effective European Union that contributes to overall security of the Euro-Atlantic area. Therefore EU is a unique and essential partner of NATO” (ad. 32. and Chicago Summit Declaration too). The fact is that parallel enlargement of the NATO and EU undoubtedly contributed not only to economic and social development but what is more, is important to security in the region. On the other hand, mutual NATO–EU led crisis management and NATO operations “particular in Afghanistan and the Western Balkans” due to Lisbon Concept are used as a positive feedback through lessons learned that “make clear that a comprehensive political, civilian and military approach is necessary for effective crisis management.”⁸

The huge deal done by BiH was fulfilling partners duties such are establishing the democracy control of defense system which includes transparency of budgeting and planning in defense, posing representative to NATO and liaison officer in NATO HQ Brussels, and participation in peace keeping missions world wide. BiH had police mission in East Timor, actually has military missions in United Nations forces in Eritrea and Congo, fire-platoon in Afghanistan and one platoon in Iraq responsible for destroying unexploded devices.

Bosnia and Herzegovina still needs further democracy development in order to achieve posed goals in processes of Euro-Atlantic and European integrations. Although it has become the member of Council of Europe and OSCE as well as member of the PfP program, there are many tasks need a lot of effort to be achieved. A reason is in lack of capabilities and readiness of local institutions to take over responsibility for the future of the country. The supreme authority in BiH is still Office of the High Representative and High Representative personally. Although OHR has been supposed to close down its mission June 30th 2006 it was firstly postponed for the additional year and likely will be postponed for another years, after that who knows how many. A majority of laws and other decisions are imposed by

⁸ Strategic concept for the Defense and Security of the Members of the North Atlantic Treaty Organization, 2010 Adopted by Heads of State and Government at the NATO Summit in Lisbon 19-20 November 2010, NATO Public Diplomacy division

High Representative and later on approved and legalized by domestic institutions. That means domestic institutions such as Presidency, BiH Parliament and Council of Ministers do not have authority such as OHR. Although OHR leaving has certain future, preconditions for taking over power responsibilities to 'local authorities' are still not created. The most uncertain question are so called "Bonn Powers" which allow High Representative taking drastic measures including replacement presidents of the country, deputies in parliaments, city mayors, managers of public companies etc. It has been serving sometimes as the strong tools to achieve some goals, but now that show themselves as the huge barrier for BiH to deal on its own. On the other hand unfortunately clear readiness to manage country is still not clearly shown and declared by local political elites.

Many stake-holders claim it is impossible to expect BiH could have become a member of NATO and EU with foreign politicians ruling the country. Much higher standards in security and economy are required to become prepared for both memberships. At the moment due to very complicated interior structure and processes of passing decisions and laws based on the existing of two entities and institutions of three constitutional nations – Serbs, Bosniaks and Croats – it is hard to expect stable and consequent political system so soon. The constitution of BiH is a part of international peace accord such as 11 annexes of Dayton Peace Accord. Due to the official title General Framework Agreement for Peace (GFAP) signed in Paris December 14th 1995. The constitution is Annex IV and it is not the product of main understanding and relations between communities in BiH but the product of political will of international community at the time.

Immediately after failure of adoption of constitutional changes the question of the police reform revived. That question was the reason of earlier misunderstanding but kept frozen for a while. Finally, Bosnian politicians got back to the question of new rounds of negotiations but all of them unsuccessfully. Once time the difficulties lies in the Republic Srpska representatives, second time in the Bosniak political parties. But anyway police form remains unsuccessful.

All failures limited approaching to Europe particularly including police reform which some time was taken as precondition raised by European Union. Although the Stabilization and Association Agreement was successfully negotiated and finally asserted by European Commission its signing has been waiting for a very long time because of interior reasons.

At the moment Bosnia and Herzegovina is on the huge crossroad: either it will continue to work as the country managed by international community through its ad hoc created Office of the High Representative based on Dayton Peace Accord or it will be posed on its own trying to find a way for essential consensus between its peoples and their political elites ad based on that formulated clear vision and strategies for future. As the matter of fact it is still balancing between different powers and possibilities, international and domestic approaches which need more clarification and much more work invested in future. It must not avoid recognition of huge advance achieved recently, but it also have to acknowledge that much more should have been done in terms of security and European prospective. The matter of fact that all democracy community was delighted with BiH Partnership for Peace membership is clear roadmap for furthermore activities. The country rally needs more responsible political representatives as well as more assistance from international community in order to achieve goals like all other countries which passed a transition. The defense

system, defense reform show how is possible to reach good solutions based on understanding, consensus and cooperation. Although initiated by international community, defense reform and furthermore achievements shows how might be efficient and useful.

Almost two decades after Dayton Peace Accord provided peace Bosnia and Herzegovina has been weighted by few crucial dilemmas. Firstly, there is question of readiness for joining to European Union. Although BiH signed Stabilization and Association Agreement (SAA) June 2008, even before Serbia the Agreement has still not been ratified by EU members! The formal reason is failure to implement Decision by European Court for Human Rights (ECHR) on protection of national minorities in the so called “Sejdic and Finci” case. This decision tries to provide so called ‘passive election rights’ for minorities or “others” as they are named due to constitutional changes in BiH from 2002. That means “others” are not regulated to be allowed to be designated and elected on the highest positions in BiH such are members of three-members Presidency of BiH, presidents of entities (the Republic of Srpska and the Federation of Bosnia and Herzegovina).

Bosnia and Herzegovina share a majority of security challenges of modern world. Due to the fact that countries geopolitical position and recent history some of contemporary threats could have been multiplied. Regardless “hard security” threats likely would not emerge because of exhausting of the Balkan countries, traditional specificities of the region which coined international political science notion ‘balkanism’ or ‘balkanization’ still exist. Politics of national identification and fixed national identity, magic power of nationalism stay as the most important cornerstone of state formation and political system design. Even more, territorial disputes and pretensions are still fundamental cause of historical and actual relations between states in the Region. Euro-Atlantic and European integrations have taken in values of liberal democracy and to build internal policies in line with that goals. Croatia is the second country of former Yugoslavia and the first from the region of the western Balkans that gained both – NATO 2008, and European Union 2013. Albania is NATO member too, the Republic of Macedonia and Montenegro are NATO members. Serbia does not show tendency to NATO, but European Union is its top priority. As the sign of interest to access to EU Serbia’s policy reached “Brussels Agreement” with self-declared independent Kosovo broadly welcome by EU and USA and the deal that enables Serbia to achieve better relations.

The last country in the Balkans queue is Bosnia and Herzegovina. Although signed SAA before Serbia, BiH is enormously back warded. Actually, European way got in stuck because of missing to implement so called “Sejdic Finci” decision and failure to achieve ‘mechanism of coordination’. At the same time, the last step on the NATO accession was official application to MAP December 14, 2009. Since then almost nothing happened except raising a problem of registration of ‘immovable military property’ in the meantime. The dispute emerged on the basis of rules connected with a registration of immovable property. As BiH does not have centralized office for registration as it exists in both entities, it was necessary to imagine special mechanisms for registration 69 locations (immovable property) which would have registered as ownership of Ministry of Defense. The Republic of Srpska for a very long time has been rejecting any solution. Even when finally solution was found out in a frame “six BiH political parties talks”, the Banja Luka meeting, March 9, 2012 nothing moved.

In conclusion, Bosnia and Herzegovina is somehow functional country because it has been existing in reformed defense system and impose centralized decision process and unified Army regardless internally specifically divided. BiH also has consequent and pretty efficient taxing system as well as few other institutions. On the other hand BiH reflects all characteristics of failed state. Politicians and political parties which represent have failed to find out common denominator concerning conditions posed either by NATO or EU in order to achieve necessary standards of liberal democracy society - efficient multiparty political system, market economy and rule of law. Unfortunately, none of these conditions are close to be filled and that is the biggest disaster of BiH that can even put it in the category of unstable countries if not failed! At the moment BiH is on the accession 'stand by' with absolutely uncertain unraveling of the state embroilment. Resolving constitutional stuck as well as legal moves to tide immovable military property is the only basic pre-condition. Many reforms in political, industrial and other spheres are still on 'stand by' particularly reforms related to broader levels of population. Many of them still live in expecting "collective psychology miracle" instead turning to create basement for society of liberal values. Political elites or better to name them as a 'political class' still live on a bureaucratic style and spread of power where political cliques and nepotism define main policies in which group interests prevail.

At the same time global security threats more and more put Bosnia and Herzegovina in focus of international security. Firstly, due to changes in civilization scene it could have been victim of terrorist either groups or individuals such are case of attic on the USA embassy in Sarajevo as well as more often information of Islamic vahabi groups. Some threats re internal such are dangerous ammunition stocks because remained form former Yugoslav Army and war form nineties and slow and inefficient long term cleansing and closing down.

Changes in contemporary world throw new light in international BiH position. Since Dayton peace Accord signing international community is strong subject of internal affairs sometime even only one authorized stake-holder. High Representative replaced members of BiH Presidency, presidents of state-shaped entities, city mayors, MP's on state, entity and municipality level, even managers and companies. Although formally individual decisions they are dominantly suggested by Peace Implementation Council PiC, institution formed after official Peace settlement was signed in Paris, December 14, 1995. PiC used to have regular meetings form the very beginning, but its importance has been falling – from the summits of 'chiefs states and governments' to 'resident ambassadors in BiH.

Recent geopolitical and geostrategic processes are signed with significant Russia penetration in the Balkans. Rising of Russian influence has been welcome by some regional countries such are Serbia and in a minor measure Macedonia and Montenegro. This implies raising of Russian political influence. "The third pillar of Russian engagement with the Balkans is 'security policy.' Russia by being a permanent member of the UN Security Council and having been involved in the main security issues of the region, namely in Kosovo through serious political backing of the Serbian position and in Bosnia is one of the guarantors of the Dayton Agreement. This policy is often regarded as the continuation of 'identity policy' in terms of solidarity with the Serbs as far as it has mainly coincided with the Serbian official political line... Unfortunately the ongoing peace process in the Balkans bears the legacy of the Balkan wars and international politics which was pursued at

that time”.⁹

Russian money is also influent in Albania, Bulgaria, Cyprus and Greece. Bosnia and Herzegovina is pretty ambiguous in terms of Russian presence. The Republic of Srpska as gained a lot of Russian investments as Serbia has been building close relations to Russia for difference of another entity federation BiH. This pattern poses different political positions in terms of Euro-Atlantic integrations and NATO. As Bosniak and Croat people widely support accession to NATO, the Republic of Srpska public opinion is strongly against NATO membership regardless all official documents are in favor.

Bosnia and Herzegovina is at the cross-roads. In order to achieve necessary transformations and reforms BiH has to find out mutual policy approach of three national communities and to define common interests and consequent activities. It comprises a long, systemic way achieving values of liberal individual values as the clearest goal.

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