



The Balkans Dialogue

Conflict Resolution and EU Accession Politics in the Balkans and Turkey



ICRP INTERNATIONAL CONFERENCE



THE BALKANS DIALOGUE:

CONFLICT RESOLUTION AND EU ACCESSION POLITICS IN THE BALKANS AND TURKEY

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Conflict Resolution and EU Accession Politics in the Balkans and Turkey

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FOREWORD

The first international conference organised by the Institute for Cultural Relations Policy (ICRP) was hosted by the Kodolányi János University of Applied Sciences in February 2013. The keynote speakers of the event included honorary ambassadors of Southeast European countries, diplomats as well as representatives of the Hungarian Government. During the two days of the conference 27 guest speakers held their presentation in front of an audience of 77 participants from 17 countries.

As a part of the initiatives of the Institute for Cultural Relations Policy the conference was aiming to contribute to the regional dialogue and cooperation through knowledge dissemination and information-exchange. The importance of such dialogue is to open new routes of cooperation in the field of scientific researches through learning about different ideas, visions, approaches and methods. The ICRP believes that it is of paramount importance to emphasize the values of shared interests, common goals and the possibilities of future collaboration which are fostered by application of reconciliation policies and by the European integration process.

The papers outlined below provide various ideas, visions and opinions about cross-border cooperation, integration policies, conflict resolution and minority rights as they try to give a better insight into the past and present-day complex political processes and future opportunities in Southeast Europe.

Therefore, we are grateful to the authors and co-authors for their most valuable contributions to the Balkans Dialogue conference.

Finally, the editor would like to thank the members of ICRP Advisory Board for assistance and the sponsors for supporting the event and the proceedings.

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EUROPEANISATION AS A TOOL OF BORDER CONFLICT RESOLUTION

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Conference sub-theme: International Conflict Resolution; Border Disputes I.

Key Words: borders, European Union integration, Europeanisation, culture, conflict

Abstract

There are many definitions of border, frontier and boundary in the social sciences. According to the vocabulary definitions, they mean “the line that separates one country, state, province from another”; “the district or region that lies along the boundary line of another” or “a frontier of a state or of the settled part of a country”. Borders also mean “parts of cultural landscapes which often transcend the physical limits of the state and defy the power of state institutions” (Wilson and Donnan, 1998, p.9). Culture reflects political and economic conditions in the borderlands. Local and regional cultures in borderlands have proactive role which encourage cooperation and conflict along international borders.

The populations who live at the border region share culture and a common past and they may have a common political future. Although this assumption can be thought as borders are markers of the peaceful relations, the other side of the coin says it can be hostile relations between a state and its neighbours. The state applications at borders are like a mirror which reflects the real image and the hidden ones that transformations of citizenship and being the population live at borders. Therefore borderlanders are more influenced by the values, ideas and customs of the other side of borders than capital cities. This unique characteristic gives them a sense of political and social separateness and otherness (Martinez, 1994, pp.8-14).

When the most famous symbol of the border between the bipolar system failed, some nation-states were reawaken and the effect of this dissolution wind, a series of ethnonationalist conflicts occurred. Although the post-1989 transformations produced new type of border issues intensely, globalisation and internationalisation of culture and economy bring the relaxation control system especially at the movement of people, goods and capital. It is also known that integration does have a positive effect on border conflict transformations; but the real impact of integration which cannot overlook is the cross border cooperation.

The European Union (EU) integration policies support sustainable solutions at the periphery of the EU. Europeanisation can be understood a process which is encouraged by the EU and the key concept of border conflict resolutions. The EU tries to improve understanding of conflict situations (root causes, actors and dynamics) and to produce some methods as peacebuilding, conflict prevention, mediation and dialogue to resolve conflict situations. The paper explores Europeanisation as a method of conflict settlement and conflict resolution at the border regions.

* * *

Relation between Europeanisation and Border Conflicts Issue

New concepts in European studies and in other disciplines have become prominent with the increasing importance of neo-functionalism theory in the analysis of different perspectives' approaches to the conflict. Then the concept of Europeanisation has become to be used more in Social Sciences literature as the European integration process has begun accelerated with European Single Act and Maastricht Treaty.

Throughout modern history Europeanisation has taken on different meanings. The term made its first appearance in the 1990s in order to describe a process different from European integration and from harmonisation (Ladrech, 1994, pp.69-84). There are various suggestions on the definition of Europeanisation in the literature. Cowles, Caporaso and Risse define "Europeanisation as the emergence and the development at the European level of distinct structures of governance" (2001, pp.1-20).

Robert Ladrech understands Europeanisation as an "incremental process reorienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organisational logic of national politics and policy-making" (1994, p.70). Johan P. Olsen differentiates between five possible meanings of Europeanisation. According to him, Europeanisation may refer to changes in the external territorial boundaries of the EU, to the development of institutions of governance at EU level, to central penetration of national and sub-national systems of governance, to the export of forms of distinctively European political organisation and governance beyond the territory of the EU, and to a political project aiming at a unified and politically stronger EU (2002). Claudio M. Radaelli defines Europeanisation as a process of "(a) construction (b) diffusion and (c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things' and shared beliefs and norms which are first defined and consolidated in the EU policy process and then incorporated into the logic of domestic discourse, identities, political structures and public policies" (2003, p.30).

If we try to combine and insert these definitions into the paper concept, it cannot be wrong if we say Europeanisation is also transforming process of conflicts, insensitiveness, difficulties into a relatively peaceful environment, empathy towards disaccords and a culture of working together in different communities.

Europeanisation is defined as a process which is activated and encouraged by European institutions, primarily the European Union (EU) which means that Europeanisation has an institutional character. Because of the distinctive characteristic of Europeanisation concept, it has become a new research area besides European integration process. The EU Security Strategy, first outlined in 2003, explicitly called upon the Union to engage in a full range of conflict resolution activities, spanning from conflict prevention, to crisis management and post-violence rehabilitation (Council of the EU 2003, p.12). As a global actor, the EU promotes integration as a means to support peace and prosperity and to overcome conflicts around the world. To this end peace building and conflict prevention are at the heart of the action of the European External Action Service. The EU aims to 'promote peace, its values and the well-being of its peoples' (Lisbon Treaty Article 3(1)) and to 'preserve peace, prevent conflicts and strengthen international security' (Article 21(2)).

Börzel explains Europeanisation as a two way-process. It entails a “bottom-up” and a “top-down” dimension (2002, pp.193-214). First of all, Europeanisation has instituted on the top-down approach (from EU level to national level). This approach concerns about the impact of EU integration process and the impact of the developments on European level upon the member states (domestic impact). But the European integration process is based on the bottom-up approach (from member states to EU level). It analyses the member states’ impact on the developments on European level, European integration process and its results. On the other hand the member states cannot be remain passive at Europeanisation process and therefore the Europeanisation includes the top-down and bottom-up approaches together. In this sense Europeanisation is not only degrading EU directives, rules and institutional structures into the national level but also is raising national policy preferences and levels to the EU platform.

Europeanisation as a tool of border conflict resolution may show itself at two approaches (bottom-up and top-down). Because conflicts do not need any visa to pass the borders. Although geographical borders can be tried to eliminate between member states, some borders may be used as a “*raison d’être*” in order to promote the European values as well as national interests. It should also be noted that Europeanisation is not restricted to the EU, and neither does it end at the outer borders of EU member states, but extends beyond them. Therefore, the EU still have an active role in border conflict resolution.

Although it is supposed that Europeanisation may have unintended effects on conflict resolution, it can be so useful tool for conflict resolution especially at the border regions. Europeanisation mechanisms vary from case to case because if we suggest it is generally conceptualized as being based on European identity, it will be understood that the other side of the border who is not a member state of the EU will be ranked according to the degree to which its political and legal system is capable of expressing the universal values.

The most distinct forms of conflict resolutions applied by the EU are conditionality, social learning and financial aids especially cross border cooperation programmes.

Democracy, human rights and the rule of law have become ‘essential elements’ in almost all EU agreements with third countries since the beginning of the 1990s. The EU’s policy of ‘carrots and sticks’ – rewards rather than punishment or assistance – shows itself in Europeanisation process. In the case of quasi-members and candidate countries, it is clear that the transfer of the *acquis communautaire* is at the core of Europeanisation. This can be called as EU *conditionality* and it is generally described as ‘positive’. Even in the field of democracy and human rights promotion, conditionality is not the only mechanism of Europeanisation but according to Carbone it is including good governance as a ‘fundamental element’ (2010, pp.21-22). Richard Youngs observes that the “profile of EU democracy assistance funding in the Mediterranean and East Asia suggested a bottom-up approach, oriented overwhelmingly to civil society support, and in particular human rights NGOs” (Youngs, 2001a, p.192; 2001b, p.362). Europeanisation strategies identified by Youngs and Carbone in the areas of human rights, democracy, and good governance promotion match the most important mechanisms and EU democracy promotion and human rights policy beyond Europe has used the mechanism of conditionality. Using these European values as identified the promotion of democracy, rule of law, protection of human and minority rights, the EU tries to manage and resolve border conflicts.

The *social learning* does not operate on a sanctions-rewards mechanism, but rather is facilitated by the EU with instruments such as persuasion, capacity building, and the promotion of transnational cooperation and exchanges of good practices.

The states' relations which are determined largely by geographical and geopolitical factors have varying degrees and different types of institutional contacts with the EU at the EU's periphery is concerned. (Noutcheva, Tocci, Coppieters, Kovziridze, Emerson, Huysseune, 2004, p.22). In this context, Europeanisation can be seen as a foreign policy instrument of the EU.

All the conflicts arise along a geopolitical fault line as well as a local one on the European periphery. The root causes of the conflict can be transformed leading to a redefinition of the interests and identities of the different parties. The EU can act in two ways in the area conflict resolution. It can provide a framework for resolving conflicts or it can act directly as a mediator or indirectly by supporting mediation efforts between the parties involved in the conflict (Noutcheva, Tocci, Coppieters, Kovziridze, Emerson, Huysseune, 2004, p.22). But these efforts are so closely linked when this role presents a framework especially during the post-conflict situation; because in this situation the conflicted parties participate the decision-making process. And if the EU is actively involved the crises, it intends to have short-term effects. Even the EU contributing indirectly to conflict resolution, other players' role must be taken into consideration to measure the Europeanisation effects. Although the Council of Europe contributes normatively at the EU's human rights and democratisation priorities, the Organisation for Security and Co-operation in Europe (OSCE) and the United Nations are engaged in conflict areas with security mandates. While the others prefer weapons for conflict resolution, the EU uses Europeanisation as a weapon. Because according to the EU's strategy, if a state faced border conflicted case, she should learn the Europeanisation language which includes regard to all preference-similarity hypothesis into differences but not refer to the antagonism. We should bear in mind that the US and Russia have some special concerns for some regions on the EU's periphery. For example Europe's headache areas, Balkans and Caucasus, attract the attention of Russia. This issue shows the important tendency towards border conflicts because not only the region states' politics but also the others' include the US and Canada interests engage them to the conflicts. Within this context, the EU also uses Europeanisation as a tool in order to emphasise the Union's diversities, but at the same time it prefers to work together with them because of satisfying them and also playing her role in a game.

Fight against corruption has used as an Europeanisation tool at Southern Caucasus region. In order to foster peace, stability and prosperity, the EU seeks to build 'European friend but not a member state' in the foreseeable future to outer border. Although some studies on 'Neighbourhood Europeanization' (Gawrich et al., 2009) have shown that the EU's capacity to hit across its borders has been limited (Smith, 2005; Weber et al. 2007; Sasse, 2008; Kelley, 2005), Europeanisation has helped to stabilise. Not being a member carrot can be a reason for Europeanisation which has stabilised rather than transformed domestic structure.

According to Gawrich et al, Europeanisation has three dimensions as 'Membership Europeanisation', 'Enlargement Europeanisation' and 'Neighbourhood Europeanisation' (2009, 5.p) and therefore the effects are so different. For instance although conditions of

Europeanisation can be producer and consumer at Membership Europeanisation¹, it can be strong consumer at Accession level but weak one at Neighbourhood Europeanisation. Alike Europeanisation design is top-down and bottom-up at Membership level, it is primarily top-down process at Accession and Neighbourhood levels. Because of them, the continuous political change can be superficial at Neighbourhood Europeanisation but it should be still a tool for border conflict resolution. And the other reason may be the EU as a foreign policy actor in conflict resolution is different from the question of the impact of integration and association.

The other tool of Europeanisation is using the aid programmes. Cross border cooperation (CBC) has flourished not only between nation states, but also between local and regional bodies and not only across internal EU boundaries, but also across its external borders. Seidl tries to explain Niklas Luhmann's theory of autopoietic social systems as a conflict comes into being in 'all those cases in which there is a disaccord to a communication' (2004, 5.p). The usage of communication can be seen as a tool of Europeanisation and especially the EU itself. Generally CBC policies appear to be most effective at the local and regional level of governance, in addition to the European level, while they are seen as the least effective at the state level. The usage of similarities is so acceptable for the mirror of Europeanisation because after this first step, to create a working place under the dissimilarity conditions can be easier.

On the other hand in the framework of the enlargement process contained the border conflicts or minority conflicts, the EU's attempt is to interest at an early stage and prevent them from further intensification. In such circumstances the EU requires all applicant countries to sign and live up to international conventions as a mechanism of Europeanisation. But some border conflicts' scope can be different like identity conflicts. The root of border conflict between Greece and Macedonia² based on specific historical moments and on different levels and therefore Europeanisation may not be a super tool for border conflict resolution. The other example of relatively unsuccessful attempt can be seen on the borders after Yugoslav Wars. But at this example the Stability Pact is used as an Europeanisation mechanism. It should not be forgotten that although borders have been seen as physical lines, they are more than them. Because the impact of borders on the daily life of those living in border regions and beyond, provide both territorial inclusion and exclusion.

Conclusion

Europeanisation is an interactive process which includes two-way relationship between structure and agency that is transformed as a result of participation in EU structures in the EU context. The expansion of Europeanisation as a political ideal helps in the border conflict resolution in such ways as providing aids, being as a mediator and creating a dialogue environment.

The EU's potential for border conflicts through its Europeanisation mechanisms can produce both intended and unintended results but European integration was designed to bring peace to a

¹ The impact of European integration on the transformation of the previously antagonistic interests and identities of Germany and France.

² Greece objected to the name of 'Macedonia'.

continent. Even though it has its governance problems, the EU has become a model for regional integration in border conflict areas.

As we try to explain that in the long run Europeanisation on border conflict transformation is most significant with regard to the indirect means of EU involvement and with a good quality of carrot as a clear membership perspective Europeanisation becomes more useful tool for border conflict resolution. The ultimate success of integration and association in border conflict transformation depends on that are not all within the EU's control. Although some failures are hidden at the pathways of EU involvement, the EU often has a positive impact on border conflicts.

CBC as a tool of Europeanisation should be bear in mind. Although the EU CBC policies are more effective within the EU borders but they may be expected to produce Europeanisation effects mainly at the local and regional levels beyond the outer borders. Because cross border regions are governed through various networks between multiple public and private actors and depend on the nature of socioeconomic relationships across the border.

For the sustainability and the security, two main mechanisms of Europeanisation, *conditionality* and *social learning* are the key elements. 'Thank to them the border conflicts should resolve from incompatibility to compatibility and the states' actions are so important for the resolution efforts because they will foster peace accords. But at the same time we should not forget that the 'carrot's quality is so important for Europeanisation as a tool for border conflict resolution. Because the experiences give an evidence that if especially the accession of the EU can be an option, the relations go on well on partnership and cooperation level.

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BUILDING THE REGION THROUGH COOPERATION IN THE AREA OF JUSTICE, FREEDOM AND SECURITY: THE CASE OF WESTERN BALKANS

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Conference sub-theme: International Conflict Resolution; Border Disputes I.

Key Words: *Western Balkans, EU enlargement process, regional cooperation, corruption, organized crime, unresolved statutory issues*

Abstract

Despite the recent positive trends regarding the EU enlargement policy in the Western Balkans and the overall positive political, economic and societal transformation that has occurred, regional countries still face numerous governance weaknesses, mostly deriving from the legacies of the conflicts and authoritarian regimes during the 1990s. This regional development, causing the phenomenon of weak states and societies, has been subsequently followed by the growth of organized crime and corruption, further hindering democratic and economic consolidation. Indeed, the Transparency International data regarding corruption shows that most of the Western Balkans countries are way below the EU-27 index (2012), Freedom House depicts the political stagnation in the region (2012) while Europol's organized crime threat assessment claims that Western Balkans creates one of the major criminal hubs responsible for the drugs trade, illegal migration and human trafficking (OCTA report, 2011). In this context, research purpose is to analytically assess building of the zone of justice, freedom and security in the Western Balkans region in particular domains of fight against the corruption and organized crime. Paper argues that this security regime in the Western Balkans region is developed as an interplay between the Europeanization process and internal dynamics of Western Balkans region. In another words, EU-induced change in the selected domains of the Justice and Home Affairs (JHA) policies of the Western Balkan countries is being mutually constituted and reinforced through the intensified cooperation among the regional countries themselves in the areas of police, justice and intelligence cooperation. In this way, the Western Balkans' area of justice, freedom and security is shaped both by the Europeanization (top-down) and locally-driven process of regional cooperation (bottom-up).

Namely, countries of the region, including the wider South-Eastern Europe have pooled their resources and established plethora of initiatives dealing with the JHA-related issues. These initiatives have included Regional SECI Centre for Combating Trans-Border Crime/SELEC, Migration, Asylum, Refugees Regional Initiative (MARRI), Regional Anti-Corruption Initiative (RAI), Southeast European Prosecutors Advisory Group (SEEPAG), South East Europe Police Chiefs Association (SEPCA), Police cooperation convention for Southeast Europe (PCC SEE) and others. These regional initiatives have been supplemented by the bilateral agreements between the countries on the judiciary and police cooperation, constituting a nexus of regional institutions and actors suppressing corruption and organized crime through the exchange of law-enforcement information, sharing of intelligence data and security services and joint operational activities.

This dynamics has occurred simultaneously with the EU enlargement process that has largely supported regional cooperation in the Western Balkans, naming it one of the EU accession criteria. EU-induced reforms in the

chapter 24: “Justice, Freedom and Security” have helped building the appropriate institutional capacities and reforming the domestic policies of the WB countries. However, these changes of the rules and patterns of domestic policies have been supplemented with the specific regional dynamics in the WB region, building on the regional needs and peculiarities. Efforts of the WB countries in suppressing corruption and organized crime, endowed with mutual trust and confidence-building are hence part of the new regionalism endeavours or “region-building process” in the WB being marked with the principles of local ownership, solidarity, all-inclusiveness and partnership.

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TURKISH-GREEK RELATIONS: AN ANALYSIS OF THE DISPUTES BETWEEN TURKEY AND GREECE WITHIN THE FRAMEWORK OF EUROPEAN UNION

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Key Words: *Turkey, Greece, disputes, European Union*

Abstract

The relationship between two neighboring countries, Turkey and Greece, is always disrupted by the disputes over Cyprus and Aegean Islands. The disputes over Cyprus and Aegean Islands shape the foreign policies of both Turkey and Greece towards each other. However, especially after 1990s, it is seen that there is a rapprochement between two countries in bilateral relations. At this point, it is true to say that the rapprochement is mostly based on “low politics” issues while “high politics” issues remain unsolved. Due to the fact that “high politics” issues touch the very nature of principles of “national security”, “sovereignty rights” and “national interests”, which are sensitive issues to states, both two countries proceed cautiously towards each other. In addition, it should be said that European Union plays strategic role in Turkish-Greek relations in certain ways. It is true to say that both Turkey and Greece have a similar process in the way of EU membership. While Greece became member of EU in 1981, Turkey is still waiting for membership. It should be added that Greece uses the advantages of being member of EU over Turkey by using its veto power in order to block the membership of Turkey. EU also comes up with some preconditions for Turkey in terms of settling the disputes with Greece by saying that otherwise, the membership will not be possible. The Helsinki Summit in 1999 was important turning point for Turkey in the relations with both EU and Greece. Turkey was given candidate status in Helsinki Summit in which Greece decided not to block Turkey. It was important in terms of transforming the relations between Greece and Turkey from bad to good one. However, it should be said that the disputes over Cyprus and Aegean Islands remain unsolved. With the membership of Cyprus to EU, Cyprus becomes a veto against Turkey for membership in addition to remaining dispute with Greece. On the other hand, it should be said that the relationship between Greece and Turkey develop in terms of economically and socially while disputes remains unsolved and as obstacles for Turkey in the way of EU.

After giving background information for the issue, in this paper, I will firstly analyze major disputes between Turkey and Greece, which are Aegean Islands and Cyprus. It should be said that the disputes should be analyzed briefly in order to understand basic concerns of two neighboring countries. I will also analyze the transformation of the relations between Greece and Turkey after 1999, which creates a new era for both Turkey and Greece and their relations with EU. In the following part, I will present the EU’s role in the relationship between Greece and Turkey and how the disputes between two countries affect the EU’s perspective towards Turkey. Considering all these information, I will argue that EU cannot be considered as a solution in settling the disputes between Greece and Turkey. Because Greece has a power of being EU member over Turkey, who is waiting for membership for 47 years, Greece wants to use its advantage in settling the disputes in favor of him. Both two countries look the disputes over Cyprus and Aegean Islands as “national interest” and “national security” issues. In this way, I will

discuss that while Greece uses its membership as bargaining power vis a vis Turkey, it will be hard for both countries to settle the disputes. With the membership of Cyprus to EU, it is true to say that the issue becomes more complicated for Turkey in the sense that Cyprus also uses its veto power against Turkey membership due to Turkey does not recognize it as a state. It should be mentioned that it is hard to solve the conflicts between two neighboring countries within EU while one is member, other is not. My emphasis will be on Greece and Turkey relations within the framework of EU by excluding Cyprus as a state in my argument. Because the issue is very broad, I will mostly focus on the disputes and the reasons of why they cannot be solved within EU. As a conclusion, I will summarize my paper and make an overall statement.

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THE MEDITERRANEAN SECURITY IN THE LIGHT OF CYPRUS ISSUE AND TURKISH CYPRIOT-GREEK CYPRIOT RELATIONS

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Key Words: Cyprus, EU, Mediterranean

Abstract

The island named Cyprus in the midst of the Eastern Mediterranean is supposed to be the island of the problems and the immigrations throughout the history. Once upon a time the island seemed to be an aircraft carrier. Taking the happenings and the strategical disputes today into consideration, the island has to turn into not only one, but at least 50 aircraft carriers. Especially starting from 1963, the island is the essence of the turmoil, and the chaos for the UN, Western countries, and the guarantor countries on the island; Turkey, Greece, and the United Kingdom. Today Greek Cypriots (Republic of Cyprus as accepted by the entire world and the EU) is the member of EU, and President Hristofias used to be the chairman of the EU up to 31st December 2012. As American naval strategist Alfred Thayer Mahan has pointed out the Mediterranean and the island there has a great strategic importance for the countries so as to enlarge and locate forward posts in the Mediterranean and especially in the Middle East territory. French aircraft carrier mostly anchors off Zigi village in the southern Cyprus in addition to the British bases located in Episkopi and Akrotiri. Those military bases house the American marines as well. Considering 6th March 1964 to start United Nations Forces in Cyprus (UNFICYP) on the island, the island and the Mediterranean is nothing but a military area for the local, continental and global forces. Out of the global issues, the local problem in the area is the Turco-Greek relations mostly depending on Cyprus issue. Being the member countries in NATO, Turkey and Greece have very flexible and disturbing relations subsequent to 20th July 1974 military operation on the island. Continental shelf, territorial waters, FIR line, NOTAM, acceptance of Turkey to EU, the isolation upon Turkish Cypriots are some of the problems expected not to be solved so easily in near future. The strategic position of the Mediterranean, the problems between Turkey and Greece, bankruptcy of EU financially, disputes between Greek and Turkish Cypriots make Mediterranean very sensitive and ready to explode position. This scientific study will focus on security problems and some analysis for the future basing upon the relations of the neighbouring countries there.

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POST-SECOND WORLD WAR CASE OF CONFLICT RESOLUTION: QUESTION OF TRIESTE (TRST)

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Key Words: *Post-Second World War case of conflict resolution, question of Trieste, Cold War, Italy, Yugoslavia*

Abstract

This paper's main target is analysing the historical question of Trieste by its phases, causes and impacts. Depending on the consequences of WWI and taking new and fluctuating forms during the interwar period and in particular, after the Second World War, the question appears as one of the striking questions for southeastern European and/or Balkanian titles in the 20th century. Occupied by Royal Italian Army Troops in 1918 and officially annexed by the Treaty of Rapallo in 1920, the part of the partitioned Austro-Hungarian Empire's Austrian littoral, this strategic region had been one of the prominent components of the Italian national projection and irredentismo. At the end of the war, Trieste was a region assessed in a differing scale from the unified Italy and newly shaped kingdom of Yugoslavia (State of Slovenes, Croats and Serbs). During the post-Second World War period, some ephemeral tensions were being substituted by the diplomatically and militarily empowered oppositions between Italy and Yugoslavia as well as the support and interventionism of USSR. Hence, it's aimed to study the question which grew after WWII and had become a vital issue for the future and security of the regional cooperation and peace during the Cold War.

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1. Balkans and past of a port city: Trieste

This presentation aims to study the question of Trieste that is a question arising after the World War II; respectively coming up to the terms of resolution through the détente of the Cold War. Being a part of the Balkanian, South-east European contexts, the question arising by the name of this coastal town of Adriatic Sea also appears as a question integrating to the encounters of rising blocs in the bipolar world.

History of the Balkans in the modern times carries the deep tracks of approximately a two and a half century old history, prolonging from the early 19th century to the end of the 20th century. This segment of history keeps the long standing tracks of a deep and painful past. A frequently circulated term for the Balkans, *poudrière* as a metaphor represents the ongoing, relentless struggle of the nationalisms and its variants. Therefore, by depending on the legacy of conflicts, struggle

of nationalisms, irredentismo¹ a short description for the Balkans can be added as below: “Balkans, a dynamic, sometimes explosive, home to a multi-layered local civilization, a frontline region where the four great civilizations of the earth converge”.²

Keeping the homogenizing dynamics aside, Balkans can be characterized historically by heterogeneity as well. Andrew Wachtel’s evaluation hereby puts what the Balkanian character is: “both achievable and characterized as non-achievable, a geography where the differences are easily to be sensed. A historical reality where the geography of the front line region provides the formation of micro-cultures”. Wachtel’s examples by *Iskender Bey* in Albania and *Nazi forces’ failure in mountainous Greece* represent the centuries’ long history of Balkans within the micro-culture potentials.³

Hence, Balkans’ framework can be derived by the geographic or physical, political and economic, cultural characters surviving through the centuries. A legacy of the empires, kingdoms, ethnic diversity in the region represents the historical reality; however after the collapse of Yugoslavia, it appears as a new integrating region on a process of membership to EU. European integration supplies the Balkans a new character. The region doesn’t own a frontline region character anymore and in total, carry the potential for the encouragement of European integration.

In this regard, Maria Todorova’s point can help us understand the Trieste regions’ potential to integrate to the Balkans and the south-European context as well. In general, Todorova states that the physical geography and the other practical descriptions may differ. “From the east, south and west frontiers, undoubtedly Marmara, Aegean, Greek and Adriatic Sea lines represent the limits. For the northern frontier of the region, it’s a frequent assessment that the region starts from the mouth of Idria River in the Gulf of Trieste, following the south eastern skirts of Julian Alps, reach to the Sava and Danube Rivers”.⁴

2. Historical development and dynamics of a dispute in the Balkans: Trieste dispute (1947–1975)

Trieste question emerges as a question between Italy and Yugoslavia. Then called Serbia with a key frontier differences, once ally countries during the World War I, Italy and Yugoslavia’s deal agendas collapse through the post-World War II period. As a matter of fact, Trieste question occupies the head lines of the political and international agenda right after the World War II by the gathering of Paris Peace Conference. The question gets resolved through the midst of the 1970’s by the signing of Osimo Treaty between Italy and Yugoslavia. Thereby, the question stands in the midst of the struggle between/amongst the hegemonic powers in the world system; it also represents the failure of shared understanding and thought of union for the Balkanian cooperation through an historical period.

¹ Irredentism is a word derived from modern Italian, as Irredentismo. It can be described as “the demand to bring the nation’s areas outside the national frontier inhabited by people speaking the same language”. For the brief description on Italian irredentism, please check Grenville, J.A., 2005. *A History of the World from the 20th to the 21st Century*. New York: Routledge, pp.31.

² Poudriere; Please see http://fr.wikipedia.org/wiki/Poudri%C3%A8re_des_Balkans.

³ Wachtel, A. B., 2009. *Dünya Taribinde Balkanlar*. İstanbul: Doğan Kitap, pp.18-19.

⁴ Todorova, M. (n.d.) *Balkanları Tabayyül Etmek*, Çev. Dilek Şendil. İstanbul: İletişim Yayınları, p.72.

For the aim of scrutinizing the historical development of this key question, a few remarks on the history of the city and related information for the establishment of Yugoslavia after the World Wars can be highlighting. Here, Yugoslavia's character can be analyzed as a central Balkanian character. Todorova's geographic expression helps us understand Yugoslavia's position before and after the World War II. Its front line character maintains after the World Wars. In his "self-management", as a principle to be constructed in Socialist Federal Republic in Yugoslavia, Milojko Drulovic points out to Yugoslavia: "It's geopolitical position is sufficient for the understanding of why the peoples in this country suffered too much. It's the heart of the Balkans. Geography of Yugoslavia provides importance from the economic and political aspects. All of the roads to tie the East to the West, West Europe to the Near and Middle East, to the north and east Africa, mid and east Mediterranean converge in Yugoslavia. At a critical point where the world roads and conquest campaigns meet each other, this country rises on the legacy of conquests and invasions. Amongst the routes to Western Europe, roads follow the path to the Italian Peninsula by passing the Gulf of Fiume (Rijeka) and Trieste (Trst)".⁵

Trieste, a southern destination of rising economic heritage from the 19th century Europe, city emerges as a socially, culturally dynamic, an active trade city. City's foundation is taken back to the early 18th century by Charles VI⁶, Habsburg Emperor (1719). In this regard, Trieste hosts the shipping and sea trade activities. From time to time, it becomes one of the Mediterranean Sea route and trade's active centers. As Stavrianos states in his *Balkans Since 1453*, the city stays amongst the most strategic port cities with Istanbul and Thessaloniki. A centuries' long evaluation of Stavrianos reminds us that the key strategic route's controlling after the WWII matures by the foundation of North Atlantic Treaty Organization (NATO). "Italy's support by NATO through the 1950's" adds Stavrianos can be considered in this strategic affairs of network that's for the ongoing negotiations related to the Trieste dispute.⁷ Through the end of the 19th century, amongst the Austro-Hungarian Empire's prominent port cities⁸, Trieste stayed within the lands of Kingdom of Italy after the WWI. Following the Great War, Italy's nationalism combined with oppressions caused Sloven communities' identity problems as well. During the WWI, the alliance strategy of Italy does differentiate from the strategy of Austro-Hungarian Empire. Then, holding the city of Trieste since 1866, Austro-Hungarian Empire stays separate in the formation of alliance strategy to Italy.⁹

During the WWI¹⁰, Italy's projection stays to surround the strategic lands such as Dodicanese Islands (since 1912, these islands stay under the de facto administration of Italy), northern Dalmatian coasts and the vicinity of Zadar, port in Albania, Vlorë, Antalya and its environment

⁵ Drulovic, M. (n.d.) *Özyönetim*. çev. Tahsin Yaşamak. Ankara: Bilgi Yayınevi, p.29.

⁶ For the brief biography of Habsburg Emperor, please see: http://en.wikipedia.org/wiki/Charles_VI,_Holy_Roman_Emperor

⁷ Stavrianos, L. S. (n.d.) *The Balkans Since 1453*. London: Hurst&Company, s. 6.

⁸ Trento and Trieste stays under the sovereignty of Austria-Hungary after the war with Italy in 1866. This is called as Third Independence War in the related literature. Please see. Grenville, *Ibid*. p.31. Here, though it doesn't constitute the beginning of irredentismo (a term deriving from the term irrendente, literally meaning unredeemed), it also reflects a phase of Italian claims. Another underpinning of these claims is the lands given to France, Savory and Nice.

⁹ Grenville, *Ibid*, p.96.

¹⁰ For the map of Europe in 1914 and territorial changes in the old continent, please see the maps given at pages. Best, A., Hanhimäki, J. M., Maiolo, J. A. and Schulze, K. E. eds., 2008. *International History of the Twentieth Century and Beyond*. New York: Routledge, p.7, p.35.

in Turkey. Additionally, another key region, port city of Trieste stands within the trajectory of Italy through its participation process to the Triple Entente. Treaty of London's (April, 1915) promises keep Italy awakened for the post-War offerings. The treaty stays up in the front lines of the Peace Conference gathering in Paris. (1920). Although being revealed already during the Bolshevik Revolution, the treaty's promises occupy a considerable place in the international agenda. Versailles nullifies the Treaty of London. Instead of the Treaty of London, Treaty of Rapallo¹¹ verifies the transition of sovereignty from Kingdom of Serbs, Croats and Slovenes to Italy. The city stays under the administration of Italy during the interwar period. A short period of German occupation to be kept aside, this region of strategic importance as well gets under the control of United Nations Security Council (UNSC).

After the periods under Austro-Hungarian Empire and Kingdom of Italy, the foundation of a larger area than area of Trieste realises by the (n. 16) decree of UNSC. The supplement of Paris Peace Treaty brings the war compensation and verifies the Free Territory of Trieste.¹² In the post-WWII period, British Prime Minister Winston S. Churchill's metaphor consists of Trieste as well, keeping the city on the line to cut down the old continent from the north to the south. A long way to go from then on, Churchill also declares the rising importance of the city on his March, 1946 speech in Fulton, Missouri: "From Stettin in the Baltic to Trieste in the Adriatic, an iron curtain has descended across the continent".¹³ He, then clarifies the key position of Trieste to be remembered for a considerable period. One year after this revisiting of the debated status quo, the Free Zone of Trieste surrounding the port city appears on the map of the old Continent on September, 15, 1947.¹⁴ The separation of the Julian March (or as used in the literature Venezia Giulia, a term definitely repeating the Italian legacy) into two zones called A and B considered as the first tasks of United Nations (UN). Under the administration of military governors¹⁵ representing the American/British and Yugoslav representatives, the zones get separated from each other by the Morgan Line. Region of Istria's part, approximately 515.5 km. sq. stays under the control of Yugoslav troops. On the contrary, area of which is approximately 222.5 km. sq. Zone A maintains under the Anglo-American troops¹⁶.

¹¹ In this regard, it can be stated that there are two treaties carrying the same name, former one in 1920, and the latter in 1922. The second brings a resolution between USSR and Germany. To check the former one, please see League of Nations. *Treaty Series*. Vol. 18, 1923, pp.397-403. To check the latter one, please see: http://avalon.law.yale.edu/20th_century/rapallo_001.asp.

¹² Encyclopedia of American Foreign Policy. "Italy." In: G. Hastedt, ed. 2004. *International History of the Twentieth Century and Beyond*. New York: Facts In File, p.262.

¹³ Stanke, J., 2008. "Winston Churchill." In: R. Van Dijk, ed., 2008. *Encyclopedia of Cold War*. New York: Routledge, p.158. Also, a source on NATO would be beneficiary. Please see. Lindley-French, J. and Macfarlane, N., 2007. *The North Atlantic Treaty Organisation*. New York: Routledge, p.21. For a cold war survey, a companion can be also helpful. Please see: Cook, C. and Stevenson, J. eds., 2005. *The Routledge Companion to World History since 1914*. London: Routledge, p.52.

¹⁴ For the copy of the Paris Peace Treaty's text (1947), please see: <http://www.diciefabbrario.info/wp-content/uploads/2012/01/Treaty-of-Peace-with-Italy.pdf>. The articles 3 and 4 of the Treaty's supplement for Italy clarifies the new region and its borders.

¹⁵ For the biography of one military governor, Sir Terence Sydney Airey who co-acted as governor with Mirko Lenac, please visit: http://www.unithistories.com/officers/Army_officers_A04.html#Airey_TS.

¹⁶ Though different views can be asserted on the separation margins, the view implementing the economic importance keeping Yugoslav region larger without the port city is important. Here, a booklet (in Turkish) states the issue of economic importance pertaining the disadvantageous position of the zone given under the control of Yugoslav troops. Please see: Hulusi, M., 1953. *Hakikatlerin Işığında Triyeste Meselesi*. İstanbul: Raşit Bütün Matbaası, p.8.

Though the question is a post-WWII case, it requires an evaluation pertaining to the interwar period and post-WWI arrangements. Right hereby, it may be asked a key question. It appears as “why the Kingdom of Serbs, Croats and Slovenes” have not been interested in the region as it’s been on the political agenda after the WWII. To remember the post-WWI conditions for Yugoslavia, the territorial struggle once the Italians were engaging with gets vanished by the rise of the status quo. Treaty of Rapallo, then reflects a part of the rising status quo. However, it’s the revisionism as well finds a channel during the interwar period. Rise of revisionism as well can be assessed as a point of diplomatic perspectives common in Yugoslavia. Domestic turmoil as a factor can also be stated to be functioning, then. Yugoslavia had been suffering from the domestic turmoil and rise of sub nationalisms before/since the assassination of Yugoslavian King Alexander I in 1934. An inconsistency to besiege the core lands of south east Europe might have been amongst the primary causes to act by the side of pro-status quo. Italian revisionism’s can be assessed accompanying the Nazi Germany’s. Hereby, Italy’s political and territorial claims towards Ethiopia, Albania cause great concern in the Balkans. The Balkanian Pact gets weaker right before the WWII.

Getting back to the Trieste’s new autonomous administration, we can find that the territorial struggle gets frozen. Although the Partizans go on to keep the encouraged agenda of the triumphant Yugoslavia in the immediate post-WWII period, the interests of hegemonic powers keeping the blocs under their controls, USA and USSR stay alive. Again, Yugoslavia – adopting a new regime – turns towards the nationalist challenges. This can be assessed as the change in Italian politics as well. Sforza’s mission¹⁷ in office of Foreign Ministry brings a calm foreign policy for Italy. A considerable change in this attitude by the intervention of USA via a NATO perspective sparkles the covert confrontations.

Depending on this brief survey, the historical development, we can analyse the causes and impacts of Trieste. An assessment on the causes of dispute or controversy over Trieste can be summarized as below:

1. Due to Paris Peace Treaty which is contracted at the end of WWII, due to remnants of the war period. Italy’s suspicious approach to Yugoslavia.
2. Geopolitical and strategic significance of the Trieste region.
3. Retrospective of Yugoslavia due to the sovereignty order established after the WWI.
4. Economic significance of the region.
5. The Yugoslavian regime’s idea of getting close to the NATO alliance regime and the necessities of this regime.
6. Rise of the Cold War depending on Blocs.

After the causes, it’s possible to clarify the impacts of this question. Amongst the several impacts, basic points pertaining to the international politics can be given as below:

¹⁷ Liebmman, M. G., 2008. *Diplomacy between the Wars: The Diplomats and the Shaping of the Modern World*. London: I.B.Tauris, p.164.

1. Impact On Balkan Alliance:

Balkan Alliance, as a cooperation system gets active in the first half of the 1950's. Yugoslavia, Turkey and Greece become the members of this Alliance. However, as stated in the sources, increasing tendency of Yugoslavia in participating to the Balkan Alliance converts to the suspension decision from time to time. As the detant capability after the death of Stalin matures and the question gets resolved by the London Memorandum in 1954, the Balkan Alliance gets on a decline path other than the Cyprus Question between the neighbouring countries, Greece and Turkey.

2. Impact On The Minorities:

The separation of regions can be assessed as the fixation of Zone A and Zone B; former zone on behalf of Italy and the latter one on behalf of Yugoslavia. Istria or Venezia Giulia's minorities as in the Italian-led zone Slovenes and the Italians in the Yugoslav-led zone constitute the principle of reciprocity.

3. Impact On Italian Nationalism:

It's possible to assert that Italian nationalism's fluctuation gets under control by the London Memorandum; yet the short trajectory's to be matched by the membership of Italy to NATO.

As a consequence, after the London Memorandum in 1954, by the Treaty of Osimo (1975) signed after the rise of détente between the edges of bipolar world in midst of the 1970's, USA and USSR's deal and compromise verifies the resolution over the question. Maturing through the Yugoslavian liberation forces' (Partizans) political manoeuvres calling *Naša Je Trst* (Trieste Is Ours)¹⁸ through the end of the WWII, shaping by the rapprochement of Yugoslavia to the Western bloc, rising on its tension path at the conjuncture Yugoslavia "deviates" from Soviet orbit, the question appears as a part of the Cold War problematic of USA and the Western bloc's defence alliances. Containment then enforces itself as a key issue to be adopted in all parts of the earth. Venezia Giulia, Iran, Guatemala, water rights' consolidation over Danube, Straits of Turkey can be given as examples.¹⁹ Possibly, the question can be assessed as a resolution package on behalf of both sides, but more to the side of Italy.

Functioning as a control card at the first phase of the Cold War, the question stays between the USA's cold war projections and USSR's alignment question of bloc policy.²⁰ The *sui generis* character of Yugoslavian regime and foreign policy towards the non-alignment movement – which had been more active in the 1960's than the 1970's – bring some advantages to the other side. On the other hand, the deceleration of the dispute brings some alternative options to repair USSR's relations with Yugoslavia.

Final words can be excerpted from Aldo Moro, the assassinated Prime Minister of Italy. Almost two years prior to the assassination after a kidnapping, Italian leader Moro (1963–1968; 1976–

¹⁸ Ritchie, S., 2004. *Our Man in Yugoslavia: The Story of a Secret Service*. New York: Frank Cass Publishers, p.80.

¹⁹ Spalding Edwards, E., 2008. "Truman, Harry." In: R. Van Dijk, ed. 2008. *Encyclopedia of Cold War*. New York: Routledge, p.910.

²⁰ Pons, S., "Trieste." In: R. Van Dijk, ed. 2008. *Encyclopedia of Cold War*. New York: Routledge, p.906.

1978) was stating that the non-alignment member and pioneer country, Yugoslavia's²¹ contribution would also supply alternative approaches through the resolution of ongoing disputes.

²¹ Ramet, S. P. and Adamovich, L. S. eds., 1976. *Beyond Yugoslavia*. Oxford: Westview Press, p.371.

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THE IMPACT OF INTERNATIONAL MEDIATION ON THE ARMENIAN-AZERBAIJANI CONFLICT

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Conference sub-theme: International Conflict Resolution; Border Disputes I.

Abstract

The post-Cold War era has been marked by ethnic conflicts, the legacy of years of being neglect by communist regimes, and unresolved ethnic tensions. The longing of contending parties to resolve their conflicts on the battlefield led to many fatalities, thus creating hurting stalemates. The Armenian-Azerbaijani conflict has been “the first and arguably the most violent conflict” (Mooradian and Druckman, 1999, p.709) since the collapse of the Soviet Union. Six attempts of mediation by the leaders of Iran, Kazakhstan, Russia, and intervention by the Conference on Security and Cooperation in Europe (CSCE) failed to persuade the disputant parties to seek a solution around negotiating tables (Mooradian and Druckman, 1999). My research will explore the conflict between Armenia and Azerbaijan, focusing upon the impact of the OSCE Minsk Group in the resolution of the conflict. I will evaluate the efficiency of the negotiations that occurred through the mediation of the Minsk Group from 1995 until 2010. Relying upon primary data, I will employ an in-depth interview method of qualitative research. My thesis will follow the case study approach in order to determine the overall behavior and attitude of the OSCE Minsk Group towards the Nagorno-Karabakh conflict. The project will contribute to the development of the research with its different method, which has not been employed in the field of international mediation.

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THE ROLE OF THE EU IN THE CONFLICT RESOLUTION IN THE WESTERN BALKANS. THE CASE OF BOSNIA AND HERZEGOVINA

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Conference sub-theme: International Conflict Resolution; Border Disputes II.

Abstract

The present paper will be presented at the international conference The Balkans Dialogue: Conflict Resolution and EU Accession Politics in the Balkans and Turkey, taking place in Budapest during 8–9 February, 2013. The paper will show Johan Galtung's theory of Positive and Negative Peace that comprises a part of the theoretical framework of the Scandinavian conflict resolution and peace research can help us better understand the challenges involved in peace-making in Bosnia as well as the role the European Union can play therein.

My PhD thesis aims to shed light on the role of the European Union in resolving the conflict of Bosnia and Herzegovina. It can be argued that 17 years after the ceasefire agreement the conflict in Bosnia is still an unresolved outstanding problem. The social-political situation is unstable in the country despite the end of the war, because the structural-psychological triggers and conditions for future violence still exist. The theory of Johan Galtung about negative, positive and cultural peace will be applied and should help us measure the level of peacefulness as well as explain why positive peace still has not been achieved despite the numerous efforts and engagements of the international community, represented by the UN and NATO, in the region.

In 2003 the EU took over the stabilization and further peace-building process in Bosnia and Herzegovina.

EU can contribute to building positive peace via the reduction of the structural violence indicators in Bosnia, adopting the Galtung's approach of conflict transformation by peaceful means. Structural violence indicators in Bosnia are: division in the party structure (Croat, Serb and Bosniak parties: SNSD, SDA, SBB, etc. outnumber the united parties like SDP); decentralized institutions (separate institutions of Republika Srpska and Federation of Bosnia and Herzegovina, and the status of Brčko is diffuse); territorial-administrative organization, fostering the ethnic division in the country; disrespect for human rights (to mention the problematic status of the local Roma and Jewish minorities, and Muslims according to Human Right Watch); high morbidity rate according to local medical archives; high unemployment rate according to Index Mundi; low level of life expectancy; violence against media according to the Bosnia news agency; and preservation of cultural and religious material culture (buildings, churches... (Ramet, 2002; Chapman, 1994, Galtung, 1990).

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The present text should suggest that the European Union can help achieve positive peace in Bosnia and Herzegovina via the promotion of interethnic contact and cooperation in Bosnia and Herzegovina. The text argues that more than ten years after the ceasefire agreement the conflict is still an unresolved outstanding problem. The social-political situation is unstable in the country despite the end of the violent war, because the structural-psychological triggers and conditions for future violence still exist. The theory of Johan Galtung about negative, positive and cultural

peace is applied and should help us measure the level of peace as well as explain why full stability in terms of positive or complete peace still has not been achieved despite the many efforts and accomplishments of the international community, represented by the UN and NATO, in the region. At the beginning of XXI century the EU takes over the stabilization and peace-building process in Bosnia and Herzegovina.

Chapter 1. Introduction

1.1. Identification of the Problem

The problem which should be investigated in the current thesis is associated to a modern tendency in peace research (Galtung, 1996, 2000; Burton, 1990; Jeong, 2008), based on the assumption that the end of a war does not mean that a completely stable status quo is already achieved and there is still work to be done. The reason for that is that the end of the violent activities and mutual killings does not necessarily bring elimination of the conditions and circumstances for violence deepened in the societal and cultural environment of the conflict core-area. The conditions and stipulations, described on a ceasefire agreement not always bring full stabilization and positive relationship between the conflict parties. The regulations, prescribed by foreign actors, involved in the peace building work on a single conflict area sometimes even aggravate the local peace building process. It is feasible that ceasefire agreement and conflict management approach chosen by a third party results to intensify the features of local social instability along with the positive efforts of stopping the massacre. Hence the end of war and the ceasefire agreement architected by international community not always succeed in bringing cooperation and peaceful transformation of the conflict (Alger, 2000, pp.1-13). Despite the temporary achievement and solution of the problem with the end of the war, this solution has rather a temporary and unstable character.

Such a conflict case where a temporary solution has been achieved is the case of Bosnia and Herzegovina. 17 years have passed since the terrible war in Bosnia and Herzegovina ended with the Dayton Peace Agreement. The efforts of the UN and NATO forces in the local peace building process during the war and at the end of twentieth century made a substantial step forward in the local peace management as they managed to stop the killings, genocide, interethnic war and ethnic cleansing (Ramet, 2002, p.7). But despite the absence of a mass weapon conflict, however, the problem is that we still cannot talk about social political stability and sustainable development in Bosnia and Herzegovina because the reasons that provoked the “direct violence” (Galtung, 1996, p.2) arm activities at the end of 20th century still exist and create atmosphere of structural violence in Bosnia. Premises for future war, genocide, discrimination still exist in the Western Balkans and particularly in Bosnia. And they are rooted in the ethnical separation between the three societal fractions.

1.2. Aim and Significance of the Study

Aim

The current study should suggest that the terrible echo of the hyper-violent post-Yugoslavian war still resounds in the local social-political reality of Bosnia and Herzegovina. It should also indicate the reasons that peace in Bosnia and Herzegovina still is not at the necessarily high level of full stability. The present text is going to trace out what has been achieved by the so called International Community during the war up till now. But on the other hand it is also going to demonstrate that despite the positive achievements of the UN and NATO military intervention, there are failures and gaps as well. Together with the efforts to cease the fire with the Dayton

Agreement, it still can be noticed black holes in the conflict approach and management in Bosnia and Herzegovina that should be filled in during the EU integration. After the EU launched a military operation EUFOR-ALTHEA in Bosnia and Herzegovina in December 2004 (EUFOR official webpage, Political Military Background) the European Union took over the supervision and implementation of the peace-building process in the country.

Significance

The choice of the specific case underlines the significance of the topic. Bosnia and Herzegovina is one of the countries of the old continent which are still not members of the EU nor of EFTA. Therefore the theme is actual nowadays. It is also an entirely adequate country when depicting the EU conflict management after the previous NATO involvement because their military divisions represent a reaction of the international community against the terrible war and have been in charge with the status quo stabilization when the civil war ended. Bosnia could be considered a model over which we could define success of peacekeeping forces as well as pitfalls in their involvement.

However the main substantial feature that affects the further development of both Bosnia and Herzegovina and the EU that emerges is the doubt whether the new peace situation is really sustainable, stable in the context of the international spread of global processes. Thus the role of these military forces, launched by the international organizations can be analyzed in order to consider their grade of success and also what else should be done to achieve full regional stabilization, mutation from adversarial to collaborative environments (Burton, 1996, IJPS) and development in Bosnia. The end of the violent operations should be perceived as a starting point for the state reconstruction and its transformation into a peaceful area of cooperation and trust between the conflicting parties that is the responsibility of the international community and particularly the EU.

1.3. Research Questions

The present study is supposed to reply to two research questions:

Research Question 1: To what extent is peace achieved in Bosnia and Herzegovina? (Why has not positive peace been achieved in Bosnia and Herzegovina?)

The first question is theoretic and descriptive. It intends to describe and measure what already has and what has not been achieved in Bosnia and Herzegovina with the Dayton Agreement. It should also explain the concepts of negative, positive and cultural peace as three separate dimensions in the concept of peace based on the contrary – violence. The concepts of “negative peace”, “positive peace” and “cultural peace” should help measure the situation in Bosnia and Herzegovina and suggest what else should be done by the new peace building actor, EUFOR since 2004. These specific indicators for the three dimensions of peace (absence of violence) are different for each stage of peace.

In order to measure the level of negative peace I use the following indicators (Galtung, 1996, p.61; 1967, p.306): level of organized murder; deaths from conflict (internal); level of violent crime; number of displaced people; number of jailed population; security officers and police; number of homicides; perceived criminality in society and number of armed services personnel. (Global Peace Index, Vision for Humanity, 2011).

When measuring the level of positive peace (Galtung, 1985, p.145; 1990, p.292; 1969, p.169; 1996, p.2, p.31, p.47, p.265), I use the indicators such as: political stability/instability indicators: peace indicators: territorial-administrative structure, nationalistic parties, independent national

institutions; disrespect for human rights against an ethnicity; morbidity rate; unemployment rate; level of life expectancy, military expenditure. (Global Peace Index, Vision for Humanity, 2011).

Concerning the level of cultural peace (Galtung, 1990, pp.291-305; Galtung 1959, p.69) several indicators can be underlined such as: presence of ideology and ideological parties; violence in TV and media; level of preservation of cultural symbols (Galtung 1959, p.69) such as monuments, street names and museums (Galtung and Webel, 2007, p.27); level of religious tolerance (Preservation of religious values and monuments, churches and mosques) and absence of violence in art (painting, museums, literature, music) and pop-culture.

Research Question 2: What should further peace building of EU in Bosnia and Herzegovina focus on?

The second question is empirical and analytical. It should assess the peace building process itself. Underlining several indispensable principles for intervention in conflicts we will concentrate on the reasons of the lack of success in recent peace building operations in Bosnia and Herzegovina (Andreatta, 1997). We should suggest areas of focus in peace building process that can be taken into consideration by the EU for further peace building such as struggle against the traumatic memory of the past (Agger, 2001) especially glorification of past events (Jeong, 2008, p.26), creation of cooperative environment (Galtung, 1996, p.63, p.64; Ramet, 1989, p.511) and trust between individuals (Bastedo, Spring 2009, p.17) from the different ethnicity groups, political and economic integration and expansion of the environment of trust (Håkansson, Sjöholm, September 2007, p.961-971) and mutual respect among all the people in the country.

1.4. Delimitation

There are several points on which the current paper is not going to focus.

Firstly the scope of the paper is not going to extend to the other Balkan states as it is going to focus merely on Bosnia and Herzegovina. The text does not intend to analyze the social political situation and environment in the whole Balkan region.

Second, the paper is not going to make any strategic analysis of the military activities during the civil war (1992–1995) after the disintegration of Yugoslavia.

Third, the text should not include any comparison with other conflict resolution activities as it is going to be a single case study.

Forth, no detailed analysis of the EU economic involvement and financial support towards Bosnia and Herzegovina is going to be among the tasks of the present paper. The current text is going to focus mostly on the political-military aspect of the EU role.

And finally, the paper should not concentrate on the ambitious question of “HOW” in “What should be made in order to achieve positive peace” as this is more suited for future research.

Chapter 2. Previous research and originality

2.1 Research on Bosnia and Herzegovina

Numerous texts about the conflict management in Bosnia and Herzegovina have been written. Most of them suggest that, despite some features of temporary stability, the peace building efforts of NATO and UN during and after the Bosnian war rather proved to be unsuccessful (Galtung, 2000, pp.241-243; Andreatta, 1997; Ramet, 2002, pp.277-306; Hoare, 2008; Oberg, 2007, pp.64-

86). The Dayton Agreement brought temporary stability which on the other hand caused other problems which followed the end of the war. These problems are structural and psychological (Jeong, 2008) such as the deep-rooted human behavior reasons (Burton, 1990) in the personality of politicians and state leaders and may trigger a future violence in Bosnia and Herzegovina (Oberschall, 2007). Other writers have chosen to analyze just one of these problems such as the traumatic memory of the past in Bosnia and Herzegovina (Bastedo, 2009) or the lack of trust in the whole country (Håkansson, Sjöholm, September 2007) or to investigate the impact of psychological traumatic consequences of domestic violence on Bosnian women (Avdibegovic and Sinanovic, 2006). Others have suggested that single persons should bear the responsibility of the war atrocities and the focus must be placed on seeking individual guilt among criminals from each ethnic group and not just on the Serbs, which corresponds to the major function of the International Criminal Tribunal for the former Yugoslavia (Bastedo, 2009).

2.2 Originality of the present paper

The above discussed literature sources are just a part of all the references for the present study. The aim here is to discover the thing which can distinguish the present research among several relevant texts and outline its contribution in the topic field.

In conclusion it could be said that a little has been written about EU the role of the post-war recuperation of Bosnia and Herzegovina at the beginning of XXI century provided that the previous research was mainly focused on the work of the international community, represented by NATO and UN. There are three distinctive innovations in this study:

The new of the present text will be to move the focus towards the EU role in Bosnia and Herzegovina concentrating on country's preparation for the integration into the organization. This should be accomplished in two specific ways: by operationalization and measuring the level of peace achieved up till now in Bosnia and Herzegovina and by outlining the mistakes which can be avoided in the further peace building operation on Bosnia.

Another new is that this study does not intend to imply merely a skeptical attitude to these efforts like others did. It is going to assess as well the level of peace building achievement which means that positive features of EU involvement will be recognized as well in the still continuing struggle for positive peace. In order to persuade readers, both the negative and the positive of the current peacefulness should be taken into account unlike previous works which used to focus basically on the negative of the post Dayton Bosnia and Herzegovina.

A third new point is that the previous studies, a special emphasis are placed on an existing Scandinavian Peace Research Theory about three dimensions of peace: negative, positive and cultural peace. Thus a peace achievement and conflict resolution assessments, by applying in details the Galtung theory hasn't been made up till now as what has been written about EU involvement in Bosnia mainly is focused on the International Tribunal for Former Yugoslavia, the judicial and legal aspects of the post-war recuperation (Clark, 2009), rather than on peace building and conflict resolution coming from "the roots". The innovation is that peace building in Bosnia and Herzegovina must come from "the below" of the local people instead of from the international institutions and organizations.

Chapter 3. A case overview

3.1 Overview on the country before the war

Bosnia and Herzegovina before the war

After the end of the First World War Bosnia and Herzegovina was a part of the Kingdom of Yugoslavia (1918–1941) which united all the Slavic populations of the Western Balkans except for the Macedonians, namely: Serbs, Croats and Slovenes¹ (Riedlmayer, 1993). It was the Serbia's ruler who was crowned the king of the whole Slavic state (Ibid). On the other hand there were no special provision for the rest of the population who considered themselves neither Serbs nor Croats (Ibid) and they had to split and choose to register either as Serbs or Croats. The relations between the Serbs and the Croats, who enjoyed a high grade of autonomy when their territory (Croatia today) was a part of the Austro-Hungarian Empire (Ibid), worsened. This is where the conflict between Serbs and Croats originated.

Before and during the Second World War the separation between Serbs and Croats escalated, when the Croat Peasant party leader Stjepan Radich was shot to death by a Serbian radical deputy (Ibid) and the latter created anti-Serb extremist organizations such as the fascist supported Ustasha movement and chetniks² (Hadzizahic, 1973), whose leader became Ante Pavelich and undertook ethnical cleansing (Fischer, 2007, pp.199-209). When Hitler invaded Yugoslavia 1941, Serbian partisan movement was built to rebel against the Nazi Occupation. But they had another task as well and proceeded to politics of ethnical cleansing against all non-Serbs, Gypsies and Jews which more escalated the relations between Croats and Serbs.

At the end of the World War II Yugoslavia became a communist country, led by the communist leader Josip Broz Tito who had organized an own multi-ethnic resistance group which began the fight against the Nazis and the Ustasha movement, while the Serbian partisans struggled in the Bosnian mountains (Riedlmayer, 1993). The Croat movement "Chetniks" allied with some remnants from the Nazi forces, but all were drawn back by the communist resistance force. Afterwards many Slovene and Croat militaries were executed (Ibid). After the victory of the Serb partisans against the Nazi and Ustasha soldiers, Tito managed to create a state of peace between the three Yugoslavian groupings, when at the same time tried to initiate an independent politics from Stalin Soviet Union, receiving economic, military and diplomatic assistance from the West (Ibid). The financial aids from the West enabled Tito to convert the Yugoslav National Army into the forth military force in Europe (Ibid). At that time Serbs, Muslims and Croats lived together peacefully (Bastedo, 2009).

3.2 About the War

The Bosnian war broke out due to the uneven demographic distribution on Bosnian territory since Tito's death. The particular factum states that Bosnia was the only state among the six post-Yugoslavian ones which did not have any dominant majority. Since 1991 when the armed conflict began 43.7% of its population were Muslims, 31.4% – Serbs and 17.3 were Croats while it was barely 5.5% who defined themselves as Yugoslavians (Cohen, 1993, p.139; Crnobrnja, 1996, p.22).

¹ The word "Yugoslavia" literally means the "South Slavs" (Yug=South).

² The terms "chetnik" and "partisan" have a wider regional connotation and relate not only to Serbia and Croatia, but as well to Bulgaria, Macedonia, and Greece liberation movements against the Ottomans in XIX century. They designate a single rebel from the whole Balkans and date back to the battles against the Ottoman Empire, that subjugated the whole region about 5 centuries. The word "chetnik" derives from the noun "cheta" which means an organized group of rebels.

The high level of dissatisfaction triggered the severe war and warmed up the grade of violence, accompanied by criminal and hyper-violent activities (Hoare, 2008, p.11; Sandole, 2002, pp.5-7; Mulaj, 2006, pp.15-21) such as: the genocide in Srebrenica, mass-murder in the siege Sarajevo massacre in Banja Luka, ethnic cleansing, militia raping of women (Searle-White, 2001, p.26 and children committed by Serbian police forces (militias) against deliberately targeted weak Bosnian Muslim women (Carnegie Commission of New York, 1997, p.xvii).

Such terrible events happened when the possession of the Yugoslavian National Army passed into the hands of the Serbs, supported by the nationalistic president Milosevic whose general Ratko Mladic invaded the Serb regions in Bosnia and started ethnical cleansing against the non-Serbian population. The same did the Croatian forces, supported by the Croatian nationalistic government of Franjo Tudjman. At the beginning of the Bosnian war the Muslims were in a weaker position as they did not have neighboring homeland supplying with weapons and armies. Besides they inherited too little from the old Yugoslavian popular military structures. The Muslims get insufficiently from the military and political resources of the previous mother-state. Despite being mainly located in the North and West of Bosnia, away from Beograd, the Serbs counted with the support from the Serbian nationalistic government led by Milosevic. Due to the huge grade of vulnerability of the Muslim minority the weapon embargo imposed by the international community over all the Yugoslavian republics was more to their detriment in comparison with the other two ethnicities in Bosnia (Andreatta, 1996, p.26).

The violent conflict lasted more than three years and caused mass of destructions and lots of human victims. The total number of the perished is estimated at 200 thousands (Tabeau and Bijak, 2005, pp.187-215) and the refugees and the forcibly displaced persons are estimated to be between 1.5 and 2.2 millions (Council of Europe report, 2007). The cessation of the war proved to be difficult and it became possible thanks to the active military and diplomatic international engagement in which the main role was played by NATO.

After the negotiations with the involvement of the state heads of the republic of Yugoslavia, Croatia and Bosnia and Herzegovina on 21 November 1995 in the American city of Dayton an international agreement was endorsed. With this contract the violent activities in Bosnia and Herzegovina and Croatia were suspended. The official signing of the agreement was implemented on 14 of December in the same year in Paris. Besides the presidents of the mentioned three countries, the document was also signed by the presidents of the USA and France, the prime ministers of the Great Britain and Russia, the chancellor of Germany as well as the EU representative in the negotiations, in the capacity of observers (Bosnian Institute and Ramadanovic, 2008).

3.3 About UN and NATO Peace Building Efforts

The notable attempt of international military intervention in Bosnia and Herzegovina began with the UN Security Council Resolution to declare the town of Srebrenica “a safe zone which should be free from any armed attack or any other hostile act” (UN Security Council Resolution 819, 1993) which should have led to the demilitarization of Srebrenica. But as the Serbs refused to remilitarize it and the peace builders could not make the Serbs withdraw their heavy weapons (UN General Assembly, 1999). The UNPROFOR soldiers who had come in 1992 to the country and the Bosnian defensive forces resulted unable to stop the Serbian offensive, drawn by the commander Radovan Karadzic and take-over of Srebrenica enclave. Furthermore the UNPROFOR peace-keepers served as human shields against the NATO operation Deliberate Force. The UN forces tried to intervene and improve the humanitarian crisis situation in other towns such as Potocari (UN Security Council Resolution 1004, 1995).

After the Srebrenica massacre NATO intervened during 1995 and performed the operation Deliberate Force against the positions of the Army of Republika Srpska, which proved to be a key-point in the cease of the war (Holbrooke, 1999, p.102).

Before the ceasefire Dayton agreement, NATO deployed a multinational peace keeping Force IFOR or Implementation under 1 year mandate from 20 December 1995 (NATO official page) to the same date in 1996 to start the operation Joint Endeavour (Baumann, Gawrych and Kretchik, 2004, p.192). The peace keeping duty was transferred from the UNPROFOR forces to the IFOR (UN Security Council Resolution 1031, 1995). Around 60 thousand NATO troops were deployed to Bosnia (Central Intelligence Agency, 2012). With the operation Joint Endeavour NATO could carry out the accountability for the Dayton Peace Accords which were signed on 22 November 1995 by the presidents of Bosnia, Serbia and Croatia and signed in Paris. The troops had to implement and monitor the military aspects of the Dayton Agreement till 1996.

Then IFOR was succeeded by a smaller NATO-led Stabilization Force (SFOR) whose mission was not to allow future hostilities (Ibid; NATO official page). SFOR was established as a continuation of the task initiated by IFOR which operated under the code names of Operation Joint Guard and Operation Joint Forge (UN Security Council Resolution 1088, 1996). SFOR continued to operate with approximately 7,000 peace keepers by 2004 (EU Council Secretariat Factsheet, 2004) which announced the beginning of the regional peace keeping contribution of another organization, namely EU with the mission of EUFOR Althea force.

3.4 About EU Military Force and ALTHEA

In December 2004 the European Union peacekeeping troops EUFOR replaced SFOR. Their mission is to maintain peace and stability in Bosnia and Herzegovina (Central Intelligence Agency, 2012) The UN Security Council has authorized EUFOR ALTHEA as “a legal successor” to SFOR which was the previous NATO led operation (Official page of EUFOR Althea, Fact Sheet, 2012). At present the mandate of the EU peace keeping force has been extended to November 2012 (UN Security Council Resolution 1919, 2011).

The functions of the 1,200 troops of EUFOR Althea mission is to contribute to safe and secure environment and hinder the appearance of conditions for resumption of violence (Official page of EUFOR Althea, Fact Sheet, 2012). Besides it has to support the newly created national forces of Bosnia and Herzegovina in the areas of capacity building and training.

The 1,200 troops should be supported by additional four reinforcing battalions from Australia, France, Germany and Italy (Ibid), collectively Operational and Strategic Reserve Forces.

Chapter 4. Theoretical framework

4.1 Assessing Peace – to Research Question 1

In order to assess a specific conflict case we need to clarify and analyze the social-political phenomenon of peace. According to the peace and conflict scholar Johan Galtung peace can be defined through its opposite. Peace is the absence of its opposite, violence. Peace is the “absence of violence” of all types, not only war (Galtung and Webel, 2007, p.22; Navarro-Castro and Nario-Galace, 2008, p.134). Peace does not contain merely the absence of war, it is much more than the absence of war weapon activities (Dietrich, 2007, p.188; Galtung, 1985, p.145). That is why an extended investigation of the concept is needed. Although the notion becomes much more complicated than just the simple absence of war, such an extension makes the

understanding truer. To facilitate the analysis of the concept and clarify it more, peace can be divided into three dimensions: negative, positive (Galtung, 1969, p.183; Rivera, 2004, p.531; Navarro-Castro and Nario-Galace, 2008, p.14) and cultural peace. (Galtung, 1990) The explanation of the concept of peace should be accompanied by one of the opposite “violence”, which should be absent when building peace. Violence also has different dimensions such as: intention or non-intention, deliberation or non-deliberation, absence or presence of an actor, manifestation or non-manifestation (Galtung, 1969, pp.169-171), each of which corresponds to a respective peace dimension.

Negative peace is the first dimension of the semantic volume of the concept peace. The oxymoron does not mean anything negative. Negative peace is just the absence of personal or direct violence (Galtung, 1969; Galtung, 1996, p.31). It is just the absence of personal or direct violence (Galtung, 1996, p.vii, p.226; Galtung, 1969, p.171). In order to understand the meaning of negative peace the notion of “personal violence” should be explained. The concept is related to the presence of a single event (Galtung, 1990, p.293), of direct destruction of body and mind such as killing or hurting (Galtung, 1969, p.169) which normally occurs in the event of war or weapon violence. This direct destruction is done by special tools: fists, fight, knives, spears, poison (Galtung, 1969, p.174) and provokes the denial of different physiological parts and features indispensable for humans’ functioning: air, water, food and movement (Ibid). Personal violence harms victims directly and that is why it is also called “direct violence” (Galtung and Höivik, 1971, p.73). It has a direct somatic and psychic interaction on victims is direct as the means of realization of the victim are directly destroyed (Galtung, 1969, p.169). Direct violence is also an interaction on human beings’ which diminishes their actual physical and psychical realization and makes it below the potential one. That means that human beings are deprived of basic needs such as health, life and need for survival (Galtung, 1969, p.168). This deprivation can happen painfully and slowly (Galtung and Höivik, 1971, p.73) and is fundamentally associated to caused death, unnatural deprivation of a human life without the wish or the permission of the victim or the underdog. Hence direct violence is a deliberate act of taking human life. But on the other hand direct violence is not solely related to somatic deprivation or damage. It can harm victim’s soul as well (Galtung, 1969, p.169). Direct violence can be physical as the above description and psychological which constitutes a threat for assassination for example, brainwashing, indoctrination, lies (Ibid). A threat for direct violence is also a direct violence as this threat may leave permanent trauma (Galtung, 1990, p.293) and fear in human’s behavior. Such features in human or intergroup relationship do not harm body and the potential realization of human body, but they harm soul and mind, spirit and consciousness and provoke traumatic experiences in collective memory (Jeong, 2008, p.60). That is also a direct violence as mind is not less important than body and its potential realization is so important for the functioning of individuals as somatic. Direct violence should not be narrowed only to “biological” and body. It is also a violence that reduces somatic capability (Galtung, 1969, p.169). In both cases human beings are directly and deliberately prevented from realizing and implementing their natural capabilities (Ibid). That is why in case of direct (personal) violence we have the presence of an organizer who deliberately wants to cause harm to somebody or something. And this action becomes visible through the act of assassination or killing which makes it manifest.

Possible indicators that show the presence (increase) or absence (or decrease) of direct violence are:

1. level or organized murder
2. deaths from conflict (internal)
3. level of violent crime
4. number of displaced people
5. number of jailed population

6. security officers and police
7. number of homicides
8. perceived criminality in society
9. number of armed services personnel

Source: Global Peace Index. Vision of Humanity, 2011.

Positive peace is the second dimension of peace and embarks the absence of sources for instability which remain active after a war is over. This concept means that peace work is not completed with the end of war as non-violence and stable peace is more than the absence of violence (Johansen, 2007, p.143). The gap which still remains available after the war activities are over is filled with structural (societal, psychological, political) reasons for possibility of another outbreak of direct violence. These causes and premises are united under the denomination of structural violence (Galtung and Høivik, 1971, p.73; Galtung and Webel, 2007, p.44; Farmer and Daedalus, 1996, pp.261-263; Navarro-Castro and Nario-Galace, 2008, p.13; Hicks and Cambridge Journal of Education, 1987, p.17) Hence positive or stable peace is the absence of structural violence (Galtung, 1969, pp.173-175) which should be accomplished after the absence of direct violence. While direct violence is just a single event (Galtung, 1990, p.293), structural violence is a whole process (Ibid). The first feature of structural violence which can describe it is the uneven distribution of welfare and resources worldwide (Galtung, 1969, p.169) which intensifies the grade of asymmetry in international relations (Clark, Konrad and Journal of Conflict Resolution, 2007, pp.457-469). It occurs when a particular subject in terms of a person or group of people or a state or a group of states monopolizes these resources (Ibid) settles control upon them and begins exploiting them for their own interest. Structural violence is when people suffer from violence built into a society via its social, political and economic systems (Hicks, 1987, pp.17-18) as there are the three major structures in global system. Structural violence can also cause death, though not in a direct way like personal violence. But structural violence possesses other tools to function and cause destruction: extreme poverty, starvation, diseases which could be avoided, discrimination against minority and ethnic groups and denial of human and citizenship rights (Navarro-Castro and Nario-Galace, 2008, p.18). In spite of not destroying body and mind directly, such circumstances can generate tension between human beings or different cultures which can escalate into armed brutal conflicts (Jeong, 2008, p.104) which fact can convert a latent or hidden conflict relationship into a manifest personal violence like war is.

Another nature of structural violence is its static character. It is not manifest and hardly visible on surface. Staying like in tranquil waters (Galtung, 1969, p.173) it is difficult to be directly perceived as an anomaly in global development. On the contrary it seems logic and normal to consider it as something natural “as the air around us” (Ibid). Therefore structural violence, unlike personal violence is a status quo that most probably shows certain stability (Ibid) as direct victimization and destruction against the doomed object or human is not noticed. But it is the organization of things and structures that causes suffering for some (Farmer and Daedalus, 1996, p.269) and thus social injustice and inequality. That is why positive peace can be defined as social justice (Galtung, 1969, p.183) and economic development, combined with good governance (Ryan, 2003, p.79) in terms of decrease of the uneven distribution of resources and power (Ibid, p.175) via special measurements between human beings or groups or nations, rankings (Ibid).

The indicators that help measure the level of absence of structural violence or the presence of positive peace are not going to refer to number of dead bodies but to institutions, economic, administrative and political development, societal status and can be divided into several groups according to the following structures: political, social and economic.

1. political stability/instability indicators: territorial-administrative structure, nationalistic parties, independent national institutions
2. disrespect for human rights against an ethnicity
3. morbidity rate
4. unemployment rate
5. level of life expectancy
6. military expenditure

Source: Global Peace Index. Vision of Humanity, 2011

In conclusion, positive peace, the absence of structural and indirect violence is the reduction and elimination of the sources and premises for future armed conflicts. It is evident that the suspension of war is not a criterion for stability and conflict resolution. That is why the aim of positive peace is the next step in peace building process. The elimination of the sources of personal violence combined with the promotion of cooperative relationship between people is the next stage of the process.

Cultural peace is a relatively new concept for a separate dimension of peace, introduced at the beginning of the 1990s by the Norwegian scholar Johan Galtung (Galtung, 1990, pp.291-305). This concept appeared in the academic field much later than the previously mentioned “negative peace” and “positive peace” that were introduced around 20 years earlier (Galtung, 1969). The meaning of the concept “cultural peace” is also the absence of its opposite – cultural violence (Galtung, 1990, pp.291-305). Despite the fact that cultural violence can adopt forms of direct (personal) and indirect (structural) violence (Ibid, p.292), it is a separate dimension of the opposite of peace.

Culture is the cultivation and preservation of cultural values such as monuments, buildings, traditions. Culture takes diverse forms across time and space (UNESCO Universal Declaration on Cultural Diversity, Article 1, February 2002) and “cultural rights are an integral part of human rights (Ibid, Article 5). Components of cultural identity are language, religion, empirical and formal science, art and ideology, which can be called also “cultural domains” (Galtung, 1990, p.291). Hence cultural violence is the justification and even legalization of violence in these features of society (Ibid). This approval can be made by considering certain violent act reflected on language, religion, art or science as non-violent.

There exist several manifestations of cultural violence. Some of them are: alienation of something or someone from its or his own culture and resocialization of the same into another culture. This is an act of violence (Ibid, p.293). Another manifestation of cultural violence can be prohibition and imposition of languages (Ibid) for example against languages of minorities. In such a case the “substratum” or the language spoken by the conquered community of the underdog, can be dominated by the “superstratum” (Cravens, 1994, pp.4396-4398), language that supplants the first one but remains also influenced, or the language talked by the topdogs, the conquerors. Cultural violence happens also when a determined minority is forced to accept the dominant culture (Galtung, 1990, p.293) together with its signs, symbols, rites and other attributes (Ibid). A third manifestation of cultural violence can happen at schools for example between children, and youngsters which can cause the generation of socio-cultural violence features such as heavily nationalistic ideologies racism, sexism and religious intolerance (Navarro-Castro and Nario-Galace, 2008, p.19).

Further, the Norwegian scholar Galtung analyses the manifestation of cultural violence in society by observing it in each domain.

The first domain is religion where the dichotomy between evil Satan and god God creates cultural differences and hence conflicts (Galtung, 1990, p.296).

In the second domain of culture, which is Ideology, the violence becomes visible with the secular transformation of the concept of god into modern state and the idea of the “Chosen one” (why not a single state, nation or ethnicity), invented by the ideology of nationalism (Galtung, 1990, p.298). The other is perceived as demonized and even deprived of humanhood (Ibid), becoming “diabolical” (Jeong, 2008, p.77). Such over-generalized enemy images (Ibid, p.74) bring to the simplification of human thought and the tendency to create an own stereotype of “black-and-white” image (Ibid, p.76) that easily distinguishes one group from another. The separation on the basis of disrespect and stereotypes is a source for direct violence.

In terms of language, another dimension of culture violence can be noticed in sexist writing (Galtung, 1990, p.299).

The indicators for culture violence are:

- Presence of ideology and ideological structures (parties)
- Violence in TV and media
- Level of preservation of cultural symbols such as monuments, street names and museums (Galtung and Webel, 2007, p.27).
- Level of religious tolerance (preservation of religious values and monuments, churches and mosques)
- Presence or absence of violence in art (in painting, museums, literature, music, etc.) and pop-culture

Despite the fact that cultural peace has recently been introduced in the field of peace research, it plays so important role in peace understanding and building as the previous concepts of negative and positive peace. The fact that cultural violence can include several features of personal and structural violence makes the concept even more complicated and necessary for measuring the level of peace. Culture of peace is an indispensable requirement for creating cooperative environment and social justice...

	<u>Negative Peace</u>	<u>Positive Peace</u>	<u>Cultural Peace</u>
<u>Peace:</u>	Absence of organized personal violence	Absence of structural structural violence	Absence of cultural violence
<u>Violence:</u>	Planned, intended	Unintended, static	Both

Operationalization

A) Negative peace

1. level or organized murder
2. deaths from conflict (internal)
3. level of violent crime
4. number of displaced people
5. number of jailed population
6. security officers and police

7. number of homicides
8. perceived criminality in society
9. number of armed services personnel

B) Positive peace

1. political stability/instability indicators: territorial-administrative structure, nationalistic parties, independent national institutions
2. disrespect for human rights against an ethnicity
3. morbidity rate
4. unemployment rate
5. level of life expectancy
6. military expenditure

C) Cultural peace

1. Presence of ideology and ideological parties
2. Violence in TV and media
3. Level of preservation of cultural symbols such as monuments, street names and museums
4. Level of religious tolerance (preservation of religious values and monuments, churches and mosques)
5. Presence or absence of violence in art (in painting, museums, literature, music, etc.) and pop-culture

4.2 Understanding Peace-Building and promoting peace – to Research Question 2

The eternal question of “What to do to make our world a better place to live in” has undoubtedly a great number of answers, approaches, explanations the search for which is an exhaustive activity. But what could facilitate this seek is the focus on principles and rules for successful accomplishment of the peace building process. That is why the second part of the theoretic framework chapter should give the general theoretic foundations for the analytical development of the second research question. It will relate to the understanding of peace building process.

In order to assess the achieved level of peace in a specific area it is imperative to shed light on the understanding of a couple of important principles and theoretic statements with regards to peace building process. The general explanation of the essence of peace building should help avoid mistakes in conflict resolution that could bring merely a temporary solution or aggravate the situation.

The first principle is the understanding of the concept “conflict” which has two aspects. We should make difference between violent conflict and conflict-dispute (Burton, 1990; Alger, 1996). Both are originated by issues, contradictions, colliding interests, but not both phenomena can have a violent nature and a reaction made by one of the parties wishing to harm the other in order to satisfy its own interests. Disputes are a normal phenomenon in international relations and should not be avoided unless they turn to armed conflict. Disputes are normal situations where two parties try to reach an agreement upon a common problem by means of negotiations which is something acceptable and indispensable in relationship between states. By contrast, the problem is how one of the parties or all of them react, what kind of behavior does each one, because behaviors often go “beyond the normal disagreements and confrontations that characterize much of the usual social, economic and competitive life of societies.” (Burton, 1990, p.2). Cultural diversity, language, religions difference do not originate conflict themselves. Neither do it disparities in mentality, point of view and even political structures. Common intentions and goals themselves do not originate negative sentiments among people. What

matters is how politicians and individuals in leadership positions react to disputable situations of controversy, to the fact that the other also wants to achieve the same goal.

The coincidence of goals between actors and the individual reaction of the conflict parties bring to reflections upon the second principle of peace building according to which conflict resolution is just a part, a step of the peace building process and not a whole achievement of the process of full stabilization (Burton, 1990; Galtung, 1996; Jeong, 2008). The American academic Jeong gives a three-section analytical explanation of the process of tackling with conflicts: conflict settlement, conflict management and conflict resolution (Jeong, 2008, p.11). Conflict settlement is the first phase of dealing with violent conflicts. It is the phase when reconciliation between the involved parties should take place and they should be persuaded that war brings no profit for the loser, neither for the winner. Conflict management constitutes a set or group of relevant techniques: negotiations, mediation, etc, Conflict resolution is the result of the previous two processes with regards to a creation of a new status quo and cease of the violent activities after de-escalation and termination. But the new status still preserves the causes and factors for future repetition of violence. This statement brings to the trueness of the concept of “human security” (Nye, Jr. and Welch, 2009, p.9) which is still a missing feature of peace building process achievement after a resolution and a statement of a concrete violent conflict. In other words after a ceasefire agreement, there still remain factors and causes for human insecurity and unpredictability. The end of a war and the ceasefire agreement do not bring themselves a solution and stability and complete peace because they do not guarantee social justice (Navarro-Castro and Nario-Galace 2008, p.14) and good relationship between the parties previously involved in the violent activities. “The establishment of a new relationship would not naturally follow an official agreement reached at formal negotiation settings without healing past grievances.” (Jeong, 2008, p.32). The ceasefire agreement does not eliminate the structural and psychological conflict causes (Jeong, 2008) due to the fact they still remain rooted in the “deep-rooted” features in human behavior of politicians, leaders which underlines the conflict social-psychological dynamics (Burton, 1990, p.15, p.25; Jeong, 2008, pp.9-10) and hence the potential for future conflicts and a repetition of violent scenarios is still an outstanding problem. This keystone is directly connected to the analyzed concepts of “negative”, “positive peace” and as well “prevention” (Burton, 1990, pp.230-238), that constitute separate stages and different group of actions in peace building. The idea of the remaining structural triggers resides in the presence of people or groups of people, groups of nations, whose behavior can provoke future violence.

The remaining causes for violent conflicts explain the existence of another keystone in peace building interpretation, that it is better to eliminate the sources of a disease than the disease itself or prevention of future violent conflicts. The Norwegian scholar Johan Galtung explains the meaning of “prevention of a conflict” by the methods of medicine and health science (Galtung, 1996, pp.1-2). In other words it is better not to allow the illness penetrate your body or structure (of cells, states), than to struggle against it after it already invaded it. To prevent is to struggle against the sources of the disease (circumstances and causes for negative relationship between humans, people, nations, groups). In that sense the dichotomies health/disease and peace/violence coincide semantically. The only difference between them is the knowledge field where the terms are applied. In order to eliminate the causes of the illness/violence the level of disease/health should be estimated and analyzed through the triangle diagnosis-prognosis-therapy. Diagnosis means to examine and analyze the situation, to check the level of stability, prognosis means to describe the social political situation and measure the level of stability in the above mentioned indicators (symptoms) for negative/positive peace (disease/health). Thus the prevention of violent conflict should focus on all kinds of symptoms for disease, not solely on the disease itself. These symptoms are: “causes, conditions and contexts in various spaces: Nature, Human, Social, World, Time, Culture.” (Galtung, 1996, p.1). These are the 6 dimensions

of the real social environment where peace should not only be built once, but maintained and promoted as well by hindering the penetrations of symptoms from these 6 dimensions.

But in order to implement the formation and promotion of complete peace, a concentration on the symptoms for future violence should be included. That means prevention of the structural-psychological circumstances, human rooted conflict triggers that exist in relations between cultures, societies, ethnicities even after warfare is over (Jeong, 2008, pp.44-46, p.65; Wennerstrand and Söderlund, 2007, p.3). These psychological-structural triggers: mistrust, hatred, traumatic memory (Galtung, 1990, p.293), alienation, are the features in human behavior that remain after the ceasefire agreement and thus they require a special treatment. Provided that they affect the stability of a local social environmental system, they also can be denominated “psychological illnesses” (Navarro-Castro and Nario-Galace, 2008, p.133) which is an individual phenomenon that occurs in the personalities of state leaders who are unable to find inner peace in their behavior. Consequently they embitter and tend to impose their own points of view and nationalistic platforms due to the weakness of their states durably and long time controlled by strong empires. Such is the case of many East European political leaders who ruled through history over states, populated by utterly diverse ethnicities and cultures (Johnson, 2001, pp.166-196). Hence peace building should put emphasis on the healing of the psychological and structural features of humans which can provoke nationalism ethnonationalism and even “a hidden ethnocentrism” (Holsti, 1991, p.189), instigated by state leaders.

But unfortunately history has shown that inevitable violent conflicts can break out as a consequence of decision making, performed by politicians or sovereign states, situated in the anarchical space of international relations. Those politicians prefer not to cooperate between themselves and therefore do not choose the method of the prisoner’s dilemma (Nye, Jr. and Welch, 2009, pp.20-21) even since ancient times conflicts such as the Peloponnesian Wars. In such a case a conflict resolution should be implemented by transforming an existing violent conflict into peaceful relations. Such transformation of the relationship between the parties before an escalation of violence takes place (Jeong, 2008, pp.133-150) is called “structural transformation” (Jeong, 2008, p.32) in order to provide completeness to the term conflict resolution so that it includes the focus and struggle against the above mentioned structural and psychological circumstances for future violence. In order to persuade the parties that further violence is not going to bring profit to any of them, the social adversary system should be amended into peaceful cooperation and positive psychological relationship between people. But the issues, the parties use to struggle and war upon should adopt an integrative character which means that all the conflict parties should receive a satisfactory combination of gains available to all involved. If the issues cannot be successfully negotiated by the actors involved then a “transition from a system of traditional institutional power, maintained by elite-dominated norms and interests, to a system of human needs” (Jeong, 2008, p.42) should be implemented. That means to persuade the respective society of the conflict state that institutional power, in terms of ambitious nationalistic ruling decision makers and leaders, cannot bring to a satisfaction of the human needs for each part of the society. That is why political, economic, social amendments that focus on the satisfaction of human needs in the relationship between groups of people (different ethnicities) should be implemented in order to perform a successful peace building after the violent conflict is stopped.

But sometimes the local social-political resources of the conflict state seem unable to prevent the violence at a specific point of time. That is why an intervention of a third party is required for a successful conflict termination to stop the direct violence and achieve the very first stage of peace building, negative peace. Here is the next principle concerning intervention in peace building process: it should be focused on improving the communication between the parties involved, not on force and coercion. The emphasis should be placed on negotiations and changing all the

conflict parties perceptions so “they learn to trust each other” (Ibid) and hence they understand and be assured that no further utilization of force will be necessary in the achieving their goals. The traditional intervention approaches by the means of coercion, economic, military and political sanctions against one of the parties, usually the aggressive one proved to be unsuccessful in most of the attempts. It is sufficient to refer to the Treaty of Versailles (1919) between the state-victors of the I World War which rather brought instability and a lust for revenge in the losing party which flamed up the outbreak of Nazism and the II World War (online Holocaust Encyclopaedia, Unites States Holocaust Memorial Museum). The reason for this instability was that the focus of the international community was placed rather on sanctions and punishment against the guilty and aggressive instead of on cooperation between the winning and the losing party in order to remove the triggers and prevent future outbreak of destroying violence. Such approach does not improve the relationship between the parties and does not make possible the appearance of trust and the building of a stable “perpetual peace” (Kant, 1991, p.93, p.108).

Another principle that can increase the grade of success of peace building missions is the fact that all the parties should be assisted and supported. Hence the third intervening party must not take the side of any adversary, defining one of the parties as “evil” and the other “good” (Galtung and Tschudi, 2000, p.242) and the support in terms of food and other sustainable provisions, as well as negotiations should equally refer all the parties in the conflict. Peace builders must not become a part of the conflict they tend to settle, because if it happens and provides more provisions for one of the parties than for the other, it is perceived as taking one of the sides in the conflict.

Conflict workers should also set the emphasis on the local problems when intervening. Interference should not be based on the private political economic interests of a great power actor. History has shown that private security and coercion mostly bring peace building work to failure as the peace status quo achieved with insufficient and superficial consideration of the local societal problems provokes rather “enforced peace” (Ibid, pp.242-243) of peace status quo that satisfies the interests of the great powers that intervened and organized the social political situation in the conflict locality according to their satisfaction. Such kind of peace remains long time non-properly understood by the local population. Decision to intervene without indeed helping improve the relationships between local people resembles a diktat of a great power that is involved in the local conflict environment without having an appropriate understanding and knowledge about the specific cultural and societal landscape of the country. Such approach usually creates an unstable status quo, because despite the positive efforts of stopping the war, “foundations for a Cold War peace” (Ibid) are laid on the ground. But such a vulnerable peace is doomed to fail and flame up hatred, abomination and distrust in intergroup relations.

That is why the utilization of military force should be the last resort of the third party when intervening in violent conflicts. After all the peaceful means have been exhaustively attempted and applied and resulted unsuccessful (Hampson, Crocker and Aall, 2007, p.37) the international community can resort to the use of military force. But when the third parties do it due to miscalculations of all the strategies and available peaceful approaches of intervention have been missed, then peace building missions are doomed to failure. All the available peaceful manners such as negotiations and economic restrictions must be attempted and implemented and military missions and intervention must be the last resource, because even today in the times of globalization, sovereignty of states is still an important factor. Throughout the development of the international relations it was assumed that given that the respective countries institutions were unable to protect the basic rights and freedoms of their own people, citizens, an immediate military intervention was justified and considered necessary to support the victims in the name of national security. In such a sense this kind of violence against one of the conflict parties may seem admissible on first sight and in the short run. But in the long turn such an approach could not bring more than temporary status quo and end of a war because the hatred and antagonism

between the conflict parties still remains and new black holes are open concerning the human security with the structural and psychological dimensions of indirect violence: distrust, hatred, ethnic separation, fear, traumatic past, etc.

As a conclusion to chapter 4 of the present thesis, fundamental rules of peace building and conflict resolution were indicated herein. Some of them were not followed in peace building work concerning “intrastate conflicts” after the downfall of Communist (Holsti, 1991, p.xi). Most of the conflict management and peace building undertakings, which took place after the end of the Cold War, failed because some of these prescriptions were ignored by great powers, that intended rather to fulfill their own ambitions and interests than really help suffering victims and resolve local problem. The second part of the analytical chapter 6 should demonstrate to what extent these principles of conflict management and peace building were respected and considered (if they really were) with regards to the most severe violent conflict after the II World War and the most reported war in history – the war in Bosnia and Herzegovina (Hoare, 2008, p.3).

Chapter 5. Method

5.1 Design and Structure of the Entire Study

The entire study constitutes an empirical single-case study which is going to be analyzed by applying a concrete theoretic conception. The case is the post-war Bosnia and Herzegovina and the specific theoretic framework is negative, positive and cultural peace assessment, taken from the academic field of Peace and Conflict Studies. The inventor of these two concepts is the Norwegian scholar Johan Galtung, a relatively new field of study within social sciences.

An empirical single case study is an intensive analysis of an individual unit which can be a person, a group, a phenomenon or an event (Flyvbjerg, 2011, pp.301-316). This method can be designed as an interpretative case study which is considered to be one of the so called “atheoretical case studies” (Lijphart, 1971, p.691) and which means that the focus is not placed on a theory investigation but rather on a concrete object of investigation. The interest is concentrated limitedly on a single country itself (Ibid, p.692), but the advantage of this method is that it not only allows choosing among several theories, but as well it has a substantial utility in data gathering operations. As it merely focus on one case it can gather a lot of data which can serve when building a new theory (LaPalombara, 1968, p.61) and as well it can make important contributions when summarizing and creating general valid statements through the detailed data collection about only one country in the field of political science (Lijphart, 1971, p.691). Case study method provides a systematic way of looking at events by collecting data, analyzing information and reporting the results which help the researcher gain a sharper understanding of the investigated object (Flyvbjerg, 2011, p.301-316).

Further, the single case interpretative design of the present study should combine features of the qualitative and quantitative method hence since a general abstract qualitative concept (peace) is going to be measured and digital data will be used from a variety of charts and statistical data. Peace is an abstract concept which should be operationalized, or in other words reflected in set of concrete indicators, social factors. These special factors should indicate how the qualitative notion is reflected in the current social political reality in the single country study. But this should be done through (qualitative) digital data such as number of deaths due to violent conflicts, violent crime, number of militaries, etc, extracted from different sources. Quantitative methods to draw conclusions help measure something or deduct based on digital data while qualitative method is where single phenomena or events are studies (Thuren, 2007, p.22). The quantitative data should help adapt the qualitative theory on the reality, on the ground. In the case of peace

on Bosnia and Herzegovina the indicators should be measured with digits which show the local reality and also what the role of the EU will be in peace building there.

There are a set of principles for a good single case study:

1. Focus usually on contemporary events (Lijphart, 1971, pp.691-693)
2. The phenomenon is examined in its natural development (Benbasat, 1987)
3. One or few organizations or persons are examined (Ibid)
4. The method is useful to study why and how questions as well as “to what extend”

But in order to achieve a high grade of successfulness in the present single case study we should consider and make sure the principle of sources reliability is followed as well. There are several factors that confirm the reliability of the references used. The factors for reliability can be divided into several groups (Sunda, Evaluating Source Reliability):

1. The author
 - Objectivity of the author – he or she must not take any stand and should act as an outside observer
 - What kind of author – is he an expert in the field he writes about
2. Publication
 - Date – the information should be current, updated
 - Reputation – the source should be well known
 - Kind of publication – scientific report, eye-witness account or a work of fiction
3. Consistency of information
 - Can anyone else make the same claims or statements
4. Means of obtaining the information
 - Witness or researcher – was the author a witness?

The considerations are supported by two groups of sources: Primary and Secondary. The first group includes updated official reports and documents issued by international political organizations and states, while the second group constitutes articles, taken from widely recognized academic journals, and books by famous scholars from the world and the Balkans.

5.2 Primary Sources

These are the sources that first represent the facts, the primary data. They do not constitute accounts written after the fact has already occurred, because they should represent it at the moment of happening. Primary sources in social sciences include official political documents, papers and materials such as: agreements (Dayton Agreement), state constitutions (The Constitution of Bosnia and Herzegovina), contracts, reports from international organizations (UN, OSCE, EU) and their bodies and institutions (reports from the EU Commission), decisions from international organizations (UN Security Council resolutions), tales of witnesses and victims of war crimes and finally the global peace index web page Vision of Humanity which can help measure the level of peace in Bosnia.

5.3 Secondary Sources

Secondary sources, unlike the primary, represent the facts “postfactum” or a certain amount of time since they indeed happened or took place. They can be documents or recording material that discuss information which was beforehand originally discussed. Secondary sources usually

involve generalizations, analysis, synthesis, interpretation or evaluation of the original information of the primary sources. These statements are usually materialized in academic books written and compound by notorious scholars (John Burton, Johan Galtung, Ho-Won Jeong, Kalevi Holsti, Peter Wallensteen, Jan Oberg, etc), journals, published online or on paper such as the famous International Journal for Peace Studies; recompilation of essays and reports such as the Occasional papers, issued by the EU Institute for Security Studies whose head office is located at Paris; other online resources such as the official web pages of: the International Peace Institute, the Peace Development Environment Network TRANSCEND International, International Peace and Security Institute as well as official web pages of distinctive academics and scholars, professors at famous universities worldwide. We could include as well articles on the specific geographic and political area of interest, the Balkans and Bosnia and Herzegovina written by experts, originally from the region or from outside the locality such as: Filippo Andreatta, Sabrina Ramet, Alastair Finlan, Phillips Phillips; social surveys by experts such as the Swedes Peter Håkansson and Fredrik Sjöholm. There are interesting and detailed encyclopedias on ethnic conflicts and East and Central Europe such as: Encyclopedia of Modern Ethnic Conflicts edited by Joseph R. Rudolph Jr. and Encyclopedia of Nationalism by Alexander J. Motyl.

Both types of sources should help the author assess and prove that merely negative peace was achieved in Bosnia and Herzegovina and that there still remain challenges for peace building in the region.

Chapter 6. Analysis

6.1 Answer to Research Question 1 – Level of Peace in Bosnia and Herzegovina

The level of negative peace depends on the present status of the several indicators in Bosnia and Herzegovina: level of organized crime; deaths from conflict (internal); deaths from conflict (external); level of violent crime; perceived criminality in society; number of homicides; number of displaced people; number of jailed population; number of armed services personnel; security officers and police; military capability; potential for terrorist acts; number of heavy weapons; access to weapons and violent demonstrations. (Vision of Humanity, Global Peace Indicators, 2011).

Negative peace measure

1. Level of organized conflict

That indicator alludes to the presence of an organized hyper violent activity such as genocide and cleansing usually occur in case of war and a presence of a political decision to organize direct violence campaigns. There is currently no mass killing currently in Bosnia as during the war, because the final peace agreement stopped the personal violence, caused by the military confrontations between Serbs, Croats and Bosnian Muslims around 17 years ago. The control of the ceasefire status quo of the International Community and the European Union Institutions such as the High Representative (Annex 10) is guaranteed in the text of the agreement, which should oversee “the implementation of civilian aspects of the Peace Agreement ending the war” (OHR official page, update 2012). After the negotiations with the involvement of the state heads of the republic of Yugoslavia, Croatia and Bosnia and Herzegovina on 21 November 1995 in the American city of Dayton an international agreement was endorsed. With this contract the war activities in Bosnia and Herzegovina and Croatia were suspended. The official signing of the agreement was implemented on 14 of December in the same year in Paris. Besides the presidents

of the mentioned three countries, the document was also signed by the presidents of the USA and France, the prime ministers of the Great Britain and Russia, the chancellor of Germany as well as the EU representative in the negotiations, in the capacity of observers (Dayton Agreement, General Framework, Article XI, 1995) in order not to admit a repetition of the war or any entirely destructive military activity. So there is no presence of an organized killing subject. According to the Global Peace Index page Vision of Humanity, Bosnia is ranked with a grade 2/5 (low) (Global Peace Index page and Economist Intelligence Unit).

2. Deaths from internal conflict

This indicator is similar to number of war casualties from internal conflicts. There exist two fundamental types of methodological measures of numbers of war casualties: through empirical counting of victims (records of exhumations, missing persons, military and morgue records) and “post-conflict retrospective epidemiological surveys” (Zwierzchowski and Tabeau, 2010). Another important consideration when calculating number of deaths is the fact that there are two kinds of casualties: “two-sided or combat casualties, called “battle deaths” (Lacina and Gleditsch, 2005) and “one-sided death”, called “non-battle deaths” (Ibid; Zwierzchowski and Tabeau, 2010, p.2). “Battle deaths” embarks the death of both civilians and soldiers in combat, while “one-sided” signifies death, caused when the victim did not resist and hence we talk about mass-violence victims (Lacina and Gleditsch, 2005). The number of the Bosnian Muslims deaths was much higher than the other two ethnicities: Bosniaks 31,270 soldiers and 33,071 civilians (Research Documentation Centre Sarajevo) because Serbs lost: 20,649 soldiers and only 4,075 civilians, which is approximately 10 times lower than the number of perished Bosnian civilians. The Croats lost approximately 4 times less soldiers than Serbs, namely 5,439 and 2,163 civilians (Ibid).

Casualties according to the Research Documentation Centre Sarajevo (Fig.1)

<u>Bosniaks</u>	<u>Croats</u>	<u>Serbs</u>
31,270 soldiers	5,439 soldiers	20,649 soldiers
33,071 civilians	2,163 civilians	4,075 civilians
Total: 64341	Total: 7402	Total: 24724

Casualties according to the Demographic Unit of ICTY (Fig. 2)

Total 104,732	Bosniaks	c. 68,101
	Serbs	c. 22,779
	Croats	c. 8,858
	Others	c. 4,995
Total civilians 36,700	Bosniaks	25,609
	Serbs	7,480
	Croats	1,675
Total soldiers 68,031	Bosniaks	42,492
	Serbs	15,298
	Croats	7,182

According to the two charts the Bosniaks gave over 3 times more civilian victims than the Serbs. Approximately the same correlation can be noticed concerning soldiers. Those who gave the lowest rate of casualties were the Croats. But the current grade for Bosnia is 1/5 (very low) (Peace Index Page, Vision of Humanity and International Institute for Strategic Studies, Armed Conflict Database). That means that nearly 20 years after Dayton the death casualties in Bosnia have drastically decreased.

3. Level of violent crime (Homicide, suicide, rape, burglary)

The above mentioned second group of casualties was called “Non-Battle Deaths”. It includes civilian victims’ mass destruction and killings such as ethnic cleansing and genocide, but as well as death, caused by violent crimes like “criminal and unorganized violence increases” (Lacina and Gleditsch, 2005) that even in non-warfare. These are also called “non-conflict deaths” as they occur during non-war period (Small Arms Survey, 2012) and they embark: gun-violent activities such as: homicides, suicides, rape and sexual violence (Ibid). Every component is measured per 100,000 population (Harrendorf, Heiskanen and Malby, 2010) According to data since 2006 the homicide rate per 100,000 population in Bosnia is nearly 2.5 (Ibid, 2010, p.15) which is relatively low comparing to other East and Central European states. Despite the fact that Bosnia still did not reach the low homicide rates of Western and Northern Europe which is under 2.5, it shows a relative stability. The assault rate of Bosnia and Herzegovina is 39.6, which is lower than the other East and Central European countries (Ibid, p.37, Annex B, table 1). The rape rate per 100,000 population of Bosnia and Herzegovina is as well relatively low – 1.1 (over the lowest quartile), which is lower than other countries from the region: Albania 1.5; Croatia 4.2 Robbery rate is also relatively low in Bosnia 20.4, comparing to other Balkan countries: Croatia 32.6, Serbia 37.5 and even Greece 23.4 (Ibid, p.42). Burglary is also a feature of direct violence,

because invasion into your property is also a direct harm. The burglary rate of Bosnia and Herzegovina is 106.3, higher than in Romania for example. But the suicide rate per 100,000 is relatively high in the country: males 20.3 and females 3.3. See comparison with other European countries below (WHO official page, updated 2011). The level is 2/5 which means low (Peace Index Page, Vision of Humanity and Economist Intelligence Unit). That means that violent crime is still not low enough and can still be decreased.

4. Number of displaced people

After the Dayton Agreement came into force, only about 250,000 refugees and internally displaced persons returned to the country (International Crisis Group, Europe report, 1997). Around 400,000 out of 1.2 million Bosnian refugees have decided to remain in their host countries at the beginning of 1996 (Ibid), where they obtained a permanent citizenship status. The greatest number of refugees is distributed in foreign countries such as: Germany (315,000), Serbia (253,000) and Croatia (160,000) (Ibid). A considerable deal of Bosnian people (750,000) are displaced within Bosnia and Herzegovina of whom nearly 450,000 are in the Federation and 300,000 in Republika Srpska (Ibid). At the end of 1997 the rate of the return of refugees and forcibly displaced people in the country for 2011 and 2012 is still slow (Human Rights Watch Report, 2011) despite the fact that the war crime trials operate in a proper way. During the first six months of 2010 only 177 internally displaced persons and 181 refugees returned (Ibid). There are more than 113,465 registered IDPs: 48,659 from the Federation and 64,560 from Republika Srpska (Ibid). The reasons for this slowness are rather structural such as: lack of economic perspective, inadequate housing, distrust and “illegal discrimination” (Ibid), which still proves that hatred and fear of murder and personal violence exist among refugees. That is why the increase of refugees and forcibly displaces people is slow. That requires the formation of higher grade of trust in public institutions which is currently missing (Håkansson, Sjöholm, 2007, pp.961-971). Therefore the mandate of the Commission for Property Claims of Displaced Persons and Refugees has been extended (EU Commission Report, 2009). So some limited progress has been made as regards refugees and internally displaced persons as 125,000 remain who wish to return to their original place of residence (Ibid, p.21). Some limited progress has been made as regards refugees and internally displaced persons lacks transparency and accountability. “Returnees still face discrimination in employment, access to health care, education, pensions and social rights – especially when returning to areas where they are in a minority position. This remains the biggest obstacle to a sustainable return” (Ibid). The current level is: 2.5/5 which means “average”, not low, not high (Peace Index Page, Vision of Humanity). That means that there are still not few Bosnian people who still did not return to Bosnia and the return of refugees continues to develop very slowly, “to dwindle with little or no progress (Human Rights Report, 2012).

5. Number of prosecuted and jailed persons

This indicator is also being measured per 100,000 people. It is currently 75 per 100,000 which rate is low in comparison to many countries and places Bosnia and Herzegovina on 167 position among 219 world countries (International Centre for Prison Studies, 2010) The number of prosecuted war crime cases involving sexual violence remains low. More efforts are needed to investigate and prosecute such cases and to provide witnesses with sufficient protection and psychological support (Ibid). This indicator is graded as: very low 1/5 (Peace Index Page, Vision of Humanity and Statistical Yearbook and Internal Displacement Monitoring Center, 2011) This is not a very good news because it indicated that the judicial system and the International Criminal Tribunal for Former Yugoslavia still functions slowly when dealing with the war crimes.

6. Number of security officers and police

Or number of internal security officers and civil police force which is different from national guards and local militia. This indicator is also measured per 100,000 people. The number of the total police personnel is 8,447 for 2005 and 10,589 for 2006 (10th UN Survey). The level for Bosnia here is 2/5 low (Global Peace Index page and 10th UN Survey of Crime Trends and Operations of Criminal Justice Systems, 2005–2006). That means that the security personnel is still to a big extend under international control and the national policemen are not so many. Unfortunately the country is still not ready to replace the international and EU military personnel with own to guarantee security.

7. Number of homicides

According to the tenth UN world homicide report on international homicide is defined as “an unlawful death purposefully inflicted on a person by another person” (UN Office on Drug and Crime, 2010) it is estimated that this Bosnia counts 66 out of 100,000 population who commits homicide. That is rated: 1.7 which. That means that Bosnian population has less murders than other surrounding countries as Albania (93/a higher homicide rate 2.9) and even Greece (118 counts), but more than Croatia (49, rate 1.1). Relatively it is stable situation. The global peace index page rates Bosnia with 1/5, very low homicide level.

8. Perceived criminality in Society

The level of perceived level of criminality in Bosnia is higher than average (3/5) (Global peace Index Page, Vision of Humanity). That means that there is still criminality in the local society, which occurs due to the unstable political structure and ethnic separation which still exists and creates mistrust between the people from the different municipalities (Håkansson, Sjöholm, 2007).

9. Number of armed services personnel

Active armed services personnel comprises all servicemen and women on full duty in the army, navy, air force and joint forces, including conscripts and long term assignments from the Reserves (International Institute for Strategic Studies, the Military Balance). It is a % of total labor force. The exact percentage for this indicator in Bosnia was measured by the World Bank in 2009 when it was 0.54 which is higher in comparison to the previous 2008 year (0.46). Currently Bosnia and Herzegovina possesses 11,000 active militaries, which represents 2.4 per 1,000 capita. Bosnian people are graded to have a low engagement in military employment and assignment, 1/5 (Global peace Index, Vision of Humanity). The above shows that the % of armed forces personnel is slowly increasing in Bosnia.

So Bosnia has: a relatively low level of organized violent conflict, very low grade for deaths from current internal conflicts, a relatively low level of violent crime, a not low number of displaced and not returned people, very low number of jailed people, relatively low number of security officers and police, very low level of homicides, relatively high level of perceived criminality in society and a low number of armed services personal. Bosnia should put efforts to decrease the level of perceived criminality, increase the number of returning refugees and increase the participation of local police forces in internal security. So there is a relatively stable level of negative peace achieved in Bosnia.

Positive peace measure

The level of positive peace in Bosnia depends on the following factors: political stability/instability (peace indicators: territorial-administrative structure, nationalistic parties, independent national institutions), dis/respect for human rights against an ethnicity, morbidity rate, unemployment rate, level of life expectancy, evidence of trauma, level of trust, military expenditure, weapons export.

1. Political stability indicators (absence of nationalistic and ideological parties, centralized political institutions and territorial administrative organization)

The term “political stability” cannot be used as a peace indicator as it sounds abstract. However it covers 3 indicators in 1: territorial administrative organization, absence of nationalistic parties and level of centralization.

With the Dayton Agreement the territorial integrity of Bosnia and Herzegovina was acknowledged as an autonomous country and the separatism between the three ethnic groups was transformed into “peaceful relations within a pluralist society” (Constitution of Bosnia and Herzegovina, Preamble) A high grade of autonomy was conceded to the three ethnic groups with the division of the country into two entities (Ibid, Article 1, p.3). But with the high grade of autonomy and the refusal of the option for the Bosnian Serbs to remain in Serbia could cause separatist trends, provoked by the high level of individualization and self-government in the boundaries of Bosnia. This converted Republika Srpska into a second Serbian State which at any time might intend to unite with Serbia and hence trigger out violence again. According to the map below Republika Srpska is cut into two parts by the Federation and the small autonomous region Brcko (Dayton Accords, Annex 2, Article V)



Source: Wikipedia

This strange and unique form of territorial organization can be consistent with the ethnic distribution, but on the other hand the high grade of rigid borders between both entities can cause separation rather than cooperation.

Despite that the lack of centralization and the still intensive control of the High Representative (Official page of the High Representative) which interacts on the sovereignty and independency of the national institutions, still proves the weakness and inefficiency of the state. The EU representative can still elect or dismiss national politicians as for example the removal of the Bosnian Minister of Education Mr. Nikola Lovrinovic (OHR, Notice of Decision: 2005) That means that the international influence on the national institutions of Bosnia is still very strong

and the country cannot still cannot undertake its sustainable development on its own which is a reason for instability.

The third suggested indicator for political stability is the absence of presence of nationalistic parties. The last election for the House of Representatives of Bosnia and Herzegovina took place on 3 October 2010 and showed that the first positions were taken not by nationalistic parties, but democratic: Social Democratic Party of B & H, Alliance of Independent Social Democrats, Party of Democratic Action which are not ethnicity based (OSCE International Election Observation Mission, 2010) which is positive news.

As a whole, the indicator Political Instability (Peace Index page) indicates whether the political institutions are insufficiently stable to support the needs of its citizens, businesses and overseas investors. The grade which Bosnia receives is 2.75/5 (high level) which means that there is indeed political instability in Bosnia and the progress is very slow (EU Commission Report, 2009, p.15).

2. Level of disrespect for human rights

According to a last report from January 2012 the crisis concerning the observance of Human Rights continues despite the fact that this crisis does not refer to the relationship between the three ethnicities. But this time the absolute minorities of Roma and Jews (Human Rights Watch, 2012) are affected which as a matter of fact is a major concern as well for other Balkan states: Bulgaria and Rumania for example. The Roma Community faces a big deal of challenges such as ethnic, religious discrimination and political segregation. The last seems obvious in the tripartite presidency and the House of People (Constitution of Bosnia and Herzegovina, Article 5 1995) which excludes the minority groups from taking part in political life. Another problem is the education as the rates between Roma and Bosnian pupils are despair. As in Bulgaria, the rate of Roma children going to school is low (Ibid) which affects the Roma unemployment rate which reaches 99% (Ibid). According to the Office of the United Nations High Commissioner for Refugees (UNHCR) there are more than 10 per cent of Roma who do not gain any access to public and health services, only because they are not registered (OHR page and Human Rights Watch Report, 2012). The Report suggests pitfalls in other two problems in human rights field: the slow progress of internally displaced people and refugees and the war crimes accountability (Ibid, p.2) and particularly the trial of the Bosnian Serb army commander Ratko Mladic.

The overall rating for this indicator on the Global Peace Index Page is 2/5 which shows that despite the above mentioned gaps, there is a low level of disrespect for human rights. The progress concerning the integration of minorities as Roma and Jews, the Tribunal Persecution might be slow, but it is visible.

3. Morbidity rate

Morbidity rate (from Latin "morbidus" – unhealthy, sick) is associated to deaths caused by diseases and other health issues. This index is usually measurable in deaths per 1,000 individuals per year. This kind of death is not caused by direct violence, because nobody violets or destroys. A murderer could merely create conditions for the victim to get diseased, which is a structural or indirect violence. Diseases can also influence on somatic (body diseases) and psychic (mental diseases and disorders) aspects of humans, but it is the disease, not the killer. Morbidity is also measured per 100,000 persons. There exist several types of morbidity in Bosnia: chronic non-infectious, infectious diseases, HIV infections, tuberculosis, brucellosis (Ivankovic, 2010, pp.325-333). There are, however, as well several environmental risk factors, that augment the morbidity rates in Bosnia in relation to all the above mentioned diseases. The first risk factor is water supply (maximum 60% of all the citizens drink water from the central supply system) (Ibid, p.330), which alludes to the uneven distribution of resources as a major condition for the existence of structural violence. Other risk factors are the availability of remaining unexploded bombs and

landmines from the war, biological and chemical contaminations of water and soil and inadequate and deficient health control of domestic and imported provisions. The following conclusions about the growth of morbidity rate in Bosnia can be made: as a reflection of the poor social and economic country's conditions such as unemployment; negative demographic changes such as decrease in birth rate (Ibid, p.331), etc. The conclusion is that morbidity rate in Bosnia is high.

4. Unemployment rate

This indicator has logical relation to the level of violent crime in measuring negative peace. It is also very high in Bosnia and Herzegovina. The more the level of unemployment rises, the more crime grows as well. The unemployment rate was 44.2% two years ago and since 2010 it has decreased slightly with 0.1% – till 43.1% (Index Mundi, Bosnia and Herzegovina, last update 2010). It is high.

5. Level of life expectancy

The same source confirms that the life expectancy at birth in Bosnia and Herzegovina is estimated to be 78.81 years as an average digit for both sexes. The difference, though, between males and females is considerable – 75.25 and 82.63 years respectively (Ibid). This indicator is relatively high and thus it is news for stability.

6. Military expenditure as a percentage of GDP

This indicator has been measured by the World Bank in 2011 when it was 1.37%, relatively low due to the transition character of the Bosnian economy which historically has depended on agriculture a. Military expenditures constitute “all current and capital expenditures on the armed forces, including peace keeping forces defense ministries and other government agencies engaged in defense projects; paramilitary forces, if these are judged to be trained and equipped for military operations; and military space activities.” Such expenditures include military and civil personnel, including retirement pensions of military personnel and social services for personnel; operation and maintenance; procurement; military research and development; and military aid (in the military expenditures of the donor country (NATO webpage). According to the Global Peace Index page, Bosnia receives the rate: 1/5 which means that a small share of Bosnian Gross Domestic Product is spent on military equipment.

Herein, 6 factors for level of positive peace, absence of indirect violence were presented. Here the conclusion is more sceptic than about the level of negative peace. Bosnia currently has: political instability, gaps in meeting the requirements of human rights respect, a high morbidity rate and a high unemployment rate. The only indicator that reached a positive development is the relatively high level of life expectancy. That leads to the conclusion that Positive Peace still has not been achieved in Bosnia and there is a still long path to go.

Cultural peace measure

The level of cultural peace means measuring the peacefulness of features such as media, language, religion, art and ideology in Bosnia and Herzegovina, even sport and music as well

Violence can be reflected on the above things as well.

1. Presence of ideology

The war (1992–1995) contained the ideology about Greater Serbia (Bastedo, 2009, p.2) which still remains in the consciousness of some people. So the ideology of Greater Serbia is not easily forgotten and still exists to some extent. Therefore this cultural factor can be related to the glorious and epic historic past of the Serbian folk which indispensably included the vision of a Greater Serbia which should unite all the Serb-populated territories on the Balkans (Lukic, 1996, pp.49-70). The strong attachment to this past combined with the intensive nationalism and burning passionate attachment to the military-political apparatus of the neighboring countries. If we take a deeper look we could make a comparison between the Serb-populated municipalities in Bosnia such as Banja Luka, Visegrad, and the German-populated areas in Czechoslovakia, the Sudet region. The Milosevic nationalism and more concretely his desire to unite all the Serbian territories to build Greater Serbia (Lukic, 1996, pp.49-70) were similar to Hitler's aspirations to unite all the German people in and out of Germany into a great Nazism state of brotherhood. The memory of the past Great Serbia (Velika Srbija) which existed in south-eastern Europe prior to Ottoman invasion in XIV century fueled up the nationalistic desires of the leader Milosevic during the later war. The epic-mythical and medieval past of the state mixed with the conviction and desire for revenge against the demonized other Bosniak Muslim, considered to be of the same kind as the Ottoman who imposed the slavery and humiliation, can still be an effective motor for instigation of hostility on the basis of ideology and virulent ethnocentrism (Sandole, 2002, pp.4-27). This would be cultural violence as well, possible to be culturally legitimized as patriotism (Galtung, 2007, p.20)

2. Violence in TV and Media

Media and TV can be very dangerous because distributing violent and ideological, full of hatred messages in newspapers and TV programs among the people happens with extreme speed. Everybody has access to TV programs, to TV and news online on Internet if we take into consideration the fulminant and dynamic technological development. An updated Human Rights Watch report from January 2012 mentions that Omer Hasanovic and Emir Hrnčić, journalists from the Federation Radio Television, were attacked by 10 men who confiscated their equipment (Human Rights Report, 2012). According to the report no substantial progress in investigating threats was made (Ibid). This year in the winter another journalist, named Bakir Hadziomerovic has also been assaulted. Such events show that there are still violation against the media, TV journalist, whom we can associate to the freedom of speech and expression. Intimidation of journalists and pressure on the media are features of a cultural violence and as well personal violence which unfortunately still exist in Bosnia and Herzegovina (Ibid, p.4). The judgment of the Swedish peace studies professor Jan Oberg seems realistic and sceptic: "Nonviolent action has proven quite effective over recent years. But it is still not recognized by mainstream media." (Oberg, 2007)

3. Preservation of cultural and religious symbols

Cultural and religious symbols are museums, churches, mosques, even street names (Galtung, 2007, p.27). The last can be named after a Muslim or Orthodox Serb as both street names exist in Sarajevo, Tuzla and other measure multicultural Bosnian cities.

A frequent cultural violence is the destruction of many Mosques, undertaken during the war like Ferhat Pasha in the centre of Banja Luka, built by the Ottomans in 16th century (Celic and Society of Conservators of Bosnia and Herzegovina, 1968, p.6). Apart from this, the Serbian authorities ordered the demolition of 15 mosques in Banja Luka. In 2001 a reconstruction and restoration of destroyed churches and mosques was started by Muslims and Bosnian Serbs. This

is the beginning of the transformation of this feature of cultural violence to cultural cooperation and peace. As well as the participation in common international cultural heritage project such as the Film Project: “Preserving Cinematic Heritage – Promoting Film Culture: Kinoteka Bosnia and Herzegovina” which promotes mostly historic movies that remind of the past before the war when Bosniaks, Croats and Serbs lived as friends and neighbors who helped each other. Maybe that is a proper road towards the peaceful transformation of violence.

Bosnia and Herzegovina has managed to achieve a satisfactory level only in the first dimension of peacefulness – negative peace. Bosnia still has to work and pass a long way to stability in order to increase the level of the other two dimensions of peace.

6.2 Answer to Research Question 2 – Focus of Further peace building

In the second part of chapter 4 several principles of conflict resolution and peace building, discovered by notorious scholars, were outlined. These are:

- A normal dispute or contradiction between parties must not transmute to conflict
- Conflict resolution does not immediately bring to peace
- Prevent the rise of symptoms (triggers) than the disease (conflict itself)
- Focus on human psychological factors of violence
- In case violence already began, transform it into peaceful relations
- We should resort to coercion and sanction only as the last resource
- Third intervening party must not take any side. It should help equally the involved
- Third party interference should not be based on private interests
- Military force should be used only as soon as all the peaceful means are exhausted

Further we should find out if these principles were applied in the conflict settlement in the case of Bosnia after Dayton. If yes, then the question would be – to what extent? Based on these keystones the level of engagement should be measured.

The first principle is what unfortunately did not happen in Bosnia and Herzegovina as a severe war broke out. But after the war the Dayton Agreement, despite the temporary stabilization, created conditions for easy outbreak of new violent conflicts because of the strict separation between the ethnicity groups. The unique and strange territorial administrative organization of the state is a circumstance for a slow transformation into a united state which would facilitate future dispute to convert into escalated conflicts (Jeong, 2008). In Appendix 2-11 of the Agreement are described the reached agreements and arrangements concerning the principles of the state structure, the functions manner of the institutions, the form and scope of the international control, established in order to maintain stability and support the democratic development of Bosnia and Herzegovina. But on the other hand Bosnia still remains heavily controlled by international institutions that directly can interact and dictate the national politics such as the international arbitration (Dayton, Annex 5) according to which both entities should settle disputes with its help. The civilian and political competence of the High Representative (Dayton Agreement, Annex 10, Article 1) which functions as a peace lord who should guarantee the respect for the “enforced” peace agreement (Galtung, 2000, p.241), whose cancellation could be possible, but did not take place (Tirak, 2010) shows that Bosnia and Herzegovina is still dependent on international control. The people from the different ethnicities are still unable to settle disputes on their own without the involvement of non-Bosnian bodies and structures. Such a status-quo can unease the transformation of disputes and contradictions into violence.

The second major principle is that the end of the Bosnian War itself is not going to bring peace, because the sources for feasible repetitions of similar violent activities still remain active. The

process of reconciliation (Jeong, 2007, p.53) between the conflicting parties is a separate process from de-escalation and conflict settlement. The hatred and negative feelings and relationship between the ethnicities in Bosnia remains combined with mistrust and reluctance to cooperate which can be noticed in Bosnian population from the survey of two Swedish sociologists (Håkansson and Sjöholm, 2007). After the war was over with the Dayton agreement and the tripartite structure of the state that severely divides and alienates from each other the three major ethnic groups, the animosities and hatred between people remains left behind as residues in the social environment (Jeong, 2007, p.53; Lulofs and Cahn, 2000, p.316). The analysis of conflict resolution in Bosnian case should extend to the need for elimination of these negative feelings and drastic change of the people's relationship in the area notwithstanding ethnicity and religion so that they can take over the control of their state development without the involvement of non-Bosnian authorities. Positive relationship can be created by overcoming power asymmetry (Jeong, 2007, p.53) not only between the three fundamental ethnic groups, but as well concerning minority groups like the Roma whose rights are not respected (Human Rights Watch Report, 2012). Power asymmetry hinders such a transformation.

That alludes to the third principle that the triggers for violence remain after direct violence, war and hostilities in Bosnia are stopped. These triggers are rooted in human behavior (Burton, 1990; Jeong, 2007), in the presence of individuals who intend to instigate hostile relationship or encourage the war scenarios. The presence of such triggers in Bosnia is nourished by the "state between non-peace and non-war" (Galtung, 2000, p.241) and as well as by the high grade of trauma which accumulated from the hyper-violent past in Bosnia, which still enables perception of the "Other" as different and unacceptable and the "virulent ethnocentrism" in relationship between people is still not reduced (Sandole, 2002).

That means that the focus of further stabilization should be placed on the control of the behavior of concrete individuals who instigate these virulent relationships and intensify the traumatic memory from the terrific past. The meaning of social justice is not to judge or blame a whole ethnicity, but to blame the individuals of each ethnic group whose behavior can affect peaceful relations between the people in Bosnia, That can be the role of the International Criminal Tribunal for Former Yugoslavia.

Another principle which still has not been observed up till now is that existing conflicts should be transformed into peaceful relations and the fact that building cooperative and friendly relationships between the different ethnicity groups can open the road to sustainable development and stabilization.

The peaceful transformation is related to the necessity of healing the trauma from the past which is still an outstanding issue in the peace building in Bosnia. The traumatic memory from the past and its understanding were underestimated by the international community in their intention to architect a desired status quo. Such a deep structural psychological component that deepens the separation and raises the concern of mistrust is the memory from the suffering of the past which is still notable in the folk consciousness in Bosnia regardless of the ethnicity. "In general, what we find among conflict participants is focus on the past, and on analysis" says the founder of the International Peace Research Institute in Oslo, Johan Galtung (Galtung, 1996, p.108). "The move from past to future. This move is indispensable since, the past evokes all the memories of what went wrong, of direct and structural violence of all types." (Ibid, p.109)

Focusing on the past would help us find out and explain what the path which the parties can undertake is and how it can be done. In both countries this path consists on overcoming the psychological negative sentiments between the parties and work towards mutual cooperation

which would suggest the alternative of facing up the problem together and trying to find measures which can bring to common profit and satisfaction. Clear separation in order for each grouping to preserve its cultural ethnic identity and at the same time integration for cooperation between all the parties is a mutual understanding of the lessons from the past. Probably if the NATO and international politicians and soldiers would have known and understood what lies behind this terrible historic past, colored by the Ottoman bloody heritage on the Balkan People (Schindler, 2007, p.25), the critic “faultlines” (Galtung, 2000) between the Christianity and the Islam that still culturally divide the state, their approach would be different. The hostile imaginations about the Muslims as descendants of the past oppressing enemy and “residue of the Ottoman Empire” (Schindler, 2007, p.16) are laid on mythological basis as well. The Bosnian Muslims were considered as a local reflection of the non-Christian enemy, in the myth about the global Antagonism between the Christianity and the Islam, between the Christian West and the Muslim East, dating back from the Middle Ages and the terrible Jerusalem bloodbaths of the Crusades.

The memory from the past should serve not to instigate fears and future crimes, but to overcome the fear and to set a common approach towards the problems. The meaning of positive peace and the collaborative environments in the system are to persuade the conflicting parties that the real enemy is the problem itself, ethnonationalism, genocide, crimes, and none of the groups. Violent settlement of problems the “win-lose” and coercive approaches towards conflict resolution does not bring any advantage for the loser neither for the winner. It brings problems and loses for both, the winner and the loser. The memory from the past can contribute to a common stand against the fear from crimes, genocide, ethnic cleansing. The atrocities can bring the parties together into mutual understanding and truth-seeking. They with the help of the international and European institutions should reach to this conclusion. But up till now the international community ignored these cultural-psychological cognitive elements, which clarifies another reason for the failure of international intervention (Andreatta, 1997), the deficiency of knowledge about the local societal complexities (Oberg, 2007, p.82). And that is fatal when trauma is still unhealed in many people from all the groups.

The other principle, according to which the third party should not prioritize its own interests, has also been violated. What least mattered for the international community were the “noble goals” (Ibid, p.69) related to bringing welfare. But such a welfare, which can be approved and accepted by the local people, is imperative. The reason for this lack of understanding of the local societal culture is the dualistic simplified approach in conflict resolution, “collective subconscious dichotomization of everything (black/white, left/right, male/female) (Ibid). The Western Powers’ tendency to perceive violent conflicts as bilateral structures, where one is evil and the other is good. That cultural-power feature was a manifested when NATO supported the Muslims and started to assault the Bosnian Serb positions and so they became a conflict party. As a consequence Serbs were considered the “evil minority” in Bosnia and were “driven out from their homes and today make up the largest refugee problem in Europe” (Ibid).

Chapter 7. Conclusion

Hence the conclusion about the peace building process in Bosnia, which took up till now 20 years, is dichotomous which means that it has both negative and positive impact on the social political situation of the country. Despite the above mentioned gaps, we should mention that the positive contribution of the international involvement is that it stopped the hyper violent activities in a hyper-sophisticated specific environment, despite making so many mistakes. As the Swedish academic Jan Oberg underlines: “the UN missions in former Yugoslavia did an impressive job given the extremely complex and difficult circumstances on the ground and the

lack of genuine commitment and support by a number of the most influential UN member states.” (Oberg, 2007, p.76)

But the above pitfalls still remain outstanding issues that make more challengeable the further EU involvement in the Bosnia Stabilization. They also indicate that the main contribution of the EU further peace building engagement in Bosnia and Herzegovina must focus on the psychological deep human features of mistrust, hidden hatred, fear and trauma. That approach considerably differs from the power-centered perspective, which characterized previous conflict management. This methodological change from power-centrist to cooperation-based approach should be implemented by the EUFOR and the European Union institutions.

The fundamental psychological obstacle in further peace building is the trauma from the past. It loads the negative relationship of hatred, abomination, mistrust and fear between people, which impedes both: fostering the local political stability and the creation of cooperative environment. Therefore the traumatic wounds should be healed as the memory from the past remains clear and untouchable in the people, in the local Balkan souls. The wounds from the past may have closed but that does not mean they are completely healed. Edib Palalic, a university student in Sarajevo says:

“Everyone thinks it’s great that the war is over. But we Bosnians often say we have yet to survive the peace.” (Bartedo, 2009, p.2)

Is the common memory of the terrific past going to help transform the vacillating peace in Bosnia? Time will show. But to be more optimistic the fact that some things can never be forgotten does not necessarily mean that cooperation and total transformation of negative relationship are unachievable. It is because “The past offers an empirical basis for guilt-distribution, mutually among the authors and from above....” (Galtung, 1996, p.109)

The EU community can be aware that traumatic past is not going to be easily forgotten. But it can serve as a moralistic lesson that aggressive environment and hatred do not bring profit for anyone. Thus, facing the past is not about producing an environment of revenge and hatred. It is about to take the first collective step towards acceptance of our own responsibility. The division between guilty and innocent should not be carried out on ethnic basis. Both the guilty and the innocent can stay in the frames of each particular ethnicity. The only thing which should prevail in the relationship between Muslims, Croats and Serbs must be Truth. *Veritas odium parit*³, reads a Latin saying, but on the other hand truth can also originate a striving for a deeper mutual consideration and the people from the three ethnic groups can draw a moral from the horrible bloodbath of the past. And it is the European Union and the local agencies and peoples those who can promote this conclusion and hence forge the path towards positive peace.

Because the presence of the negative often helps distinct the positive...

³ In Latin: “Truth originates hate”.

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THE EUROPEAN UNION'S CRISIS MANAGEMENT ACTIVITY IN BOSNIA AND HERZEGOVINA

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Abstract

After the incompetence during the Bosnian war, the European Union wanted to support the Bosnian peace process in the framework of the common security and defence policy, which was established in 1999. My paper concentrates on the European Union's first crisis management operation, the EUPM Bosnia, which started in January 2003 and focused on the issue of creating a Bosnian police service in accordance with the European and international standards and practise. Towards this the mission's mandate included the following activities:

- *mentoring, monitoring and inspecting, to establish in BiH a sustainable, professional and multiethnic police service;*
- *assist local authorities in planning and conducting organized crime investigations;*
- *improve the functioning of the whole criminal justice system, enhancing police-prosecutor relations in particular.*

The other pillar of my paper is the military operation of the EU, EUFOR Althea, which started on 2nd December 2004. The decision to launch this still ongoing military mission followed the decision by NATO to conclude its SFOR-operation and the adoption Resolution 1575 by the UN Security Council to authorize the deployment of an EU force in BiH. The EUFOR Althea has two types of activity. On the one hand key military tasks and on the other hand key supporting tasks belong to its mandate. The main goal of key military tasks is to maintain a safe and secure environment in BiH. Key supporting tasks embrace two fields of activity. First, conducting regular operations designed to catch persons indicted for war crimes and to disrupt to their support networks. The second essential key supporting task is fighting against organized crime.

In my paper I would like to survey the mandate, structure and activity of the EUPM and EUFOR Althea, the relationship between the two crisis management operations, and the experiences of the closed EUPM and the ongoing EUFOR Althea.

* * *

Antecedents

As a result of the democratic elections, Yugoslavia faced a very crucial problem in 1990, because in the most of its member states nationalist parties received the power. While the new government of Croatia and Slovenia wanted to shift the cooperation in the framework of a

confederation, Serbia, and personally Slobodan Milosevic preferred a centralized federation. When the above mentioned member states decided to part from Yugoslavia, Serbia answered with military measures, which caused wars in Slovenia and Croatia in different lasting and intensity.

Bosnia and Herzegovina (BiH) declared its independence in March 1992, which was recognized by the European Union in the following three months. The intention of Brussels with this action was to prevent the armed conflicts in Bosnia, but after the declaration, Serbian irregular troops attacked villages and cities in Eastern Bosnia, then the Yugoslavian People's Army also joined the conflict. The fight escalated between the Bosnian-Croat coalition and the Serbians in a few months. War was ended by the intervention of the NATO, and the Dayton Peace Agreement (DPA) which was signed with American mediation in the end of 1995. According to the DPA Bosnia and Herzegovina consists of two so called entities, the Bosnian-Croat Federation which has the authority above the 51% of the territories, and the Serbian Republic which controls the 49% of the country. The Federation can be divided into ten cantons, some of them dominated by Croats and some of them by Bosniaks. The annex 4 of the DPA contains the constitution of Bosnia and Herzegovina. According to the provisions of the constitution the following matters are the responsibility of the central institutions of Bosnia and Herzegovina¹: foreign policy; foreign trade policy; customs policy; monetary policy; finances of the institutions and for the international obligations of Bosnia and Herzegovina; immigration, refugee, and asylum policy and regulation; international and inter-entity criminal law enforcement, including relations with Interpol; establishment and operation of common and international communications facilities; regulation of inter-Entity transportation, air traffic control. The entities has own president, parliament, government and they has the responsibility – among others – for the establishment special parallel relationships with neighbouring states consistent with the sovereignty and territorial integrity of Bosnia and Herzegovina. Each entity may also enter into agreements with states and international organizations with the consent of the Parliamentary Assembly of Bosnia and Herzegovina. Finally, each entity provides a safe and secure environment for all persons in their respective jurisdictions, by maintaining civilian law enforcement agencies.

The law enforcement structure of BiH was divided in legal, political and ethnical aspects at that time. As I have mentioned above, the organization and maintenance of law enforcement agencies are the responsibilities of the entities. Serbian Republic, which is more centralized entity than the Federation, established a single police service, which divided only into territorial units. Contrary to this, inside the Federation there were ten cantonal police services and a federal one, the latter with the task of cross-cantonal criminal investigation. Beyond the above-mentioned fragmentation, the Bosnian law enforcement system and especially the police service faced two negative legacies, which derived from the pre-war Yugoslavia. On the one hand we have to note the political interventions to the operative activity of the police, and on the other hand the organizational culture of the police which caused a lot of problems, like over-centralized decision-making and the lack of responsibility (Mühlmann, 2008, pp.44-45.).

¹ The central institutions are the Parliamentary Assembly, Presidency, Council of Ministers, Constitutional Court, and the Central Bank.

In sum in the end of the war, the Bosnian police had to cope with the following challenges:

- institutional fragmentation;
- political and ethnical influence and interference;
- functional confusions;
- relationship between the political extremists and organized crime.

After the war, international community decided to restructure BiH in accordance with the European political and economic standards. In essence the DPA put BiH under international guidance, in which the UN High Representative (HR) had a central role. Annex 10 of the DPA contains the provisions of the agreement on civilian implementation. Under the provisions the HR's mandate covers – among others – the following tasks:

- monitoring the implementation of the peace settlement;
- maintaining close contact with the Parties to promote their full compliance with all civilian aspects of the peace settlement;
- coordinating the activities of the civilian organizations and agencies in BiH to ensure the efficient implementation of the civilian aspects of the peace settlement;
- averting the difficulties arising in connection with the civilian implementation of the DPA;
- providing guidance to the Commissioner of the International Police Task Force (IPTF).

Initially, the mandate of the HR concentrated only on the coordination of the peace-building process, but in 1997 it was extended with an executive authority. As Stefano Recchia describes: “After the peace agreement was signed in 1995, the international community initially opted for a decentralised approach to Dayton’s civilian implementation, which involved several international organisations, and left the OHR with a relatively marginal coordination role. In combination with persistent obstructionism on the part of Bosnian domestic authorities, this resulted in a notable lack of progress on civilian implementation during the first two years after the DPA was signed. The international community therefore decided to significantly strengthen the HR’s mandate at a meeting of the Peace Implementation Council (PIC) that took place in Bonn in late 1997.” (Recchia, 2007, p.15)

The Office of the HR (OHR) is located in Sarajevo, and it has three further regional agencies: in Banja Luka, Mostar and Brcko District.

Annex 11 of the DPA established the International Police Task Force (IPTF) in order to restructure Bosnian law enforcement agencies and develop their activity. At its peak, the mission consisted of about 2000 international police experts. Through six reform programmes, it restructured, streamlined and (re-) trained the police forces (Merlingen and Ostrauskaitė, 2006, p.58). The main results of the IPTF were the certification of local police officers and the institution-building programmes. Starting with the certification process, it was used to select out those police officers who were considered inappropriate wartime activity or insufficient policing proficiency. The IPTF denied certification to 876 officers due to a variety of reasons, including criminal backgrounds, human rights violations, a lack of qualified diploma or the illegal

occupation of houses belonging to refugees. As a result of the certification process the IPTF presided over a dramatic reduction in the number of police officers from about 50,000–60,000 at the end of the civil war to about 16,000 when its mandate expired (Merlingen and Ostrauskaitė, 2006, p.58). The institution-building programme included the establishment of the State Border Service (SBS) and the State Information and Protection Agency (SIPA).

UN Secretary General suggested the ending of IPTF in 2001, but he also emphasized the importance of a European participation in the peace-building process in BiH. Organization for European Security and Co-operation (OSCE) was the first organization which would have taken over the tasks of the IPTF, then the European Union also applied for taking over the mission within the framework of the ESDP.

The EUPM Bosnia and Herzegovina

The first civilian crisis management programme of the EU, the EUPM Bosnia was set up by the Council Joint Action 2002/210/CFSP. The mission started in January 2003 and it was elongated several times, finally it was ended in July 2012. The Council of the European Union gave a relatively wide, but elusive mandate to the mission. The main goal of the mission was to create a Bosnian police service in accordance with the European and international standards and practise. Towards this the mission's mandate included the following activities:

- mentoring, monitoring and inspecting, to establish in BiH a sustainable, professional and multiethnic police service;
- assist local authorities in planning and conducting organized crime investigations;
- improve the functioning of the whole criminal justice system, enhancing police-prosecutor relations in particular.

However there were a lot of questions in connection with this authorization. Firstly, at the beginning of the mission there wasn't a consensual catalogue of the best European policing practise, and secondly it wasn't unequivocally defined what "inspecting" means, because the mission didn't have executive power. The number of the mission's staff (at the peak) was approximately 500 and they came from the 27 member states and 7 third countries. This non-executive mission based on a special European approach, the so-called local ownership model. According to this method, European and international police experts are co-located to the local police departments, so Bosnian police officers took a significant role in the mission's work.

The mission was led by the head of mission, who was appointed by the Council of the European Union. Sven Frederiksen (Denmark) was the first in this position, who was advantage and disadvantage for the launching mission at the same time. Frederiksen was previously the member of the IPTF, so his person made the process of transmission between the IPTF and the EUPM easier. On the other hand precisely this personal continuity rendered more difficult to the EUPM to form its own face distinguishing itself from the IPTF.

EUPM headquarters was situated in Sarajevo, but it also had four regional offices in Sarajevo, Banja Luka, Mostar and Tuzla. These regional offices were responsible for different programmes

of the mission and they have achieved a lot of results. Marko Rode, EUPM Chief Adviser to Regional Office Sarajevo said: "Since 2010 we had successfully monitored approximately 20 of the most important cases that the Federation BiH Police Administration was dealing with such as Causevic case in Bugojono, as well as cases of Turkovic, Rustempasic etc. We have organized several courses aiming to improve police-prosecutor cooperation and gave support to the new Federation BiH Police Administration Director Dragan Lukac to take over his agency, organize it and strengthen its detachments in all cantons." (EUPM Mission Magazine No. 90, pp.4-5). The fight against organized crime in the context of financial investigation was one of the most important achievements in Regional Office Banja Luka. In the focus of the Regional Office Mostar were providing support in reporting and information exchange, setting up of intelligence system, endorsing the coordination activities among law enforcement agencies in strengthening the communication and cooperation between the police, prosecution, court and penitentiary. Karl-Heinz Schenk, EUPM Chief Advisor to Regional Office Tuzla, highlighted three areas where his team has made particular achievements:" EUPM Regional Office Tuzla assisted and supported in the planning and conduct of investigations in the fight against organized crime and corruption in a systematic approach. [...] EUPM also brought police agencies and key-actors for the Srebrenica Commemoration together, established a professional working atmosphere and in that way ensured that law enforcement agencies and authorities are able and capable to conduct future commemorations in local ownership without support from the International Police." (EUPM Mission Magazine No. 90, p.5).

If we want to survey the activity and the results of the EUPM, first of all we have to examine the strategic implementation plan of the mission. It identified four strategic priorities: institution- and capacity-building, combating organized crime and corruption, developing financial viability and sustainability, and promoting police independence and accountability. In order to accomplish these priorities there were launched 7 programmes and approximately 120 project in the framework of the mission.

The Crime Police Programme emphasized the importance of the fight against the various forms of organized crime. EUPM ensured criminal investigation training for local police officers; developed a witness protection project; reorganized the criminal investigation departments across the country; improved the collection, analysis and dissemination of crime-related information and intelligence; set up a 24-hour crime hotline, which can be used anonymously by the citizens across Bosnia (Merlingen and Ostrauskaité, 2006, p.65).

The main goal of the Criminal Justice Programme was to set up and monitor a court police system for the state-level, the two entities and Brcko District. Court police officers were tasked to maintain the order in the courtroom and guarantee the safety of judges. Another sub-project within this programme aimed to promote standardized crime reporting formats and skills to improve crime case management.

The purpose of the Police Education Programme was twofold. On the one hand it tried to provide a single framework to the programmes which had been launched previously, and on the other hand it organized new training and education programmes.

A transparent supervisory mechanism was in the focus of the Internal Affairs Programme to guarantee the accountability of the police officers to their superiors as well as the public. The

certification process which was accomplished by the IPTF aimed to ensure a police staff across BiH which accepts and fulfils international human rights standards. In the framework of the IPTF was born the idea of a reliable internal investigation system, but its implementation stopped. In essence, the EUPM was incumbent on setting up this control system. In order to the implementation so called professional standard units were opened, which units have to carry out internal audits and inspections based on the complaints of the citizens.

Police Administration Programme embraced several projects. Public affairs project organized communication training courses for police spokespersons and helped the local police departments to organize open door days and public information campaign. The main objectives of the personnel management project were to abolish political influence on personnel policy and increase the motivation of police officers through a modern career development system. (Merlingen and Ostrauskaitė, 2006, p.68).

The Public Order and Security Programme divided into two main projects. One of them emphasized the importance of developing police capabilities for coping with civil disorder and unrest at major public gatherings. Another project ensured the safety of internally displaced persons and refugees who returned to their homes. In the course of this latter, EUPM co-operated other competent international actors such as the UN High Commissioner for Refugees.

Finally, we should examine the EUPM's institution-building programme, which aimed to strengthen the state-level law enforcement system. Two state-level institutions were established by the programme, the State Border Service (SBS) and the State Investigation and Protection Agency (SIPA). Originally both of them were set up by the IPTF, but in the end of the UN's mission SIPA existed only on paper, and the SBS laboured under serious difficulties. Starting with the SBS, which was set up as a border control and custom law enforcement agency in June 2000, the EUPM launched a capacity-building project. To carry out the project, the mission deployed a 70-strong, mostly German co-location team – "SBS's godfathers" – to the SBS (Merlingen and Ostrauskaitė, 2006, p.71).

The other state-level law enforcement agency, the SIPA was established in 2002, in order to ensure the security of persons and objects upon the request of the state prosecutor and enhance the exchange of crime-related information among decentralized police departments. In this project British police officers bore the brunt of the work. They provided help to build up the structure of the SIPA, draft the book of rules on the internal organization, and to improve the gathering, analysis, use and exchange of information. The appointment of the leadership of this agency meant a more crucial problem, than the institution-building. The right of the appointment of the leadership belongs to the Council of Ministers in BiH. As a result of the long-lasting debate within this body – who and from what ethnicity should have been appointed to the highest positions –, eventually High Representative appointed the director of the SIPA and another three leaders of the agency.

Despite the long planning phase, EUPM faced several crucial problems. First, there wasn't a clear strategy at the start of the mission and programmes and projects didn't sufficiently take into consider local political situation. The planning team of the EUPM had only six civilian expertises and this led, among other things, to a lack of expertise in procurement and financial management. Connecting to the problem of procurement, we have to note the circumstance that civilian ESDP

operations are financed through the European Commission. Slow and bureaucratic processes of this body meant a huge hurdle for ensuring the appropriate infrastructural background of the mission. As Thomas Mühlmann notes: "On top of this, procedural mistake forced the mission to begin the process of procuring computers all over again, which meant that the final delivery of desktops only arrived in December 2003." (Mühlmann, 2008, p.55).

There was confusion between the UN and the EU in the process of transmission, because UN documents were shipped to New York and not handed over to the EUPM. The number and the qualification of the seconded police officers also challenged the mission. At the start of the operation it had more than 500 police officers, but later member states decided to decrease the staff. Moreover EU member states usually didn't second the relevant experts. The mission needed senior police officers to fulfil its mandate, but on many occasions, contributing states seconded junior staff, which didn't have enough experience.

The EUFOR Althea²

The military operation of the EU, EUFOR Althea was launched on 2 December 2004. The decision to launch this still ongoing military mission followed the decision by NATO to conclude its SFOR-operation and the adoption Resolution 1575 by the UN Security Council to authorize the deployment of an EU force in BiH.

In 1995 NATO deployed its Implementation Force (IFOR) with 60,000 troops in BiH and in December 1996, IFOR was replaced by the Stabilisation Force (SFOR). At the beginning, in the framework of the SFOR, NATO deployed 30,000 troops in BiH, but aftermath the military presence was downsized approximately to 7,000 troops. In June 2004, NATO announced that an EU peacekeeping force would replace SFOR in Bosnia. The idea of having an EU force in Bosnia was mooted by the EU Council of Foreign Ministers in December 2002. At the same time, because of the debate over the Iraq war among the Member States, the official decision delayed, and it was accepted only in 2004.³ The main task of the 7,000 troops of the operation was to ensure and contribute a safe and secure environment in BiH. With this size, EUFOR Althea has been being the largest ESDP mission to date, although it was downsized to 2,500 soldiers in 2007. Currently, the strength of the operation is around 600 troops.⁴ At the starting of the mission, 22 Member States provided soldiers to EUFOR Althea, with the exception of three countries: Denmark, Cyprus and Malta, and third states also contributed to the operation: Albania, Chile, the former Yugoslav Republic of Macedonia, Switzerland and Turkey. Currently, 18 EU Member States and the abovementioned third countries are the contributors of the mission.⁵ The preparation of the deployment of EUFOR Althea started at the beginning of 2004, and in this process, European Union rested on the knowledge and experience of NATO's SFOR.

² The operation is named after the Greek goddess of healing.

³ The legal bases of the operation are the Council Decision (2004/803/CFSP) of 25 November 2004 on the launching of the European Union military operation in Bosnia and Herzegovina and the Council Joint Action (2004/570/CFSP) of 12 July 2004 on the European Union military operation in Bosnia and Herzegovina.

⁴ http://www.consilium.europa.eu/uedocs/cms_data/docs/missionPress/files/20121018%20Factsheet%20EUFOR%20Althea%20-%20version%2028_EN%201.pdf [Accessed on 18 January 2013].

⁵ http://www.consilium.europa.eu/uedocs/cms_data/docs/missionPress/files/20121018%20Factsheet%20EUFOR%20Althea%20-%20version%2028_EN%201.pdf [Accessed on 18 January 2013].

The EU Planning Team was set up inside SFOR headquarters in June 2004. In connection with the planning phase of the operation Thomas Bertin notes: "From an operational point of view, there were two key planning challenges. One was to replace the almost 1,000 American troops, who were due to leave when SFOR's mandate ended. The other one was to find a substitute for the USA as framework nation of Task Force North. The Union lived up to both challenges. It was able to generate enough troops to fill the gap left by the withdrawal of contingents from the USA; and Finland, in a strong show of commitment to the ESDP, volunteered to become the framework nation of Task Force North." (Bertin, 2008, p.64)

EUFOR has the same robust mandate as had been given to SFOR. The Council considered that EUFOR should be prepared to use force if the security situation requires it. Similarly to the SFOR, EUFOR initially also had a central headquarters in Sarajevo and three territorial headquarters with different areas of responsibilities: Task Force Northwest in Banja Luka, Task Force North in Tuzla and Task Force Southeast in Mostar. The first EUFOR commander, General David Leakey strove to re-assert the control of the Sarajevo headquarters over the regional task forces, and when the EUFOR Althea was reduced to 2,500 troops in 2007, most of them were concentrated in Sarajevo. (Keohane, 2009, pp.215-216)

According to the "Berlin Plus Agreement"⁶ the operation uses NATO assets and capabilities to fulfil its mandate. The implementation of the agreement was smooth, due to the situation that NATO was on the scene in the framework of the SFOR. The relationship between the NATO and EUFOR remained close after the termination of SFOR, namely NATO maintained a headquarters in Sarajevo. This residual presence of NATO also based on legally the DPA. As Thomas Bertin stresses: "The fact that both EUFOR and the NATO residual presence are legal successor to SFOR created some confusion between the two." The former inherited the general mission to maintain stability whereas the latter was given tasks that are more limited. NATO Headquarters Sarajevo is mandated to lead international efforts in assisting defence reforms and to undertake certain operational supporting tasks, namely in the area of counter-terrorism and in supporting the International Criminal Tribunal in Hague to bring to justice persons indicated for war crimes. (Bertin, 2008, p.64). Although EUFOR has its own chain of command answerable to the EU Council of Ministers, the operational chain-of-command is managed through NATO. NATO's D-SACEUR,⁷ acts as operation commander of EUFOR Althea. The position of EUFOR force commander and its deputies belongs to those EU countries that supply the most troops and express their political wish to play a key role in the mission.

The EUFOR Althea main structural units are the following:

- At the beginning of the mission the force components of the operation were the three Multinational Task Forces (MNTFs) of 1,600 to 1,800 troops each, but with the downsizing in 2007, these MNTFs were replaced by the Multinational Manoeuvre Battalion (MNBn).
- The Integrated Police Unit (IPU) initially comprised around 500 armed police officers, currently this number is approximately 100 persons. Their tasks are civil crowd and riot

⁶ This key deal between the NATO military alliance and the EU paved the way for the Union's increased peacekeeping role. The Berlin-plus agreement was, confusingly, sealed at a NATO summit in Prague in 2002. Under the accord, NATO agreed to support non-aggressive EU military operations and provide Union forces with technical and logistical assistance.

⁷ Deputy Supreme Allied Commander Europe.

control, policing investigations and assistance in the fight against organized crime, border protection and weapon-collection.

- The third element of EUFOR is rather a civilian one. The 44 deployed Liaison and Observation Teams (LOTs) were initially composed of teams of 5 to 8 members, and they were allocated throughout Bosnia and lived amongst the population. Today, there are 29 LOTs with a composition of two to ten members. Information gathering, demonstrating the EUFOR presence and coordination belong to their tasks.
- A 2010 Council decision introduced the fourth component of the operation Althea, the Mobile Training Teams (MTTs). The task of approximately 200 military personnel is to improve the capabilities of the Bosnian armed forces. (Knauer, 2011, pp.14-16)

The EUFOR Althea has two types of activity. On the one hand key military tasks and on the other hand key supporting tasks belong to its mandate. The main goal of key military tasks is to maintain a safe and secure environment in BiH. The following activities belong to the concept of key military tasks:

- collecting the weapons across the country;
- information gathering;
- intelligence gathering;
- inspecting the Bosnian defence structures;
- controlling the movement of weapons and ammunition in Bosnia.

According to its mandate, the operation is authorized to use force, if necessary.

Key supporting tasks embrace two fields of activity. First, conducting regular operations designed to catch persons indicted for war crimes and to disrupt to their support networks. The second essential key supporting task is fighting against organized crime. The first commander of the operation, General David Leakey considered that there is a close relation between organized crime and the support networks of war criminals, therefore he launched several operations taking aim to fold up organized crime. He didn't only rely on the mission's police unit (Integrated Police Unit-IPU), he also mobilized purely military assets, such as intelligence gathering capabilities. Here should be mentioned, that the fight against organized crime in the framework of the EUFOR Althea caused a tension with the EUPM. EUPM which focused on the building of an effective and sustainable police service in BiH, didn't have executive power, while EUFOR Althea did. At the beginning, Althea carried out anti-organized crime operations often without informing either the local police or the EUPM. Another problem emerged in connection with this situation. EUPM leadership complained that the executive approach of the EUFOR Althea undermined the EUPM's capacity-building approach based on local ownership (Merlingen, 2009, p.164).

There was a debate among the Member States over where the IPU should have been belonged to. Some of them – for example Finland, France, Spain and Sweden – argued that the IPU should have been transferred to the EUPM, but finally Member States decided that IPU⁸ would remain part of EUFOR Althea. The tension between the EUPM and EUFOR Althea was solved by the

⁸ The predecessor of the IPU was the SFOR'S armed police unit, the Multinational Specialized Unit (MSU), which consisted of about 500 police officers with military status.

Council of the European Union in 2006 with the acceptance of the Common Operational Guidelines for EUPM-EUFOR support to the fight against organised crime. This document declared the main role of the EUPM in the fight against organized crime and says: "All requests for EUFOR support will be channelled through EUPM for endorsement."⁹

When the European Union launched its military operation in Bosnia, there was a stable security environment due to the activity of NATO IFOR and SFOR. In spite of this circumstance the peace in the country wasn't self-sustaining and self-understanding. There were lots of local and regional risks. Thomas Bertin mentions five sources of challenges:

- Economic weakness. The Bosnian economy wasn't able to be self-sustaining because of the slow progress process, so the country depended on international aid.
- Organized crime and corruption. This kind of jeopardy has destroyed economic development, the effectiveness of law enforcement agencies and provided a permanent financial background for the persons indicated for war crimes.
- The country was still awash with weapons and ammunition.
- Political, ethnical and religious division. Politically, BiH is a deeply divided country along ethnic and religious lines. The DPA established a federal structure in Bosnia, with a quite weak central state and the two entities. There are still several disputes between and inside the entities because of nationalism and religious causes. This kind of disputes undermine the governance in BiH, for example when senior officials and political leaders can't be appointed because of the absence of consensus. Furthermore, there is a debate over the future of the state and the reform of the constitution between the entities.
- Regional security circumstances meant the fifth kind of risk. In Serbia there is still a residual radical nationalistic rhetoric, which emphasizes the conception of Great Serbia. The example of Kosovo's independency means the other argument in the Republika Srpska for the separation from BiH.

This security circumstances required in lot of cases rather police than military activities and made it difficult to fulfil the operation's mandate in an appropriate mode. "It was, however, important to make a distinction between what was an appropriate military activity for EUFOR soldiers and what was a police task. I laid down one clear principle to guide EUFOR: soldiers would create the conditions in which the BiH law enforcement agencies not only 'could' but 'would have to' do their duty. In other words, EUFOR would help discover a crime or illegality (e.g. fuel smuggling or illegal timber cutting), but would 'freeze the scene' and hand it over to the BiH authorities to deal with the legal and law enforcement technicalities. This avoided EUFOR soldiers being involved in the specialised police work of handling evidence or appearing as witnesses in subsequent legal proceedings." (Leaky, 2005, pp.63-64.)

Namely, the security environment after the closure of the SFOR in 2004 was stable, but there were several challenges which could have threatened this stability. Most of these challenges still exist, so the closure of the EU's military presence in Bosnia isn't timely. Paddy Ashdown, the former international High Representative for Bosnia, between 2002 and 2006, has warned that

⁹ Common Operational Guidelines for EUPM-EUFOR support to the fight against organised crime [pdf] 4.p. Available at: <<http://register.consilium.europa.eu/pdf/en/06/st10/st10769-re01.en06.pdf>> [Accessed on 17 January 2013].

mounting Bosnian Serb pressure to break up the multi-ethnic state threatens to plunge the region into a new conflict. “For 10 years Bosnia was the poster boy for international relations, making steady and sometimes miraculous progress towards statehood, capable of joining the EU and NATO. For the last five years the dynamic in Bosnia has reversed itself. The centripetal forces have become centrifugal ones. The dynamic is now moving in the wrong direction. I think if that dynamic is not reversed then Bosnia is moving towards separation and that cannot be done without more blood. I think the situation is now very poor. I don’t say that conflict is around the corner – because it’s not. But whereas even a few months ago I would have said we cannot get to conflict, I would not say that now. [...] The EU has always preferred the path of the short term, anything to avoid a crisis rather than facing up to the issues. I think the effect has been to enhance the status of the person, Dodik, who is leading the process of breaking up Bosnia and diminishing the standing of the EU and its foreign minister.” – said Ashdown in 2011 in an interview to the Telegraph.¹⁰

The above cited tough words addressed Catherine Ashton, the EU’S high representative after a negotiation and a deal between Ashton and Milorad Dodik, the president of the Republika Srpska on a referendum challenging Bosnia’s multi-ethnic judicial system.

Summary and conclusions

After the fiasco to tackle the Yugoslavian crisis, the European Union had to prove its commitment and competence to rebuild the Western Balkan’s states. In 2003 the EU launched its first crisis management operation, a civilian one, the EUPM and in 2004 its largest military operation, EUFOR Althea in Bosnia and Herzegovina to contribute the implementation of the Dayton Peace Agreement. Despite the problems in the planning phase of the EUPM, the tension between the operations or the decreasing commitment of the contributing states, the European Union’s crisis management activity can be judged successful. With the support of the EUPM the Bosnian law enforcement agencies was centralised and reformed, and in spite of the shortcomings, they can secure the public order in the state. According to the Quarterly Report to the United Nations “The overall security situation in BiH remained calm and stable.”¹¹

Due to the ongoing international and European presence BiH, is stable and doesn’t mean a direct security challenge for the EU. But there are several disturbing circumstances which require the maintenance of the international and European support:

- economic weakness and vulnerability, which increased during the international economic and financial crisis;
- political, ethnical and religious division which is the main hurdle before the inevitable constitutional reform;
- organized crime;
- weakness of the central state.

¹⁰ <http://www.telegraph.co.uk/news/worldnews/europe/serbia/8541578/Bloodshed-to-return-to-Bosnia-Paddy-Ashdown-fears.html> [Accessed on 19 January 2013]

¹¹ Council of the European Union: Operation ALTHEA – Quarterly Report to the United Nations. [pdf] p.4. Available at: <<http://register.consilium.europa.eu/pdf/en/11/st07/st07716.en11.pdf>> [Accessed on 16 January 2013]

Because of these disturbing circumstances the Office of High Representative can't be closed yet, and there is a need to maintain the EUFOR's presence in BiH.

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**WHEN INTERNATIONAL INTERVENTION MEETS THE LOCAL CONTEXT:
STATE-FORMATION, ETHNOPOLITICS AND
LOCAL OWNERSHIP IN THE BOSNIAN WAY**

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Conference sub-theme: International Conflict Resolution; Border Disputes II.

Key Words: *international intervention, statebuilding, ethnicity, EU conditionality, local ownership, Bosnia-Herzegovina*

Abstract

As Benjámín Kállay wrote in his Memorandum in 1877, one year before the Austrian-Hungarian occupation of Bosnia-Herzegovina: “all kind of theoretical doctrinarism should be avoided [...] administrative, legal and financial relations should be transformed by taking into account the existing local customs and practices”. International intervention and statebuilding never happens in a tabula rasa context, it has to be based on the local social, historical and economic realities. The outcome of international intervention is often contingent and unintended, and dependent on the one hand on local actors who actively use, manipulate or adapt to the opportunities made available by international actors, and on the other hand on the structural and organizational constraints of the heterogeneous and divided international community. Focusing on the interactions and interdependence of international and domestic political actors can prove to be a fruitful way of explaining the limits of the EU’s transformative power and external statebuilding in the case of Bosnia-Herzegovina.

The purpose of the paper is to illuminate the causes of why seventeen years of international statebuilding efforts have only partly resulted in a state which is capable of providing social trust as a basic public good and ownership to its citizens. Indeed, they reinforced ethnic identities and left Bosnian citizens disempowered. I will argue that internationally led statebuilding has not been able to address the root cause of the Bosnian conflict, especially competing and unreconciled claims concerning the nexus of territory and identity. The aims of the local ownership approach have been hijacked by the local ‘ethnic entrepreneurs’ who use fear and distrust as political currency, apply politics of division against inter-ethnic cooperation and prefer selectively adopting to EU conditionality, satisfying the needs of their clientelistic networks. Therefore, EU accession process could only have limited leverage over domestic politics in Bosnia. I would also like to share some lessons learnt from my field trips and interviews concerning a more realistic international strategy on Bosnia-Herzegovina.

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THE BULGARIAN-MACEDONIAN CONFLICT

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Key Words: *Bulgaria, Macedonia, European Union, integration, conflict, accession process, identity*

Abstract

In the past two decades the Bulgarian-Macedonian relations undergone some radical changes, the 1990s were marked by a warm and cooperative atmosphere, however the first decade of the new millennium brought estrangement and tensions in the relations between Sofia and Skopje. From being one of the main supporters of Macedonia's international integration, today Bulgaria became one of the sharpest critics of its' western neighbour. Behind the radical change of attitude there lies Macedonia's controversial usurpation of Bulgarian historic values and heritage and furthermore the hostile policy dictated towards each other by the two governments. On the one hand Sofia is critical towards Skopje due to the Macedonian interpretation of some key moments and figures of their shared history; on the other hand the Bulgarian government condemns the discriminative processes launched by the Macedonian authorities against the Bulgarians living in Macedonia and the Bulgarian investors.

Macedonia accused the Bulgarian governing party, the Citizens for European Development of Bulgaria (GERB) with imposing populist political sanctions, similar to those introduced by Greece which are trammelling Skopje's Euro-Atlantic integration for more than two decades, in order to gain political benefits for the upcoming parliamentary elections in 2013. In 2012 a drastic change in the Bulgarian foreign policy guidelines triggered a greater attention from Sofia towards the regional and neighbourhood political relations. The government's decision not to support Macedonia's accession negotiations during the European Council's meeting in December 2012 was welcomed in an ambivalent way in Bulgaria. The government stood out for its position and affirmed that Macedonia has its place in the European Union, but prior to the accession all bilateral relations with Sofia must be straighten out.

Although the aggravation of the Bulgarian-Macedonian relations would not pose such a risk for Skopje's EU-accession as the infamous Greek-Macedonian name dispute, but nonetheless it would hinder all Macedonian ambitions for a long period of time. The bilateral negotiations initiated by the Bulgarian foreign minister, Nikolay Mladenov indicate that Bulgaria still remains a strong ally, but in the future it would not tolerate the clearly anti-Bulgarian attitude of the Macedonian leaders. Macedonia's identity-building policy remains one of the most controversial regional political factors, which may lead to an even greater conflict in this region of Southeast Europe. The road for Macedonia towards the European Union leads not only through Athens, but via Sofia as well.

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Magyarország és a Nyugat általában Európa lőporos hordójaként tekint rá a Balkán térségére, viszont a köztudatban leggyakrabban csak a volt jugoszláv térség szerepel, mint konfliktusos zóna. A Balkán térsége ennél sokkal összetettebb és Magyarország részéről célszerű lenne sokkal

nagyobb külpolitikai és diplomáciai hangsúlyt tenni a valós politikai és gazdasági folyamatok megismerése érdekében. Magyarország külpolitikai térségfelosztása elavult és pontatlan abból a szempontból, hogy kialakította a nyugat-balkáni fogalmat (még ha a valóságban ez volt az egyetlen megoldás, hogy konfliktusmentesen lehessen megnevezni Koszovót és Szerbiát). Nem vonhatunk geopolitikai határt a volt jugoszláv államok, valamint Albánia, Bulgária, Görögország és Románia (a Balkán többi része) között, ugyanis kulturálisan, politikailag és gazdaságilag is szájak sokasága fűzi össze a térség összes államát.

Tanulmányomban a térség egyik legkevésbé ismert konfliktusát mutattam be, amely a mai napig rendezetlenül tartja a Bulgária és Macedónia közötti jószomszédi kapcsolatokat. Macedóniát immáron közel egy évszázada Parisz almájának nevezik a történészek és a térség kutatói, ugyanis mindegyik szomszédjával feszült a külpolitikai viszonya. A szélesebb közönség számára a görög-macedón névvitaként is elhíresült konfliktus lehet a legismertebb, ugyanakkor keleti szomszédjával is legalább ennyire rendezetlen és terhelt a kapcsolata. A Szófia és Szkopje közötti ellentét történelmi és politikai indokokra lehet visszavezetni. A két ország közös múlttal rendelkezik, amelyet egyes kutatók szerint akár a Kr.u. VII. századra lehet visszavezetni, azaz pontosabban az első bolgár állam létrehozásának időpontjáig. Habár Macedónia csak 1991 óta létezik szuverén államként és a legkorábbi államalakulatra utaló jelek sem datálhatók 1944-nél régebbre, ám ez nem akadályozza meg a macedóniai politikusokat és történészeket, hogy ennél sokkal régebbre tegyék a macedón államiság történelmének kezdetét. Mind Görögország, mind Bulgária elutasítja a macedón államiság és identitás más nemzetek történelmének elemeiből történő kialakítását és az 1980-as vége óta ezt folyamatosan bírálják. Sok tényben nem egyezik Athén és Szófia álláspontja azt illetően, hogy a macedón identitás, a macedón történelem eredete és a macedón kultúra milyen gyökerekkel is rendelkezik, de egy közös nevezőben megegyezik, mégpedig, hogy a Szkopje által hangoztatott tények számukra sértőek és történelmileg nem megalapozottak.

Amíg Görögország még Macedónia 1991-es függetlenségének kikiáltása előtt is tömeges tüntetésekkel, diplomáciai támadásokkal és gazdasági embargóval próbálta ellehetetleníteni és egyben eltántorítani a macedón álláspontot, addig Bulgária teljesen más eszközökhöz folyamodott. Szófia 1991-ben nem rendelkezett konkrét állásponttal azt illetően, hogy milyen hosszú távú stratégiát folytasson a széteső Jugoszláviából kialakuló független Macedónia iránt, viszont tudta, hogy a pillanat megérett arra, hogy befolyást nyerjen ismét a második világháború után véglegesen elveszített terület felett. A rendszerváltás utáni Bulgária is belpolitikailag rendkívül megosztott helyzetben volt, viszont a macedón kérdés kapcsán szinte példátlanul egységes frontba tömörültek a volt kommunisták (az újonnan létrehozott Bolgár Szocialista Párt) és az kormányra került rendkívül labilis jobboldali-liberális kormánykoalíció. Bulgária ugyan Todor Zsivkov totalitárius rendszere alatt folyamatosan bírálta a nyíltan bolgárellenes folyamatokat jugoszláv Macedóniában, viszont 1990-től józanságot és racionalitást kívántak vinni a bolgár politikusok a kétoldalú kapcsolatokban. Ennek nyomán Bulgária volt az első állam a világon, amely hivatalosan elismerte Macedóniát független államként, nem is akárhogy, hanem alkotmányos nevén, azaz Macedón Köztársaságként. Ebben az időben Görögország kemény diplomáciai nyomás alatt tartotta azokat az országokat, amelyek hajlandóságot mutattak, hogy nyissanak Szkopje iránt. Bulgária történelme során szinte mindig hűvös viszonyt ápolt Athénnal, ennek is tudható be, hogy a görög diplomáciai fenyegetés ellenére elismerte Macedóniát. Le kell

szögezni, hogy Bulgária, és ezt Macedónia a mai napig keményen bírálja, soha nem ismerte el az önálló macedón nemzetiség létezését, sem pedig az önálló macedón nyelvet. Bulgária Macedónia iránt tett gesztusával bizonyítani szeretne volna, hogy az ellentétek ellenére kész kibékülni Szkopjével, és ami fontosabb felváltani Belgrádot a „nagy testvér” állam szerepében. Bulgária komoly diplomáciai kockázatot vállalt azzal, hogy elismerte Macedóniát, egyrésztől még a Németországhoz hasonló befolyásos államok sem tudták, hogyan is viszonyuljanak a volt jugoszláv tagköztársaságokhoz, másrészt egyik fontosabb nemzetközi szervezet sem ismerte el eddig Macedóniát, mint egyenrangú tárgyalófél.

Bulgária hivatalos álláspontja a mai napig változatlan, a bolgár-macedón viszonyt a „két állam, egy nemzet” fogalommal definiálják, ugyanakkor nem a történelmi felelősségtudat volt az egyetlen tényező, amely a függetlenség elismerése felé sarkallta Szófiát. A regionális geopolitikai stabilitás legalább ugyanolyan fontos szempont volt a bolgár politikusok előtt, Milosevics nacionalista politikája komolyan veszélyeztette az egész balkáni térséget és Jugoszlávia esetét szem előtt tartva Bulgáriában mindenáron el kívánta kerülni. Stabil, funkcionáló Macedónia meglétével Szófia tudhatta, hogy Belgrád nem nyit újabb frontot Bulgária közvetlen szomszédságában. Továbbá se Görögország, se Szerbia nem került volna ki domináns regionális hatalomként Jugoszlávia felbomlásából.

Fontos megfigyelni a bolgár belpolitikai eseményeket 1992 januárjában, amikor a Dimitrov-kormány elismerte Szkopjét. Az akkor regnáló Dimitrov-kormány egyetlen nagyobb belpolitikai sikereként lehet elkönyvelni a macedón függetlenség elismerését, ugyanakkor a kormányon belül nézeteltérések keletkeztek a bejelentést megelőzően. Sztojan Ganjev akkori külügyminiszter szembement a miniszterelnök és Zselju Zselev államfő kezdeményező akaratával és inkább kivárára utazó politikát kívánt tanúsítani Szkopje iránt, tartva attól, hogy Görögország, Szerbia és a Nyugat is elmarasztalja Bulgáriát. Mi több, Ganjev a bejelentés időpontjában nem is tartózkodott az ország területén, hanem Németországból utazott vissza, ahol ígéretet tett német kollégájának, hogy Bulgária kivárja a nagyhatalmak álláspontját a kérdésben.¹ A kisebb diplomáciai malőr ellenére nagy siker övezte a bolgár döntést, mind Zselev, mind pedig a bolgár diplomácia folytatta Macedónia támogatását az elkövetkező hónapokban.

Nagy segítséget nyújtott Szkopjének Bulgária első rendszerváltás utáni államfője, aki oroszlánrészét vette ki Macedónia ENSZ-ben való elismerésében. Zselju Zselevnek köszönhető, hogy Oroszország és Törökország is nagyobb követelések nélkül elismerte az új balkáni állam függetlenségét. Zselev elmondása szerint az ő diplomáciai tehetségének köszönhető ismerte el Borisz Jelcin Macedóniát, függetlenül attól, hogy Kozirev orosz külügyminiszter a görögök válaszlépésével próbálta eltántorítani mindvégig az orosz államfőt.² Törökország ugyan Moszkvánál sokkal problémamentesebben ismerte el Szkopje függetlenségét, a rendkívül ellenséges görög-török kapcsolatoknak is köszönhetően, ám a török diplomácia csakis a bolgár államfővel történő konzultációt követően jelentette be ezt. A mai napig elismeréssel nyilatkoznak a volt bolgár államfőről Macedóniában, annak ellenére, hogy Bulgáriában kettős véleménnyel rendelkezik a széles közönség Zselev belpolitikai tevékenységéről. Zselev nagy erőfeszítéseket

¹ Tafrov, Sz. (n.d.) Kak priznahme Makedonija i otvorihme evropejskija pat na Bulgarija. *Vesztnik Balgarska armija*. Idézte: <http://e-vestnik.bg/13651> Letöltés ideje: 2012. december 25.

² Zselev, Zs. (n.d.) Kak taka szaszedi ste resavat tvojata szadba bez tebe. *BGNES*. Idézte: <http://video.bgnes.com/view/37935> Letöltés ideje: 2012. december 25.

tett afelé is, hogy Belgrád és Athén ne tudjon szövetséget kötni Macedónia ellen és ugyan az 1995-ös Ideiglenes Megállapodásig az új államot kettős embargó sújtotta a macedón gazdaság kibírta a külső nyomást.

Az 1990-es évek macedón belpolitikája meglepő válasszal szolgált Bulgária számára. Az ország élére a macedón identitás kialakításában jártas reformkommunista, Kiro Gligorov került hatalomra és szociáldemokrata pártjával erősen bolgárellenes politikát folytatott. Gligorov, aki a macedónizmus ideológiájának egyik legismertebb képviselője, és a köréhez tartozó zömében baloldali politikusok Bulgária-ellenes propagandát folytattak, annak ellenére, hogy 1995-ig Macedónia a Bulgária irányából érkező szállítmányok segítségével tudott csak szuverén államként funkcionálni. Bulgária, ahogy Szerbia és Görögország is jól tudta, hogy Macedónia nem képes hosszabb ideig talpán maradni kőolaj és egyéb fontos szállítmányok nélkül, ám kizárólag Szófia próbálta megnyerni Szkopjét jószomszédi segítséggel. Thesszalóniki kikötőjét ideiglenesen helyettesítő Burgasz és Várna, valamint albániai Vlore és Durres irányából juthatott Macedónia kőolajhoz, ám még erre a szó szerint életmentő segítségre is támadás érkezett a macedón politikusok irányából, akik minden módon el kívánták kerülni a bolgároktól való függőséget. Igaz, Bulgáriának érdekében állt, hogy a jugoszláv benzin- és gázolaj embargóból eredő veszteségeit valamilyen módon kompenzálja, ugyanakkor elutasította azokat a macedón vádakat, melyek szerint a bolgár kőolaj minősége ártalmas lehet a macedóniai gépjárműkre. Az 1990-es évtized Macedónija kénytelen kettős politikát folytatni Bulgária ellen, még annak tudatában is, hogy se vasúti hálózat, se pedig minőségi úthálózat nem kötötte össze őt a külvilággal. A külső nyomáson kívül belpolitikai nyomás is követelte Gligorovtól a bolgárellenes politikát, az 1990-es évtized első felében a legerősebb ellenzéki erő, a VMRO-DPMNE volt, amely erősen nacionalista politikát folytatott és egyes szociáldemokrata politikusokban azt a félelmet keltette, hogy egy esetleges kormányváltást követően a jobboldal visszatérne történelmi gyökereihez. Az 1990-es évek VMRO-jának csak a neve egyezett a XX. század első felében tevékenykedő híres elődjével, amely többek között Makedóniát³ kívánta Bulgáriával egyesíteni. A baloldali politikusok félelmei megalapozatlanok voltak, ugyanis markánsan populista politikáját nem csak ország határain belül folytatta, hanem Görögországban és Bulgáriában is. Többek között a VMRO⁴ számlájára írható, hogy a macedón politikusok és egyes történészek váltig állítják, hogy Bulgária Pirini Makedónia térségében többszázézes macedón lakosság él. Az egyik legkényesebb konfliktust keltő kérdés a két állam között az egymás területén élő kisebbség jelenti. Se Macedónia nem hajlandó elismerni, hogy területén bolgárok élnek, se Bulgária nem hajlandó elismerni, hogy macedón nemzetiségű lakosság él ott. Mindkét országban a népszámlálások hivatalos adatai azt mutatják, hogy a elhanyagolható a másik állam nemzetiségű lakosainak a száma területükön, ugyanakkor a feltételezések teljesen más indokokra vezethetők vissza.

Macedónia hivatalos álláspontja szerint Makedónia földrajzi térségében élő szlávajkú lakosok macedónok, így Bulgáriában akár a józanésszel elképzelhetetlen 1 millió macedón is élhet. Ezzel szemben Bulgária azt állítja, hogy macedón identitásról kizárólag az 1944 utáni időszak óta beszélhetünk ezért a macedón érveknek nincs jogalapjuk. Bulgária a „két állam, egy nemzet” elv alapján a 2000-es évek elejétől több alkalommal könnyítette a bolgár állampolgárság megszerzését

³ Makedóniának nevezzük a földrajzi térséget, amely jelenleg 5 ország területén helyezkedik el, míg ezzel szemben az államot (vagy más néven Vardari Makedoniját) Macedóniának.

⁴ A VMRO-DPMNE a Georgievski-kormányt követően két részre szakadt – a mai VMRO-DPMNE és a VMRO-NP pártszövetségekre.

szabályozó jogszabályokat. Macedóniában nagy felháborodással fogadták a bolgár egyszerűsített állampolgársági eljárást, ugyanis 2011 végéig már a macedón lakosság 2,1 százaléka rendelkezett bolgár állampolgársággal. A macedón állampolgárok jelentős része az európai uniós állampolgárság megszerzése érdekében folyamodik a bolgár állampolgársághoz, a nyugat-európai könnyebb munkavállalás reményében. Szkopje szerint Szófia állami pénzen folytatott propagandát folytat Macedóniában az állampolgársági igénylések növelése érdekében. A magyar egyszerűsített honosítási folyamathoz nagyon hasonló bolgár eljárásban is csak a bolgár származást kell bizonyítani, valamint tanúbizonyságot kell tenni a bolgár nyelvtudásról. Egyes bolgár és macedón források⁵ szerint a macedón hatóságok egészen 2013 elejéig túrték beavatkozás nélkül az úgynevezett bolgár útlevél-közvetítők tevékenységét. A macedón állami szférából több alkalommal is azzal vádolták Szófiát, hogy illegális módon felgyorsítja az állampolgársági kérelmek elfogadását, sőt egyes esetekben még útlevél-közvetítőkn keresztül hamisan állítják a bolgár okmányokat. A macedón támadásoknak minden bizonnyal lehet jogalapja, ugyanis az ország keleti részeiben több hamis okmányokkal is kereskedő bűnszervezet működését feltételezik, ám az már sokkal jobban megkérdőjelezhető, hogy ezen csoportok kapcsolatban állnak-e egyáltalán a bolgár hatóságokkal. A bolgár állami szervezetek feletti kontroll számos kivetni valót hagy maga után és emiatt nem elképzelhetetlen, hogy hivatalos tisztviselők segítik, anyagi ellenszolgáltatás érdekében, a Macedóniában tevékenykedő csoportosulásokat, ám nem valószínűsíthető, hogy ennek a folyamatnak az irányítása a legfelsőbb vezetői szintekről történik.

A bolgár nyelvtudás bizonyítása nem ütközik semmilyen akadályba, ugyanis a Bolgár Tudományos Akadémia a mai napig a macedón nyelvet a bolgár nyelv egyik dialektusának tartja. A tény, hogy Bulgária nem kívánja elismerni a macedón nyelvet még a legmagasabb diplomáciai szinteken is jelentős feszültségekhez vezetett. A zártkörű tárgyalásokon és megbeszéléseken tolmácsok nélkül kommunikálnak általában a két állam diplomatái egymással, ugyanakkor a hivatalos sajtótájékoztatókon kivétel nélkül tolmács fordítja a macedón politikusoknak bolgár partnereik üzenetét. Természetesen az ilyen esetekben nem a nyelvi akadályok leküzdését célozza a tolmács jelenléte, hanem teljes mértékben a macedónizmus ideológiájának fenntartását.

Visszatérve a kisebbségi kérdésekhez, mindkét állam folyamatosan hangoztatja, hogy súlyos jogtiprások történnek a másik területén, ugyanis egyik kisebbség sem képes gyakorolni jogait a másik területén. Bulgáriában az 1950-es évekig tudatos elmacedónosítás történt, amelynek középpontjában a Moszkva által Szófiára ráerőltetett diverzifikációs politika állt. Egészen Zsivkov hatalomra kerüléséig valamint Tito és Sztálin 1948-as szakításáig Bulgáriában támogatták, sőt hatalmi erő kifejtésével kényszerítették a lakosságot, hogy macedón nemzetiségűnek vallja magát. A kommunisták ezen erőszakos beavatkozását használták ki és a mai napig használják a macedóniai politikusok fő indokuként arra, hogy jogalapot teremtsenek követeléseiknek. Érdekeség, hogy amíg Bulgária alkotmányában nem említene se nemzeti kisebbségeket, se pedig társnemzeteket, addig Macedónia alaptörvényében több nemzetiséget (például albán, török, bosnyák stb.) is felsorolnak, mint a macedón társadalom szerves részét, ám a bolgár nem szerepel közöttük. Jól mutatja, hogy a jelenkori macedón belpolitikában a fő macedón pártok két nemzetiség befolyásától tartanak – az albánoktól és a bolgároktól. Az albán kisebbség

⁵ Makedonszki policajci lovele poszrednici za bugarszki paszos. *Utrinski Vesnik*. <http://www.utrinski.com.mk/default.asp?ItemID=A4733CD518C2024EBFC7A4B5D38D9DA3> Letöltés ideje: 2013. január 7.

problémáját, annak domináns társadalomalkotó szerepe miatt nem tudja immáron kikerülni Macedónia, ugyanakkor a „bolgár veszélyt” sikeresen kezelte az 1944-et követő évtizedek során.

A macedón függetlenség kikiáltása óta eltelt bő két évtizedben, a bolgár-macedón kapcsolatokban egyetlen rendezettebb időszak volt, amikor a jószomszédi kapcsolatok valódi értelmükben érvényesülhettek. A két állam közötti kapcsolatok általában a macedón kormányok tárgyalási hajlandóságától függtek, ugyanis Bulgáriában, mind a szocialisták, mind pedig a jobboldal egységes álláspontot képviseltek 2012-ig a macedón kérdést illetően. Jól mutatja a politikai egységet, hogy Bulgáriában 2012-ig nem történt lényeges változás a külpolitikai stratégiában Macedóniát illetően. A bolgár külpolitikai stratégia legjobban az 1998–2002-es időszakban érvényesült, ekkor volt kormányon Ljupcso Georgievski és akkori pártja, a VMRO, akik viszonzták a bolgár kezdeményezést. Georgievski, aki később maga is felvette a bolgár állampolgárságot szakított a szociáldemokraták által tanúsított védekező külpolitikával, ugyanis a Koszovó irányából érkező nyomás megkövetelte a jó viszony ápolását Bulgáriával és Görögországgal. Mi több egészen a VMRO-DPMNE 2006-os kormányra kerüléséig Macedónia Bulgáriát tartotta az egyik legfontosabb szövetségesének a 2001-es polgárháborúban. A bolgár vezetés már 1999-ben figyelmeztette a macedón kormányt, hogy a koszovói konfliktus esetleges eszkalálódása váratlanul fogja érinteni az államot, ugyanis az akkor macedón hadsereg nem rendelkezett semmilyen hatékony nehézfegyverzettel. A Macedón Hadsereg (ARM) a jugoszláv erők kivonulását követően szinte kizárólag könnyű lőfegyverekkel volt felszerelve, valamint a tisztikar sem rendelkezett kellő kiképzéssel, hogy hatékonyan kezelje a 2001-es megmozdulásokat az ország északnyugati részében. Az 1999-es Gruevski-Kosztov megállapodás keretén belül Bulgária 94 T-55-ös típusú tankot, légvédelmi rakétákat, ütegeket és más nehézfegyverzetet szállít ingyen Macedóniának. A tankok kulcsfontosságú szerepet játszottak a polgárháborúban, ezek bevetésével sikerült visszaszorítani az albán felkelők Felszabadító Nemzeti Hadseregét (ONA). A jelentős segítség ellenére a VMRO-DPMNE és több macedón biztonságpolitikai kutató 2006 után azzal érvelt Bulgária ellen, hogy a tankok műszaki állapota miatt a macedón hadsereg ütőképessége csak kis mértékben javult az említett periódusban.⁶ A jelenleg is kormányzó populista Gruevski-kormány szerint a bolgár hadi felszerelés mennyiségben is minőségben is alulmúlta a többi szövetséges állam (itt leggyakrabban Horvátországot és Ukrajnát emelik ki) által nyújtott segítséget. Ami még meglepőbb, hogy a jelenlegi macedón politikusok a bolgár segítség bizonyítékának minden nyomát is el kívánják tüntetni, 2005–2006-ban a tankok közel harmadát leselejtezték, azzal az indokkal, hogy modernebb fegyverekre van szüksége az államnak azt követően, hogy a NATO-hoz csatlakozik. A valós indok valójában az, hogy Macedóniának szüksége van új török tankokra, amelyek megrendelésével valamely mértékben viszonyozhatja az országba beáramló török befektetéseket.

Bulgária jelentős gazdasági és humanitárius segítséget nyújtott 1999-ben Macedóniának, annak érdekében, hogy kezelje a Koszovóból érkező több tízezres menekülthullámot. Bulgária tartotta fenn a Szkopjétől 15 kilométerre lévő „Radusa” menekülttábort, amely területén közel 900 gyerek ellátásáról gondoskodtak. A több mint 1,5 millió levás humanitárius segítség keretén belül Bulgária vállalta a táborban a betegek és sérültek orvosi ellátását. élelmiszer szállítását és a súlyos

⁶ Makedonija pak provokira. *Bulgarija e sred parvita koito ni priznaha; tankovete im ne stavaha za nisto* [online] http://balkani.actualno.com/Makedonija-pak-provokira-Bulgarija-e-SRED-pyvite-koito-ni-priznaha-tankovete-im-ne-stavaha-za-nishto-news_407709.html Letöltés ideje: 2012. december 26.

sérültek elszállítását repülőgéppel.⁷ Nehezen lehet megmagyarázni a macedón politikusok részéről azt, hogy míg a bolgárok segítségéről csak egy márványtábla emlékszik meg, addig az ONA-harcos Adem Jasharirol (akit melleleg sok macedón terroristának tart) egy bolgár tankon álló életnagyságú szobor van. Összegezve azt lehet elmondani, hogy az 1990-es években Bulgária teljes mértékben nyitott és támogató külpolitikát folytatott Macedónia iránt és az ország stabilizálását követően feltételektől mentesen támogatta nyugati szomszédja euro-atlanti integrációját. A Georgievszki-kormány 2002-es bukását követően ismét megromlott a viszony Szófia és Szkopje között, Branko Crvenkovszki szociáldemokratái előbb a kormányfői pozíciót szerezték meg, Borisz Trajkovszki macedón államfő 2004-es halálát követően pedig az elnöki tisztséget is átvették.

A 2002 utáni időszakot lehet nevezni a kiegyezés és később pedig az elhidegülés időszakának. Az egyik legnagyobb belpolitikai erővel rendelkező lobbiszervezet a Macedónok Világkongresszusa (SzMK) a 2000-es évek két fő politikai vezetőjével, Branko Crvenkovszkival és Nikola Gruevszkiel kiegyezett és erősen bolgárellenes politikát követelt. Többek között az SzMK volt az a szervezet, amely Georgievszki letartóztatásáért lobbizott, ugyanis időközben a bolgár állampolgárságot is megszerző volt kormányfő több alkalommal is nyíltan bírálta a macedónizmus ideológiáját és bolgár-macedón közeledést sürgetett. Az SzMK által folytatott politikának, a 2001-es konfliktus, valamint a VMRO-DPMNE belüli konfliktusai késztették arra, hogy új pártot alapítson, ám a VMRO-NP-nek nem sikerült átvennie a VMRO-DPMNE helyét a politikai spektrumban és csupán 2-3 százalékos támogatottsággal rendelkezik a mai napig. A 2000-es évektől napjainkig nincsen olyan jelentős macedóniai párt, amely szorosabb regionális együttműködést kívánna kötni Bulgáriával. A VMRO-DPMNE 2006-os kormányra kerüléséig a Crvenkovszki- és Bucskovszki-kormányok hallgatólagos kiegyezést kötöttek Szakszkoburgottszi- és Sztanisev-kormányokkal, hogy ugyan Macedóniában eben az időszakban is erősíteni fogják a nemzeti identitást, ugyanakkor látványosabb diplomáciai bonyodalmak nem alakulnak ki a két ország között. Többek között ennek a háttéralkunak is köszönhető, hogy Macedónia (avagy ENSZ által elismert nevén FYROM) 2005-ben problémamentesen juthatott hozzá az Európai Unió tagjelölti státuszához. Az SzDSZM kormányzása ugyan markánsan bolgárellenes volt, a Macedóniában élő bolgárok nem nyilváníthatták ki szabadon identitásukat és a bulgáriai befektetők is számos adminisztrációs akadállyal találkozhattak eben az időszakban, mégis nyitottabb volt a külpolitikai tárgyalásokra, mint utódjuk, a Gruevszki vezette VMRO-DPMNE.

A mai napig tartó elhidegülési folyamatnak az első fordulópontja 2005-ben volt tapasztalható, amikor Bulgáriában felerősödtek a szélsőjobboldali pártok, azon belül is az Ataka és a VMRO-BND. A Volen Sziderov és Kraszimir Karakacsanov kaliberű szélsőjobboldali politikusok egyre hangosabban követelték a bolgár politikusoktól, hogy szakítsanak az eddigi elnéző gyakorlattal és keményen álljanak ki a bolgár nemzeti érdekek mellett Macedóniát illetően. A 2006-os macedóniai kormányváltás volt a valódi fordulópont a két ország közötti kapcsolatban. Nikola Gruevszki és pártja kezdetben erősen támaszkodott a szociáldemokratákból kiábrándult, nacionalistább politikát követelők bázisára és emiatt bátran hozzányúltak a populista, identitásépítő eszközökhöz. A VMRO-DPMNE kormányzása óta mondhatjuk, hogy mind Görögország, mind Bulgária keményen kritizálja Macedóniát történelemkiszajátító tevékenysége miatt. A

⁷ Bulgária Honvédelmi Minisztériuma. *Befejezett akciók és műveletek* [online]

http://www.md.government.bg/bg/tema_MissionsOperations_Over.html Letöltés ideje: 2012. december 26.

macedónizmus ideológiája, azaz a macedón kultúra és identitás létrehozása és mindenáron történő erősítése kulcsfontosságú a Gruevszki számára, ugyanis folyamatosan növekvő belső kényszernek kell megfelelnie. A 2001-ben kötött Ohridi Keretegyezmény sem a macedónoknak, sem az albánoknak nem kielégítő. A macedónok 2001-et követően azt érezték, hogy alig nyerték el függetlenségüket és immáron ismét nem kontrollálják teljes mértékben saját jövőjüket, ezzel szemben az albánok pedig az évek elteltével egyre kevesellték a keretegyezmény által nyújtott kiváltságokat. Gruevszki előtt két lehetőség állt: vagy további engedményeket nyújt az albánoknak, vagy erőteljesebb nacionalista politikát kezd folytatni. A nacionalista politika melletti kiállás óhatatlanul is magával hozta, hogy erősíteni, és ami fontosabb, külföld felé továbbítani a macedón nemzeti értékeket. A legnagyobb gond, hogy mivel Macedónia nem rendelkezett sem államisággal, sem pedig nemzeti öntudattal a XX. század előtt nehéz volt kiválasztani azt az időpontot, amelyre fel kívánták építeni az új öntudatot. A macedón történészek rájöttek arra, hogy ha csak a szláv eredethez nyúlnak vissza, akkor elvesz a jogalap, hogy Égei Makedóniában is kifejtsek befolyásukat az ott élő szlávajkú lakosság történelme felett. Az új történelem létrehozása és hangoztatása még kevésnek bizonyult, hogy a térség államain túl más is felfigyeljen az újonnan kialakuló nemzetre, meg kellett valósítani a láthatóságot is. Az antik hellén, valamint a középkori és újkori bolgár történelem motívumaiból, jellemzőiből, személyeiből és pillanataiból összegyűrt macedón történelmet semmi más nem tudná jobban a külvilág felé hirdetni, mint a turizmus. A VMRO-DPMNE létre kívánta hoznia az antik macedón turizmust azzal, hogy antik városok mintájára alakítja át Szkopjét és más településeket. A 2010-ben bemutatott grandiózusnak ígérkező „Szkopje 2014” projekt a macedón főváros teljes látképét kívánja átalakítani 2014-re. A projekt keretén belül szobrok, hidak, terek, középületek és templomok nőttek ki szinte a föld alól és irritálták Szófia és Athén szemét. Bulgária számos műemléket – köztük Goce Delcev, Dame Gruev, Szent Cirill, Szent Metód, Szent Kliment és Naum, Karpos valamint Sámuel cár szobrai – kifogásolta, bolgár történészek szerint Macedónia kisajátítja történelmi hőseit. Bozsidar Dimitrov a határontúli bolgárok volt tárca nélküli minisztere több alkalommal is kifejtette, hogy Bulgária nem azt kifogásolja, hogy Macedónia tiszteletet állít a közös történelmi hősöknek, hanem azt, hogy saját, macedón nemzeti hőjüknek tekinti és nem közösnek. A macedón történészek abból a percepcióból indulnak ki, hogy Makedónia földrajzi területéhez valamilyen módon kapcsolható személyek szervesen kapcsolódnak a macedón állam történelméhez. Ezt az állítást mind Görögország, mind Bulgária hevesen támadja, azzal érvelve, hogy a személyek a nemzeti öntudathoz kapcsolódhatnak és nem pedig egy adott régióhoz, amely még nem is fedi le kizárólag a mai állam területét. A közös történelmi személyeken túl Bulgária továbbá kifogásolja a közös történelmi események és szervezetek más szemszögből történő értelmezését. Számos vitát gerjesztett Szófia és Szkopje között az 1912–1913-as balkáni háborúk és a két világháború értelmezése, ugyanis a macedón tankönyvek legtöbbször bolgár megszállásként, vagy okkupációként jellemzik Bulgária cselekedeteit, ezzel szemben Bulgáriában felszabadításként jellemzik az adott időszakokat. A közös emlékművek tisztelete sem történik minden nagyobb konfliktus nélkül, 2012-ben fizikailag inzultálták Iván Petkovot Bulgária macedóniai nagykövétét. Petkov virágokat kívánt elhelyezni Goce Delcev emlékére a szkopjei Szent Szpasz templomban, viszont macedón huligánok megakadályozták ebben.⁸

⁸ Balgarszkijat poszlanik v Szkopie ne bese dopusznat da polozsi cvetja v pamet na Goce Delcev. *Dnevnik*. http://www.dnevnik.bg/bulgaria/2012/05/04/1820915_bulgarskiiat_poslanik_v_skopie_ne_beshe_dopusnat_da/
Letöltés ideje: 2012. december 26.

Bulgária a történelem-kisajátításán kívül rágalmozással és Bulgária jó hírnevének rombolásával is vádolja Szkopjét. Bulgária a második világháborúban egyedüli szövetséges államként megmentette saját 70 ezer fős zsidó lakosságát. Macedónia napjainkban azzal vádolja Bulgáriát, hogy a bolgár zsidók életének megmentése érdekében önszántból átnyújtotta Németországnak a világháború során megszállt és felügyelete alatt lévő makedón területek izraelita lakosságát, amely becslések szerint 15 ezer főt tehetett ki.⁹ Ezt 2012-ben mind Bulgária, mind Izrael hivatalos szervei is cáfolták és megerősítették, hogy Bulgária 1944-ig nem rendelkezett felügyeleti hatalommal a terület felett, továbbá hogy a deportálásokat az ott állomásozó német erők hajtották végre.¹⁰

A két ország közötti kapcsolatok új fordulóponthoz érték 2009-ben, amikor Bulgária élére a magát jobboldali pártnak tituláló Polgárok Bulgária Európai Fejlődéséért (GERB) került. A GERB-kormány összetételét több szempontból is érdemes közelebbről megfigyelni, hogy megértsük a kétoldalú kapcsolatok drasztikus romlásának okát. A kormányfői pozícióban az a Bojko Boriszov került, aki az ország rendszerváltás utáni történelmében a lehető legtokéletebben használta ki saját javára a különböző belpolitikai szereplők csatározásait. Boriszov 2009 óta sikeresen leszállmizta a bolgár szélsőjobbot és a régi Egyesült Demokrata Erők (SzDSz) romjaiból megmaradt kisebb konzervatív pártokat. Kiváló stratégia lévén a miniszterelnök hatékonyan felhasználta a szélsőjobboldali pártok retorikáját és keményebb irányvonalat kezdett képviselni a macedón kérdésben. A GERB politikusai jól rátapintottak, hogy a bolgár lakosság túlnyomó része keményebb fellépést kíván a kérdésben, ám továbbra is Macedóniát az „esetlen testvérállamnak” tekintik, akit külsőleg ki kell segíteni. A külügyminiszter személye is elgondolkodtató, Nikolaj Mladenov teljes mértékben Boriszov irányítása alá tartozik és személyes megnyilvánulásaiban is a központi kommunikációs stratégia változásai tükröződnek vissza. Menesztéséig Bozsidar Dimitrov volt a határon túli bolgárok ügyeiért felelős tárca nélküli miniszter, személye a Balkánon egybeforrt a macedón kérdésnek a kutatásával. Dimitrov történelmi munkásságát, többek között a „A macedonizmus 10 hazugsága” című művét is éles bírálat érte Macedónia részéről, csak 2012-ig négy alkalommal érte őt halálos fenyegetés anonim személyek részéről.¹¹ A kormánypárt elődeivel ellentétben immáron nyilvánosan is bejelentette, hogy vállalja a konfrontációt Szkopjéval, ha sérülnek a bolgár állampolgárok és a bolgár identitású személyek érdekei. A legnagyobb visszhangot keltő konfrontáció a Szpaszka Mitrova-ügy volt, amely során Bulgária diplomáciai menedéket is nyújtott Szpaszka Mitrova bolgár-macedón kettős állampolgársággal rendelkező macedóniai lakosnak, akit feltételezések szerint bolgár identitása miatt a macedón hatóságok üldözéseknek és bírósági eljárásoknak vetett alá. Boriszov 2012-ben éppen Szpaszka Mitrova ügyét felhasználva fenyegette meg Macedóniát, hogy meggátolja európai uniós integrációját. Másik kirívó esetként lehet megemlíteni az ominózus brüsszeli történelmi kiállítást, amelyen Macedónia több bolgár középkori kéziratot kívánt előbb macedón, később szláv néven bemutatni. A kiállítás címét végül módosították, miután bolgár európai parlamenti képviselők felemelték szavukat a történelembitorlás újabb változata ellen. Sokáig úgy tűnt, hogy akár Magyarországon is megismétlődhet a fiasco, amikor az Országos Széchényi Könyvtárban egy

⁹ Bulgarija – „szaucsasztnik” v genocida na evreite? *Bivol.bg* idézte:

<https://bivol.bg/bulgaria-ne-e-sauchastnik-v-genocida-na-evreite.html> Letöltés időpontja: 2012. december 26.

¹⁰ Izrael Külügyminisztériuma: President of Bulgaria Plevneliev visits Israel.

http://www.mfa.gov.il/MFA/Government/Communiques/2012/President_Peres+meets_President_Bulgaria_22-Oct-2012.htm Letöltés időpontja: 2012. december 26.

¹¹ Kraszimir Karakacsanov: Polucsavame pizhma szasz zaplahi ot Makedonija. *Trud*.

<http://www.trud.bg/Article.asp?ArticleId=1672370> Letöltés ideje: 2012. december 27.

hasonló macedón kiállításra került sor, de a felmerült nézeteltéréseket sikeresen kezelte a két ország diplomáciája.

Természetesen nem lehet teljes biztonsággal kizárni, hogy a reakciók a bolgár kormány részéről nem kizárólag a bolgár nemzeti érdekeket szolgálják, hanem a 2013-as országgyűlési választások kampány részének is betudhatók. Mladenov külügyminiszter a pártjától érkező erős nyomás hatására új szomszédságpolitikai stratégia megalkotását is kilátásába helyezte, ahol Bulgária meg fogja húzni azokat a „vörös vonalakat”, amelyeket nyugati szomszédja nem léphet át. Macedónia 2012-ben negyedik alkalommal pozitív elbírálásban részesült az Európai Bizottság éves értékelésében és ismét zöld út nyílt a macedón csatlakozási tárgyalások megkezdése előtt. Az elmúlt esztendő bizottsági jelentésével ellentétben az idei dokumentum több kulcsfontosságú kérdésben is előrelépést jelent. Az Európai Unió többek között macedónnak titulálta a csatlakozásra váró állam állampolgárait, helyben hagyta a 2011-es Nemzetközi Bíróság (ICJ) elmarasztaló ítéletét a 2008-as görög vétóval záruló bukaresti NATO-csúcsot illetően és indirekt módon felszólította Görögországot, hogy élessze újra a kétoldalú tárgyalásokat. Az Európai Bizottság alapos szakmai körütekintés hiánya következtében azonban alig érintette a Bulgária által kifogásolt területeket. Bulgária az Európai Unióban rendre felemelte szavát amiatt, hogy Macedónia nem teljesíti az olyan alapvető tagsági követelményeket, mint például a jószomszédi kapcsolatok ápolása, vagy a más tagállamok kultúrájának a tisztelete. Az Európai Bizottság nem vette figyelembe 2012 őszén a bolgár fenyegetéseket, amelyek szerint a decemberben esedékes Európai Tanács-ülésen megvétózza Szkopje csatlakozási tárgyalásainak időpontját kijelölő döntést. Közvetlenül az Európai Tanács ülése előtti háromoldalú üzenetváltások után vált világossá Brüsszel számára, hogy Bulgária csatlakozni fog Görögországhoz és nem fogja támogatni Stefan Füle beterjesztett javaslatát arról, hogy a görög-macedón tárgyalások mellett párhuzamosan folytassák a csatlakozási tárgyalásokat. Szakítva a múltbéli stratégiával Bulgária kijelentette, hogy 2012-től kezdődően Macedónia nem fogja élvezni a kompromisszummentes bolgár támogatást uniós csatlakozását illetően. Roszen Plevneliev bolgár államfő és Mladenov külügyminiszter 2012 utolsó hónapjaiban heves kommunikációs csatába bocsátkoztak macedón kollégáikkal azt illetően, hogy miként lehetne orvosolni a vitás kérdéseket.

Szkopje figyelme sokáig teljes mértékben Athén felé irányult és nem helyezett komolyabb hangsúlyt a bolgár kifogások kiküszöbölésére, ugyanakkor közvetlenül a decemberi ülés előtt Nikola Poposzkí macedón külügyminiszter bolgár kollégájához címzett levelében felajánlotta egyes történelmi események – mint például a macedón függetlenség elismerésének időpontjának – közös ünneplését. A bírálatokra adott macedón válasz kizárólag egy célt szolgált – a brüsszeli bírálat csillapítását, nem pedig valós konzultációk megindítását. Mladenov válaszelevelben¹² három feltételt fogalmazott meg, amelyek teljesítését követően Bulgária hajlandó lenne támogatni a macedón integrációt. A feltételek – jószomszédi kapcsolatokról és együttműködésről szóló megállapodás megkötése; vegyes bizottságok felállítása a hatékonyabb együttműködés érdekében; éves kormányközi üléseket összehívó Tanács létrehozása – sokkal kooperatívabb jellegűek, mint a görög követelések, ugyanakkor Bulgária kockázatot is vállal. Az elmúlt hónapokban érdekes kormányközi találkozókra került sor, többek között Antonisz Szamarasz görög és Boriszov bolgár miniszter is egyeztetett egymással a macedón kérdésben szükséges lépésekről. Bulgária és

¹² Bulgária Külügyminisztériuma. Nikolaj Mladenov macedón kollégájának szánt levele.

<http://www.mfa.government.bg/events/6/1/1210/index.html> Letöltés időpontja: 2012. december 27.

Görögország, érezve, hogy erősödött a nyomás Brüsszel részéről a tárgyalások megkezdése érdekében, szinkronizálták fellépéseiket közösségi szinten és szövetséget kötöttek érdekeik megvédése érdekében. Bulgária nem kis diplomáciai kockázatot vállalt 2012-ben azzal, hogy feladta addigi teljes mértékben támogató politikáját, ugyanis míg Görögország világos feltételek mellett (az állam nevének megváltoztatása) lenne csak hajlandó támogatni északi szomszédját, addig Bulgária a jószomszédi viszonyok ápolásának homályos feltételéhez köti beleegyezését. Rövidtávon mindenképpen pozitív lépés Bulgária részéről a határozottabb fellépés, ugyanakkor fennáll a veszélye annak, hogy ha Görögország és Macedónia időközben kiegyezik, akkor Szófia sokkal kisebb mértékben lesz képes befolyásolni a folyamatokat, mint most Görögország.

A bolgár-macedón konfliktus sokkal inkább mesterségesen generált, mintsem hogy valós ellentétet tükrözne a két ország lakossága között. Szemléletesen érzékelteti a „Harmadik féldő” című történelmi film, hogy a konfliktus mögött valójában politikai és történészi ambíciók állnak. A filmet, amely bemutatja a macedóniai zsidók második világháború alatti deportálását, állami forrásokból is finanszírozták és bolgárellenes töltete közvetlenül kapcsolható a macedón kormányzati körökhöz. Bulgárinak és Macedóniának nem áll érdekében az újabb konfliktusok generálása, ugyanis mindkét állam jelentős mértékben függ az Európai Unió forrásaitól. Bulgária egy elhúzódó konfliktus miatt szinte biztosan veszítene amúgy sem makulátlan diplomáciai hírnevéből uniós körökben, Macedónia pedig ezzel párhuzamosan még kellemetlenebb helyzetbe kerülhet, ha nem sikerül rendeznie kapcsolatait Bulgáriával (és Görögországgal). Macedónia jelen pillanatban demográfiai csapdába került – az albán nemzetiségűek száma drasztikusan növekszik és bár a 2011-es népszámlálás elmaradt, valószínűsíthető, hogy 1-2 évtizeden belül a macedónok kisebbségbe szorulhatnak saját országukban. Az Ohridi Keretegyezmény nem garantálta az albánok által igényelt jogokat és a macedónizmus erősödő ideológiája sem kedvez a békés együttélés megvalósításának. A 2001-es polgárháborút követően 2012-ben ismét előtérbe kerülhetnek azok a jelek, amelyek arra utalnak, hogy komoly társadalmi szakadék tátong a macedóniai lakosság bizonyos szegmensei között. Meg lehet kockáztatni azt a felvetést is, hogy ha Macedóniának nem sikerül az Európai Unió védőszárnyai alá kerülnie addig, amíg a macedónok alkotják a lakosság többségét, akkor komoly konfrontációk is kialakulhatnak, amelyek veszélyeztethetik az állam jövőjét. Erre utalnak Ljupcso Georgievszki szavai is, aki szerint 10-20 éven belül Macedónia lesz Koszovó és Albánia után a harmadik albán állam.¹³

A bolgár kormányt időközben morális vádak is érték a keményebb fellépés miatt, Zselju Zselev volt államfőtől kezdve a fő politikai riválisokig sokan bírálták Bojko Boriszovot amiatt, hogy végérvényesen elmergesedhet a két állam közötti viszony. Ezek a támadások megalapozatlanok, ugyanis a macedón belpolitikában nincs a látóhatáron olyan új szervezet, amely önszántából nyújtana kezet Bulgáriának, ugyanakkor határozott, és a görögnél konstruktívabb fellépés józanságra ébreszthetné az uniós csatlakozásért küzdő macedón politikusokat.

Érdemes magyar szemszögből is figyelni a macedón konfliktusokat. A magyar diplomácia jelenleg rövidtávú döntéseket hajt végre konkrét stratégia kidolgozásának megléte nélkül. Megengedhetetlen hibákhoz vezethetne megalapozott helyi szaktudás hiányában olyan horderejű

¹³ Ljupcso Georgievszki: Makedonija ste sztane tretata albanszka darzsava. *Trud*.
<http://www.trud.bg/Article.asp?ArticleId=1217501> Letöltés ideje: 2012. december 27.

döntéseket hozni ebben a kényes politikai időszakban, mint Macedónia alkotmányos nevének az elismerése. A jó szándék megléte nem kompenzálja a hosszú távú bonyodalmakat.¹⁴

Macedónia a közeljövőben nagy valószínűséggel nem fog csatlakozni az Európai Unióhoz, ugyanis a szomszédjaival fennálló konfliktusok nem az egyedüli hátráltató tényezők a macedón integráció útjában. Magyarországnak célszerű lenne sokkal közelebbről és aktualizált, felkészültebb szakmai kapacitással figyelnie a balkáni régiót, ugyanis minden geopolitikai változás ebben a térségben közvetlenül érzékelhető hatással lesz hazánkra. A bolgár-macedón konfliktushoz hasonló felszín alatti törésvonalak jól szemléltetik, hogy sem az Európai Unió, sem Magyarország nem ismeri kellőképpen a délkelet-európai régiót.

¹⁴ Milanov, V., Miért csak most, Magyarország? *Kitekintő*. idézte: http://kitekinto.hu/europa/2012/12/25/miertcsak_most_magyarorszag/ Letöltés időpontja: 2012. december 27.

THE ROLE OF INTERPRETATION AND DISCOURSE IN THE SERBIAN FOREIGN RELATIONS IN THE 2010'S, WITH SPECIAL REGARD TO THE EU AND RUSSIA

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Abstract

Since the end of the cold war, both Russia's role in the Balkan and their relations have been progressively decreasing in significance. However, Serbian public thought have largely ignored this tendency. In fact, since the Serbian change of system, the Russian connection has become a sort of alternative to the EU-joining. Based on a somewhat exaggerated cultural and religious fraternity, Serbian political agents regard Russia as a savior and they tend to handle Russia's interests as a primary factor, superior to their own interests. In return, they expect the "bigger brother" to protect Serbian interests in the larger international scene – a situation from which Russian diplomacy tries to take as much advantage as possible. Unlike China (as it can be seen in the revival of the so-called 'vassal gift' model), Russia does not follow a traditionally more oriental, feudal lord-vassal relationship model. Asymmetric opportunities are used by Russia's politics in a more western system of relations that is based on economic rationality, in order to regain its weakened Easter-European positions at least in the Balkan. In other countries of the region (e.g. Montenegro, Croatia), this manifests in economic matters only. But in the case of Serbia, an asymmetric model is present which is in some way, the opposite of the Chinese example. Here, the weaker party of the relationship, Serbia takes a relatively bigger burden, in the hope that the stronger party will stand up for Serbian interests in international organizations. Due to the aforementioned attitude of a perceived and probably overrated cultural fraternity, the Serbian political discourse is dominated by the false dilemma of Russia or Europe, even after the change of system. Russia never actually caused or facilitated this dilemma in an explicit way, but its behavior has assisted the survival of such interpretations. Recent political events have brought about a significant change in Russian foreign relations (compared to the tendencies of the last one and a half decade). This can be summarized as follows: mainly for military and energy reasons, Russia has interests in maintaining the aforementioned false alternative, since this enables Russia to optimize its positions in the Balkan. Our lecture discusses the most recent turns in the Belgrade-Moscow relationship – with a regional political context that includes the EU and the NATO as well.

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Russia's relationship with the Balkan and its role there were essentially losing their significance from the end of the Cold War until president Medvedev's 2009 visit to Serbia, an event that marks a serious change in Russian foreign relations as compared to the previous fifteen years, especially from military and energy political perspectives. The present paper aims at discussing the most recent turns in the Moscow-Belgrade relationship, with a regional political context that includes the EU and the NATO as well.

Russia's maximized resistance against the Eastern expansion of NATO is by no means surprising. For decades, the conventional (non-nuclear) aspect of the Russian (Soviet) national security doctrine relied on the huge geo-strategic advantage that came from the mere size of the allied states of the Eastern Bloc and the Soviet Union itself. In case of a potential conventional attack from the West, Russian centers of industry and administration, as well as hinterland areas were in absolute safety (also meaning an alternative to nuclear strategies of defense). Of course, foreign relations between former allied countries and Russia are quite different today, while in the 90's NATO "borders" kept crawling nearer to Russia. Should Ukraine and Georgia join the North-Atlantic Alliance, Russia's geo-strategic situation would change critically¹. Another important factor is the dramatic decrease in both military numbers and capacity that has taken place since the Cold War (See Arbatov, 2000)

Recent literature (Fatic, 2010) mentions four basic approaches to be used by Moscow against NATO expansion: (1) influencing the elections in ex-Soviet states, by clandestine or overt means, (2) dependence of the region's states on Russian fuel, as a means of exerting political pressure, (3) strategic initiatives, including the installation of launch pads and anti-missile systems, and (4) finding friendly regimes in trouble and trading diplomatic and economic assistance for their military and strategic loyalty. From the perspective of our narrower subject, Serbian-Russian relations, (2)-(4) are the most relevant, as recent years seems to show examples of these. Serbian is no exception from Gazprom's aggressive purchase efforts, not to mention the Southern Stream pipeline's section on Serbian soil. The energy strategy includes a plan to build a Russian-supported atomic power plant.²

Both the efficiency and speed of the Russian regional politics are severely inhibited by the fact that non-EU countries of the region consider joining as highest priority. Some of them (Albania, Bulgaria, Croatia, Slovenia) are already NATO, with the joining Bosnia and Macedonia in progress. Therefore, Serbia is a potential strategic partner outside the Western alliance. As every country in the region, including Serbia, gives highest foreign political priority to EU-membership, effectiveness (in the above sense) of the Russian politics depends on the given state's advancement toward full-right membership. It is noteworthy that the assessment of this advancement has gradually shifted in political dimension, in other words, it is not determined by the completion of technical prerequisites (i.e. certain reforms in legislation and economy)³. However, the internal stability of Balkan states is decreased by the EU's reluctance to maintain the speed of expansion. According to the official Russian standpoint, Moscow does support the

¹ Alexei Arbatov discusses the subject in detail in his paper 'Russian national security and NATO expansion'. See, for example www.eng.yabloko.ru.

² See Fatic, 2010, also Živanović, K. and Vlaović, G., 2009. Nuklearka na Dunavu posle 2015? (Danube nuclear plant in 2015?), *Danas*, 2 December 2009.

³ Especially since the joining of Bulgaria, whose institutional and political problems (including the acute issues of organized crime) are shared by the other candidate countries as well.

EU-joining of the region, but it is firmly against further NATO expansion – a situation to which the EU does not seem to have an appropriate response.

Serbia is as far from joining NATO as possible, its public discourse is anti-NATO to such an extent that its government have to keep proving that there are no secret NATO-membership negotiations underway. It is no surprise that Russia regards Serbia as a last line of defense against further NATO expansion in the Balkan. In other words, current Serbian-Russian strategic relations are to be interpreted in the context of the Russia-NATO conflict. Russia's foreign policy is based on building regional alliances and connections of economic partnership, which is less successful in ex-Soviet regions. Basically the partnership with Serbia is using the same strategy, only farther from Russian borders. Serbia is a potential partner for the same reasons why most ex-Soviet member states are not, the foreign policies of the latter being strongly oriented toward the West.

“Serbia is definitely a pivotal point of stability in the Balkan, this is why the NATO is unmistakably courting the country. However, the 1999 NATO airstrikes and the 2008 acknowledgment of Kosovo's independence caused Serbian public discourse to remain rather critical of NATO. Furthermore, Serbia could not likely become a NATO member until Belgrade forfeits revisionist concepts about Kosovo...” (Biermann, 2009, p.4)

On the other hand, in December 2007 the Serbian parliament made a decision to stop the process of European integration and to sever diplomatic connections with EU member countries that acknowledge the independence of Kosovo. The decision got 240 positive and 14 negative votes with three abstentions. The government that had come to power in January 2007 collapsed in March 2008 – president Kostunica resigned exactly because the tension among coalition parties about Kosovo's independence and though this move almost cost the destruction of Kostunica's Democratic Party, the decision itself remained valid.

The formula “both Europe and Kosovo”, with which the present coalition won the elections in May 2008, is less and less functional. The strongest government party's (Democratic Party) distancing from both Brussels and Washington is also perceivable. In 2010 March minister of foreign affairs Vuk Jeremic stated during a visit in Hungary that if Serbia has to choose between the EU and Kosovo, it will choose Kosovo. This is an ideal situation for Russia to give momentum to its interests through Serbia.

From Serbia's perspective, the relation with Moscow is based by quite defined political interests, primarily its need for a diplomatic background support that is able to veto UN Security Council decisions on the acknowledgment of the state of Kosovo.⁴ Serbian government would also be in a more comfortable situation with the decentralization dialogue if it is clear that Russia is firmly against the creation of any new independent state in the West-Balkan. Western public discourse and media regarded the NATO bombings of Serbia as a continuation of political steps to end the oppression of Albanians in Kosovo. However, it was an ominous sign for Moscow showing that the NATO is ready to go to war with anyone threatening its global dominance. 1999 was the first time since the Cold War that the Russians were discussing, behind closed doors, details of a

⁴ In the Serbian parliament, the official Russian standpoint was also articulated by Medvedev in 2009 October: “Regarding the matter of Kosovo, Serbia must have the last word.”

potential war against the NATO. Also, the millennium version of the Russian national security concept already included the following passage: “the NATO procedure (on the level of strategic doctrine) to employ military force outside its zone of responsibility and without the sanctioning of the UN Security Council, can destabilize the whole global strategic situation.”

In connection with the pipeline through Nis and other Russian energy investments, Serbia and Russia made an agreement on the Russian installation of a base near Nis which will (among others) defend the aforementioned structures. According to leaked and later indirectly confirmed information⁵, the staff of the base will be likely from the Russian army. Croatian media suggested that the agreement is related to a 1-billion-dollar Russian loan to Serbia. However, this also meant that Serbia sold the majority of its NIS shares (its oil company) to Gazprom. It is also true, though, that the Russian administration later discovered a 350-million-Euro debt of NIS that had been kept in secret.⁶

To return to the Kosovo issue and its role in Serbian foreign relations, an important factor is that Serbia has neither military nor institutional presence in Kosovo. A major cause of the public support of the Kosovo policy can be the severely threatened identity of the Serbian people. Some argue that a possible solution for these identity problems could be Serbia's joining the EU, which would enable the formation of a new identity. Many think, however, that without the solution of the previous identity issues following the dissolution of Yugoslavia, Serbia is unable to take the role of a future EU member state. Still others argue that Serbia's future EU membership is questionable mainly because the internal problems of the country, including a non-democratic culture of power, an imperfect relationship with ethnic minorities and a strong willingness to political centralization. These are so acute phenomena that even if Serbia openly acknowledged Kosovo's independence (which is out of the question), it would not be enough incentive for the EU to accept the country.

Apart from superficial articulation of either pro- or anti-EU sentiments, opposition parties do not have acceptable political alternatives, either. This political deficit (no parties able to express clear directions about the future of Serbia) also shows why Serbia is searching support not only in a political, but also in a psychological sense. This is how Serbia's 'fraternity' with Russia becomes a tool of identity consolidation in the lack of local institutional solutions. “It is very probable that the Serbian advancing to Russia, including the involvement of Serbia into the Russian-NATO close quarters combat, helps the Serbs to attain a communal identity that was lost during the post-Yugoslavian transitions.”(Fatic, 2010)

Though Serbia does have the aforementioned (diplomatic) reasons for maintaining and improving Russian relations, this alliance is also motivated by certain psychological aspects belonging to a collective identity associated with another powerful (though discredited in some views) identity-lending entity.

⁵ Croatian media did much to reveal the details of the case: 'Niš postaje tajna ruska vojna baza: tajna misija Putinova', Nacional 27 October 2009. As a result of the article, Russian and Serbian officials were forced to provide the public with some additional information.

⁶ 'Bajatović: Dug odnosi dobit NIS-a', B92 (Belgrade), 2 May 2010.

A 2011 November press event⁷ signifies a relevant turn, when it was reported that more than 20,000 Serbs in Kosovo addressed the Duma of the Russian parliament (through the Russian embassy in Belgrade). Their goal was to receive Russian citizenship, for the reason that, being Russian citizens, they would feel safer in Kosovo.

If the Russian parliament and then the government supported the request of Serbs in Kosovo, they would require protection in the Serbian-Albanian conflict. Such a situation would bear an ominous resemblance to the time of the South Ossetian armed conflict between Russia and Georgia in 2008. By the beginning of the war, the majority of the South Ossetian population had already received Russian citizenship. This led to the situation that Russia claimed the killing of Russian soldiers by Georgians as one of the reasons for the military operation against Georgia. But Kosovo's situation is altogether different, since if Russia were to intervene here (because of atrocities against its new citizens), it would face NATO itself. It is to be noted that, quite understandably, the Serbian government was not supportive of the request. If Moscow had accepted it, it would have proved evidence for Serbian voters as to the deficiencies and futility of the Kosovo policy of the Democrats – just before the 2012 parliamentary elections, obviously giving advantage to Serbian nationalists. “Furthermore – as a certain individual close to the Belgrade government added in the Russian *Commensant* – Moscow would have difficulties in explaining to Belgrade that it regards Serbia as a strategic partner.” In the same newspaper, Andrei Klimov, a vice-chairman of the international relations committee of the Duma explained the Russian reaction. “Such precedents are dangerous, ... I doubt that it would be worth antagonize everyone in favor of such matters.”

We have delineated some aspects of the Russian foreign policies. In the Balkans (and primarily in Serbia), it could only become successful if the declared goals (pursued with less and less vehemence, though) of the European unity would wane. In other words, if institutionalized and comprehensive Europe-isation that includes collective identity fails in the region.

⁷ <http://www.vajma.info/cikk/szerbia/15686/Oroszorszag-inkabb-nem-kockaztatna.html>

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A NEO-REALIST ANALYSIS OF TURKISH FOREIGN POLICY TOWARDS THE BALKANS

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Key Words: *Turkish Foreign Policy, Balkans, neo-realism, multipolarity, regional powers, balance of power*

Abstract

The primary concern of this paper is to find out Turkish foreign policy towards Balkans with respect to the premises of neo-realism based mainly on the changing structure of international system. There are various symptoms of a shift from unipolarity to another structure in which some major European powers may have potential to become great powers. As it was clearly depicted in some previous historical examples, Balkans has a distinct role in a structural transformation since there have always been particular national interests of various great powers.

The paper initially describes the current structure of international system from a neo-realist point of view. The discussions on changing structure of the international system are also evaluated briefly in order to understand the importance of Balkans for the major powerful actors. Among them Russia takes precedence over other powers for several reasons. Powerful European states and the US have also considerable reasons for paying attention to the Balkans.

In such an intricate political setting the roles played by major regional actors have also become critical in terms of global power balance. As one of the emerging middle powers, Turkey has particular interest in the Balkans. Furthermore, Turkey has security concerns in its close proximity since there is a lack of stability in the Balkan region. For this purpose, Turkey tries to utilize a more active foreign policy in this region, which in turn, causes a defect in Turkish foreign policy since some regional actors begin to perceive Turkey's intention as a part of hegemonic influence.

This paper reiterates that Turkey is currently trying to increase its ability to influence the regional actors in the Balkans while contends that Turkey's such efforts are primarily concentrated on increasing political and economic stability in the Balkans rather than dominating the region. Therefore, this paper concludes that Balkans may keep stability in a multipolar world where great powers may try to increase their influence on different regional actors. The paper further argues that Turkey should take necessary steps to convince other regional actors about her actual intentions. Turkey should eliminate any misunderstanding that equates Turkey's policy with political dominance in the Balkans by supporting stability in order to weaken the influence of non-regional great powers in a possible multipolar world.

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Introduction

International political system has undergone a great change since the end of the Cold War. In the early post-Cold War years, international political system has shifted into a unipolar structure in which the United States assumed the sole superpower role. However, the September 11 events have put another devastating impact on the structure of international system. The US operations in Afghanistan followed by an intervention to Iraq caused anxiety among most of the members of the international community about hegemonic intentions of the United States. Furthermore, the accelerated pace of China's economic power and Russia's resurgence due to the economic profits of oil and gas industries have raised a debate over the polarity question.

From this point of view, the current unipolar world dominated by the United States may be challenged by two different alternatives. First of all, a bipolar world between the US's and China's spheres of influence is a potential future political international structure. In such a system structure, other major powers may align with one of the superpowers according to their expectations and national interests. The second alternative to unipolarity is a multipolar world order, which consists of several major powers. Among those powers the United States and China have a priority due to their economic capabilities. However, Russia, Germany, France, Japan, the UK may also be potential great powers of a future multipolar order. Some developing states like India, Brazil, Indonesia or Turkey may have a certain impact on structural formations as well. However, it is not very clear for today that which actor will get the status of a great power in multipolarity and how the alliances will be shaped.

Although there is still a hazy shade of ambiguity on international political system, it is possible to argue that the impact of developing regional powers on system's structure will be more prominent than the current unipolar world order. Put it differently, in a future multipolarity, alignment with a powerful regional actor would absolutely increase the capabilities of a great power in that specific region. From this point of view, Turkey has a high potential for being one of the most influential regional partner for the great powers of multipolarity. In that sense, competing great powers would probably like to make an alliance with Turkey to be more influential in various regions around Turkey. In other words, what makes Turkey popular will probably be the geo-political location of the country which enables it to interfere with the politics of various geographical regions. To put it in more detail, Turkey may have a certain level of influence over actors in the Middle East, Eastern Mediterranean, Central Asia, the Caucasus, and the Balkans. These five regions have a common characteristic: The stability of any of them directly affects the global political stability at a certain level. All these regions have also important role in energy and trade issues, which clearly increase their value in the estimation for potential great powers. Some have vast energy reserves, while others have vitality in terms of transit routes. Therefore, as an influential actor in regional politics, Turkey may become an important ally for the potential great powers, which will seek to promote their own interests in those regions.

As an important factor of global politics, Balkans should be carefully taken into consideration by all international actors. This is also relevant for Turkey if this country seeks to be an effective actor in the changing international structure. This paper discusses the primary motives of Turkish foreign policy towards Balkans in the newly emerging global political order. Before examining the significance of the Balkans for Turkish foreign policy, it would be helpful to understand the

importance of the region in terms of global politics. In other words, the importance of the Balkans for global powers helps to compare the significance of the region for Turkey and major powers.

Therefore the first part of this study examines the place of Balkans in the current world order. Following this analysis, Turkey's Balkans policy is evaluated with reference to the structure of international political system as well. More precisely speaking, Turkey's priorities in the Balkan are analyzed through neo-realist lenses, which require examining Turkey's relations with the great powers. Based on the data and evaluations derived from the first two sections of this paper, the final part concentrates on the question of how Turkey's Balkan policy is shaped by the change in international political system.

The Significance of the Balkans in International Politics

Great powers have attached particular importance to the Balkans since its location between eastern and western countries promises strategic advantages for global political actors. The geographical location of the Balkans has made the region an effective transit route for trade. In the north, Danube River paves way to control the transit routes going into the middle of the European continent. In the east and south the region helps partially control over the Black Sea, the Straits and Eastern Mediterranean region, respectively. Moreover, the region has recently become a practical route for energy transportation systems, which has strategic value for great powers. As a result of these geographical advantages, conflicts among both regional and global players have become a prominent feature of the Balkans. In other words, the actor which has a certain degree of influence over the Balkans may have a great capability in several regions including the Black Sea, Eastern Europe, Eastern Mediterranean and even the Caucasus. As a result, the Balkans has become an arena for political power struggle among the major powers of the era. (İrge, 2011, pp.275-280)

In order to understand the power struggle for the Balkans, it should be helpful to go back until the fourteenth century. The gradual expansion of the Ottoman Empire into the Balkans dates back as early as 1389. Then, this region served the Ottomans as a strategic military base during the conquest attempts in Europe for almost four centuries. By the early nineteenth century, however, Ottoman rule has deteriorated by the challenge of ethnic nationalism mostly influenced by the French revolution. During this period, major European powers as well as Russia paid particular attention to religious and ethnic groups in order to expand their influence in the Balkans. The major power interests over the region continued during the Cold War when the regional actors took part in one of the camps. In the east of the region, Romania and Bulgaria came under the influence of the Soviets and became members of the iron curtain. On the other hand, the United States realized the significance of regional actors and provided all necessary means to keep Greece in the western camp. Different from other actors, Yugoslavia achieved a successful unification and avoided from being influenced by the great powers.

As the history of this region confirms, positions of great powers are crucial for a neo-realist evaluation of the Balkans in the current international setting. It should be clearly noted that the structure of international political system is absolutely defined by the balance of powerful states.

Less powerful states, on the other hand, located their position according to power calculations that benefit their interests at the highest level. From this point of view, both bipolarity during the Cold War and multipolarity both before and during the Second World War had made the Balkans a venue of global and regional conflicts. Therefore, it is necessary to understand the main interests of major powers in the Balkans in order to make a precise evaluation.

Russia and the Balkans

As one of the potential great powers of post unipolar world, Russia has certain interests in the Balkans, which makes Russia an important actor in this region. Russia's one of the primary interests in the Balkans is related to Slavic kinship. Bulgarians and Macedonians in the east and Serbs, Montenegrins, Croats, Bosnians in the west of the Balkans constitute South Slavic populations. Most of these South Slavic people have close ties with Russia. An analysis of the behavior of Russia and Serbia, which have acted collectively during almost all the conflicts in the Balkans (Medvedev, 1999) confirms the close ties between Russia and Slavic populations in this area. Russia fully supported Serbian and Greek revolts when the Ottoman Empire had control over the region (Mazower, 2000, p.70). Moreover, Russia showed a tough reaction to Austro-Hungarian Empire's invasion of Serbia and did not hesitate to go to war.

Russia has also primary security concerns as far as the Balkans is considered. For many centuries, the Balkans, the Black Sea Region and the Turkish Straits have had a critical importance for Russia to access the Mediterranean Sea. Losing the control over these lands clearly puts southwestern part of Russia into a potential weakness against any threat from other great powers. In other words, having more influence in the Balkans means more security for Russia in the southwest. Crimean War obvious showed the gap in Russia's security unless Russia has a direct control or at least influence on the Balkans, Black Sea and the straits. Being aware of this fact, as Suny argues (1998, p.43), Tsarist Empire engaged secret agreements with its allies concerning the control of Istanbul and the Straits. All these efforts during the First World War may be evaluated as a part of Russia's policy for not allowing any rival great power to be influential in Balkans and the Black Sea. By directly controlling Turkish Straits and supporting friendly relations with the then governments of the Balkan countries, Russia could achieve security in its southern borders. In short, the multipolar world order in that period enforced international actors in general and Russia in particular to become more powerful and more influential in certain regions where national interests and security might be under threat by other rival powers.

After the Soviet Revolution – unlike the Tsarist Russia – the Russian leadership did not pay enough attention to the Balkans in terms of economics and military strategy. The primary concern of the Soviet interests in the region focused mostly on a contest for influence on regional actors. Different from previous period, primary Soviet motivation was to keep those countries on Soviet ideology rather than security of the southern borders or ability to control trade routes passing over the Balkans. In this period, Soviet (Russian) influence in the Balkans almost reached to the Adriatic Sea since Romania, Bulgaria, Albania and Yugoslavia had socialist governments. Yet, Soviet activity in the Balkans was limited particularly due to Yugoslavia's

leading role in non-aligned movement.¹ Yugoslavia's inclinations towards an independent foreign policy, which had clearly limited the Soviet influence in the Balkans, lost effectiveness after Gorbachev's policies and the end of the Cold War (Headley, 2008, pp.19-22).

Russian foreign policy towards the Balkans has been reshaped after the end of the Cold War. During 1990s, Russian Foreign Ministers Kozyrev and Primakov frequently referred to multipolarity, which marks a realist influence on foreign policy (Lynch, 2001, p.11). From this point of view, Russia's efforts to prevent any operation by the international community against Serbs during Yugoslavia's dissolution period may naturally be linked to Orthodox/Slavic brotherhood. However, this may also be evaluated as an effort to thwart NATO's schemes about enlargement (Headley, 2008, pp.49-52). In other words, although ideological confrontation between Russia and the Western powers ended in the aftermath of the Cold War, the struggle for power prevailed. By being influential in a peripheral part of European major powers, Russia may have many advantages in the South Eastern Europe. That is one of the primary reasons that Russia and the West fractured during the wars in Bosnian and Kosovo.

The region is vitally important not only for security reasons, but also for maintaining control over trade routes between eastern markets and Europe. Energy traffic and pipelines have particular place as far as Russia's interests in the Balkans is considered. Having friendly relations with the regional countries may help Russia to continue its dominance in European energy markets. Put it differently, South Eastern Europe provides the best route for hydro-carbon resources from Caspian Basin, Central Asia and the Middle East, which constitutes the most viable alternative for Russia's oil and gas industries. These three energy rich regions are critical for European energy diversification. Therefore, having closer relations with Balkan countries may help Russia to prolong its power in European energy markets. This is also crucial for Russia to be more influential in Central Asia. (Larrabee, 1996, p.402)

In short, as Irge (2011, pp.282-283) argues, the strategic importance of the Balkans is currently based on its location as a transit region in energy transportation where great powers are in economic, political and cultural competition for more influence. A prominent example reinforces this idea is the South Stream project that proposed by Russia as an alternative to Nabucco project. By passing through Bulgaria and Serbia, it is clear that such a project would certainly increase Russia's operational and political capabilities in terms of energy (Ekinci, 2011, pp.424-425). All these Russian efforts may be evaluated as a part of Russian foreign policy towards the Balkans, which does not allow any great power to be very active on regional actors.

According to some Russian pundits, Russia has a potential for being one of the great powers in a multipolar world in terms of territory, population, economic resources and military capabilities. The continuation of the great power status, however, depends on its ability to be influential in regions where regional powers (like Turkey and Iran) are very active. Moreover, this may require cooperation with China and India. (Headley, 2008, pp.46-47) To sum up, the Balkans has a particular importance for Russia in a newly emerging multi-or-bipolar world, where Russia needs to perpetuate the advantage of energy card over the European countries and other regional actors.

¹ The Non-Aligned Movement was founded in Belgrade and Marshall Tito was the first Secretary General of the organization.

The US Interests in the South Eastern Europe

The superpower of the current world order does not have a kinship relation or religious affinity with the Balkans, but have certain interests, which are consequential in terms of global balance of power. Unlike Russia, the Balkans is not vitally important for the United States. Since the US has no border to the region, stability in Balkans does not have a direct security threat for the US. Moreover, American policy makers do not have any direct domestic interest in interfering with any kind of Balkan politics since there is no religious or ethnic affinity with the people living in the region. In addition, the US does not have a particular relationship with the regional actors.

The first and foremost reason that makes the Balkans important for the US is about curtailing the abilities and activities of other potential great powers in this region. During the Kosovo Crisis, the American intervention provided an atmosphere to show the deterrent capabilities of NATO and determination of United States in struggling with countries questioning unipolarity (Bullington, 1999). From this point of view, withdrawal of some military power from the Balkans does not literally mean that the region is not important for the United States. The deep motive of US withdrawal is rather related to the economic capability of the United States, which has become insufficient to cover the military spending particularly increased after the enormously costs of interventions in Afghanistan and Iraq. Therefore, the United States preferred to leave the Balkans into the European sphere of influence, where a relatively trustable power would secure the region from any kind of hegemony (Cato Institute, 2009, pp.579-581). In short, the Balkans or South Eastern Europe is strategically not very important for the United States. Yet, because of the strategic importance of the region for other major powers – including Russia – (Headley, 2008, p.58) of the unipolar world, the United States took active steps in the Balkans during the past two decades.

Major European Powers and the Balkans

Unlike the United States, the Cold War period allies of the Americans have particular interests in the Balkans. Germany is the most active country among the Western European powers, which has been regarded as one of the potential great powers in a multipolar world.² Under present circumstances, neither Germany nor France has the capability of being a global power, which is a very controversial issue (Bretherton and Vogler, 2006, pp.221-222). However, Germany is so active in the Balkans like a major global power searching for influence in its periphery.

Throughout the history, geographical location of the Balkans made it very critical for the European powers. Before the First World War, the region was mostly under the control of Austria-Hungary. Therefore, Germany kept its policies towards the region very limited (Miller and Kagan, 1997, p.66). After the war, France followed a policy of status quo in the region while Italy challenged the existing regional balances as a result of revisionist policies of Mussolini (Miller and Kagan, 1997, pp.72-73). During the Second World War, Germany invaded some and tried to control the rest of the actors in the region. After the end of the war, however, European powers could not be able to have any kind of influence in the Balkans.

² Some realist pundits argue that Germany, France, the United Kingdom and Italy have the ability to become a great power in a multipolar world. See: Mearsheimer, 2001, p.50.

The European interests in the Balkans re-emerged with the early 1990s. During the uncertainty of early post-Cold War era, especially Germany was the most active European country that directly interfered with Balkan politics. The early recognition of the independence of Slovenia and Croatia in 1991 was a clear example of Germany's active foreign policy in the Balkans as well as a factor that caused the crisis to escalate suddenly (Lucarelli, 1997, pp.65-66). Nevertheless, European foreign policy efforts did not help the EU members to be able to end the war in Bosnia. The EU's failure to act in its periphery clearly depicted the lack of unity in foreign policy among EU member states as well as their varying political preferences about the Balkans (Özdal, 2008).

When the reactions of major EU powers to the dissolution of Yugoslavia, it is possible to argue that Germany's early initiative for diplomatic recognition may be linked to their close ties with the Croatia. Moreover, it is also possible to discuss the importance of the Balkans as a bridge between Germany and non-Russian energy resources of the Caspian Basin, the Middle East and the Central Asia. Put it differently, Germany would have serious problems in the energy routes if any other powerful actor constituted influence over regional actors. This is naturally not the primary motive of German policy makers, but such a concern was not negligible for a great power candidate.

European interests in the region were not limited to the dissolution of Yugoslavia. EU forces assumed several peacekeeping operations in Bosnia, Macedonia and Kosovo.³ As a result of those operations, EU's military and police missions have stayed in the region for a long time.

There are some arguments that the main concern of European countries about the Balkans is to provide political stability in South Eastern Europe in order to control organized crime and border security problems originated from the Balkans. It is possible to evaluate Germany's early efforts in the Balkans as a policy for keeping the stability in the region. Yet, it is difficult to explain reasons preventing the Europeans to act promptly and rapidly if their sole concern was to keep stability. Naturally, there is a link between the fear of losing security umbrella of the US (Mearsheimer, 2001, pp.48-49) and increasing European interests in the Balkans. Put it differently, without having the US military support, any unfriendly power that can control or influence the South East Europe would result in frustrating effects for European powers in a multipolar world. Therefore, the Balkans is not only important for the stability within the European borders, but also important for European global actorness. Especially, the energy security of Europe, which has continuously been mentioned by Union institutions,⁴ depends hardly on availability of non-Russian resources and the Balkans have a strategic role in decreasing the dependency on Russian hydro-carbon resources (Ekinci, 2011, pp.427-428).

Turkey's Foreign Policy towards Balkans

The Ottoman Empire ruled over the Balkans from the mid-fourteenth century to the end of nineteenth century. This long period of Ottoman rule had formed the basis of close relations

³ For more detailed analysis of EU operations, see: Grevi, Hell and Keohane, 2009.

One of the main documents of the EU institutions is a Green Paper issued by the European Commission in 2006 after the Russo-Ukrainian natural gas conflict. See: European Commission, 2006.

between Turkey and some of the Balkan communities. On the other hand, the same period resulted in perpetual hatred against the Turks and Turkey, particularly among some of the non-Muslim communities of the Balkans.

In such a contradictory emotional and politic atmosphere, Turkey has naturally engaged in regional politics at a certain yet limited degree. During the interwar period, Turkey attended the Balkan Pact not only for balancing power among regional actors, but also for keeping the interference of global actors at a minimum⁵. After the war, a second Balkan Pact (Pact of Ankara) was signed among Turkey, Greece and Yugoslavia. Despite being a very short-lived agreement⁶, the Pact of Ankara is a very important document in terms of cooperation among Balkan countries, which generally show conflicting interests (Sükan, 2001, pp.189-191). As these two examples clearly depict, Turkey's policy of alliances with regional actors aims status-quo and is quite consistent with neo-realist arguments. In more concrete terms, Turkey signed or tried to form alliances against any powerful regional or global actor to dominate the Balkans.

After the end of the Second World War, Turkey's Balkans policy was mostly concentrated on Turkish-Greek relations throughout the Cold War period. Muslim and Turkish minorities in Greece and Bulgaria constituted the most active area of Turkey's Balkan policy. In addition, Yugoslavia was generally regarded as a transit country for the trade between Western Europe and Turkey (Robins, 2001, p.343). From this point of view, throughout the Cold War years Turkey's Balkan policy somehow favors the status quo (Robins, 2001, p.12). This is also a natural consequence of Turkey's geographical location, which was open to threat from rival bloc. Compared to the other NATO member, Turkey had long land borders with the Soviet Union and unstable Middle East in the east and south. This security concern made Turkey very sensitive to regional conflicts. Therefore, stability in Balkans was very important for Turkey since all corners of the country would otherwise be under the menace of instability. Under a neo-realist perception, Turkey's search for status quo in the Balkans was absolutely a viable foreign policy option because the eastern and southern borders of Turkey could not be secured sufficiently. From a neorealist perception, therefore, the perceived Soviet threat, which affected Turkey's foreign policy approach, confirms that Turkey's policy towards the Balkans had been shaped by the structure of international political system.

Turkish Foreign Policy in the Post-Cold War

The shift from bipolar world has not caused a major change in Turkey's foreign policy. Turkey continues to be a NATO member which has gained importance by the enlargement of the organization. Moreover, Turkey is attached to the EU membership process despite many obstacles that major EU members put on in the form of membership criteria. These main

⁵ The Balkan Pact did not last very long because of the World War Two. For Turkey's concerns and policies during the Pact, see: Degerli, 2009, pp.136-147; Sükan, 2001, pp.186-188.

⁶ The Ankara Pact survived only 3 years between 1955 and 1958. The US opposition to a military alliance between two new NATO members and Yugoslavia was one of the most serious impediments against the second pact. See: Stone, 1994, pp.393-405.

alignment preferences of Turkey confirm that Turkey has not drifted towards a completely different foreign policy in the new structure of the international system⁷.

However, there are particular divergences in Turkish foreign policy when compared to the previous periods. The initial impact of the end of the Cold War on Turkish foreign policy was related to ex-Soviet republics. After the dissolution of Soviet Union, Turkey enthusiastically established relations with Turkic origin republics in the early 1990s. Turkey's active foreign policy has also appeared in the Balkans. Turkey has preferred a multilateral approach in the Balkan crisis and has taken active part in most of the operations conducted by the international community.⁸

From a neo-realist approach, Turkey's approach to Central Asia and the Balkans can be evaluated as an appropriate foreign policy choice. As for the Central Asia, it was clear enough that the Soviet influence had been minimized in the region. This power gap could turn into an area of conflict among powerful actor. In turn, a series of conflict and instability would pose a great threat to Turkey's eastern borders. In that sense, Turkey's efforts to develop special relations with those – then – newly emerged countries was literally an accurate foreign policy preference in terms of a neo-realist perception. What Turkey has to do in order to survive in an ambiguous atmosphere was to improve its influence in its surrounding regions. Otherwise, any hegemonic formation around Turkey would have a devastating impact on Turkey. From this point of view, Turkey's improvingly active relations with its close territorial neighborhood are totally in conformity with neo-realist premise.

The September 11 Events has had a great impact on the structure of international political system. Although unipolarity prevailed, the American leadership has questioned by other major powers. Neo-conservative policies paved way to the American intervention in Afghanistan and Iraq, which seriously opposed even by some of European allies of the US. Some pundits contended that certain activities of some European powers as well as Russia could be regarded as an effort of balancing the United States. Parallel to these developments, Turkey's foreign policy has also shaped by September 11 events. Like the opposition of France and Germany to the US intervention to Iraq, Turkey declined the US demand to use Turkey's territory for its military operations in Northern Iraq. Even though Turkey's rejection caused serious problems in Turkish-American relations for a long time, Turkey's decision has a logical framework from a neo-realist perspective. First of all, in a case where a very powerful country controls southern neighborhood of Turkey would clearly limit Turkey's foreign policy preferences in a multipolar world. Moreover, possible political instability in Iraq after the end of US intervention would pose great

⁷ There are contrary approaches that argue a shift in Turkish foreign policy particularly after the AKP gained power. See: Köprülü, 2009, pp.185-201.

⁸ Turkey did not prefer to follow a policy based on Muslim populations in any Balkan country. Turkey has agreed to take part in multilateral peace keeping operations in Bosnia and Kosova, which has been conducted under the auspices of the United Nations or NATO. By this way, Turkey accomplished to maintain close contact with Muslim communities living in the region while confirming that Turkey does not prefer unilateral approaches in the Balkans. This can also be evaluated as a way to show Turkey's peaceful intentions because there are some arguments that Turkey pursues hegemonic policies over the Balkans. See, Larrabee and Lesser, 2003, p.95.

threat to Turkey's security. In that sense, Turkey's efforts to prevent US from invading Iraq may be evaluated as an expected balancing behavior.⁹

Davutoğlu and Turkey in the Balkans

Foreign Minister Davutoğlu has a prominent role in current Turkish foreign policy. In the early years of AKP government, Davutoğlu was the chief foreign policy advisor to the Turkish Prime Minister Erdoğan. However, since 2009, the influence of Ahmet Davutoğlu on Turkey's foreign policy preferences has increased so much. As the Foreign Minister of Turkey, Davutoğlu initiated a policy of "zero problems with neighbors", which is based on being influential in surrounding regions as a regional middle power. Some pundits agree on the Davutoğlu's argument that some of Turkey's peculiar qualities help the country to be influential in the neighboring regions. These features are the economic capabilities, political stability, dynamic social forces and ability to reconcile Islam and democracy at domestic level. (Kirişçi, 2006, p.96)

From this perspective, Turkey's interference with the Balkan politics is limited to the economic development of the region. Turkey's initiative for a trilateral consultation mechanism is a very clear example of the efforts for regional development. According to Turkish Ministry of Foreign Affairs (MFA, 2013a) these consultation mechanisms among Turkey-Bosnia-Serbia and Turkey-Bosnia-Croatia aim at peace, prosperity and stability in the Balkans in general, and in Bosnia in particular. Turkey also takes part another regional cooperation mechanism as a founder of South East European Cooperation Process (SEECP) which constitutes a forum among the South Eastern European Countries¹⁰. The operational part of SEECP, Regional Cooperation Council (RCC) takes an active role in joint regional projects.¹¹ Turkey substantially contributes to RCC's budget.

In addition to this Turkey has contributed to international peace forces in the Balkans since the early 1990s. Turkey participated in NATO's Implementation / Stabilization Force (IFOR/SFOR) in Bosnia as well as the UN Mission in Bosnia (UNMIBH). (Müftüler-Bac, 2000, p.494) After the EU assumed the peacekeeping role in the Balkans in 2004, Turkey continues to take part by sending troops to EUFOR Althea¹² in Bosnia, and EUFOR Concordia¹³ in the Former Yugoslav Republic of Macedonia (FYROM). Turkey also contributed to Kosovo Force (KFOR) operated under the auspices of NATO as well as other operations in FYROM. Turkey has also participated civilian missions such as United Nations Mission in Kosovo (UNMIK) and EU missions EUPOL and EULEX (MFA, 2013b).

⁹ The immense US power in current World order makes it difficult for others to balance the superpower in an obvious way. Some scholars contented that some other major and regional powers have engaged "soft balancing" to prevent US hegemony. For detailed discussions over soft balancing, see: Paul, 2005, pp.46-71; Pape, 2005, pp.7-45.

¹⁰ SEECP aimed at a long term multilateral cooperation in the areas of security, economic development, humanitarian, social and cultural issues as well as justice and fight against cross-border illegal activities and terrorism. See: SEECP, 2013.

¹¹ RCC's contribution to regional development projects covers a wide range of issues from social issues like public health projects to greater economic development projects in the fields of energy and transportation. See: RCC, 2013.

¹² For a detailed analysis of Althea, see: Keohane, 2009, pp.211-221.

¹³ For a detailed analysis of Concordia, see: Gross, 2009, pp.173-180.

In all these initiatives Turkey takes active part and becomes one of the largest contributor among all other EU or non-EU countries. Turkey's increasingly intensive efforts in the Balkans can be regarded as sensible and acceptable so long as this policy prevents any powerful country – including Turkey itself – to control the Balkan region. From this point of view, it is possible to argue that Turkey's primary intention on the Balkans is not to dominate the region as a part of neo-Ottomanism. A synopsis of Turkish foreign policy may help to clarify this point:

Turkey is aware of the necessity to foster the linkages between political stability, economic welfare and cultural harmony in order to attain sustainable global peace. To this end, Turkey is committed to further enhance political dialogue with all countries, search for new economic and commercial areas of cooperation and increase its humanitarian aid and assistance to the developing countries. ... Likewise, as an active member of the G-20 which gave a new impulse to the quest for global governance Turkey is pursuing a more representative and democratic global system. Turkey also assumes active role in endeavors to foster mutual respect and common values among different cultures and religions.¹⁴

From the above formal explanation, four main pillars that forms Turkish foreign policy towards the Balkans can be put forth as (1) conducting high level political dialogue with regional actors, (2) security for all regional actors, (3) high level of economic integration, and (4) respect for and preservation of multi-ethnic, multi-cultural and multi-faith structure of the Balkans.

Conclusion

Turkish foreign policy confirms that Turkey is prepared to a potential move in the structure of international political system. To put it in more concrete terms, Turkey's activity in the Balkans can be evaluated as an effort to inhibit any powerful actor – including Russia – from gaining influence over the Balkan countries, rather than a policy of neo-Ottomanism. Turkey seriously takes steps in the Balkans because any increase in the capabilities of a great power in the Balkans may clearly put Turkey's interests in jeopardy.

It should also be noted that Foreign Minister Davutoğlu is very influential in the formation of Turkish foreign policy. He is a professor of international relations, thus his evaluation of international affairs probably includes a theoretical perspective. Davutoğlu explains Turkey's international position with respect to its political, economic and cultural capabilities, which are directly affected from the political performance of Turkey in its surrounding regions: The Balkans, the Middle East and the Caucasus.¹⁵ This explanation of Davutoğlu has naturally been criticized by some pundits as a neo-Ottoman vision with too much enthusiasm.¹⁶ However, it is not very easy to argue whether Davutoğlu's vision covers an aim of political dominance over these regions or simply aims to prevent other major powers to influence regions neighboring Turkey.

¹⁴ The governmental documents of an international actor do not always show the real intentions of that country. Yet, those documents provide a clue for a proper analysis. For more detailed formal approach of Turkish Foreign Policy, see: MFA, 2013c.

¹⁵ For a detailed analysis of geopolitical importance of these three regions for Turkey, see: Davutoğlu, 2010, pp.119-149.

¹⁶ McNamara, Cohen, and Phillips, 2010, pp.2-3.

After the end of Cold War, Turkey pursues an active foreign policy in its surrounding environment in general and in the Balkans in particular. This peaceful activity can be justifiable so long as this policy aims to inhibit the influx of external power influence in the Balkans. Otherwise, excessive political dominance of Turkey in the region would trigger a reflexive manner among other global and regional actors. As realist tradition of international relations define, increasing Turkish influence on Balkan countries would drive other major actors to balance Turkey. In turn, a struggle for power in a multi-ethnic, multi-cultural and multi-faith region would cause another devastating period for the Balkans.

Therefore, Turkey's policy should take into consideration that Germany and Russia has particular areas of interest in the region. Hungarian, Croatian and Slovenian populations have close relations with Germany while Serbians, Bulgarians and Greek populations are generally inclined to Russia. Therefore, Turkey may follow an active foreign policy in the Balkans, yet should respect for Germanic and Slavic traditions and should keep the United States as a balancer in the region.

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TURKEY AND THE ARMENIAN QUESTION: 1915'S PERCEPTION IN TURKEY AND AROUND THE WORLD

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Abstract

The question of whether the Ottoman government committed a genocide or not during the World War I is still one of the most controversial agenda in Turkey's foreign policy. The destruction of the Ottoman Armenians between 1915–1917, which was called by the Triple Entente in 1915 as a “crime against humanity”, was recognized as genocide in many countries all over the world. The politically motivated recognitions or non-recognitions were mostly due to the actual geopolitical needs, therefore Turkey, the “bulwark of the West”, could extremely exploited her important situation during the Cold War, while after the fall of the Iron Curtain the standpoint of the Western Powers has suddenly changed. Many EU member and the EU itself has recognized the genocide several years before, risking their diplomatic and economic relations with Turkey, but Russia did the same as well during the 90's. The two most important exceptions are the USA and Israel, where the process of the recognition was usually undermined by political intrigues and lobby activities, and, of course, by the fear of losing Turkey as an important ally in the region.

In my presentation I attempt to show this very interesting and complex scene, describing the evolution of the different interpretations regarding the Armenian Question in the Western and Turkish historical science. I will outline the three phases of the Turkish, and the five phases of the Western perception, defined by the well-known genocide researcher, Donald Bloxham, and the Swiss historian, Hans-Lukas Kieser, and finally, I would like to say some words on the actual situation and the expected developments in Turko-Armenian relations.

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The “deportation laws” enacted on 14 May 1915,¹ which resulted in the death of at least 800,000 Armenians in the Ottoman Empire involved in World War I, are still an important topic of diplomatic negotiations concerning Turkey. The political, social and historical controversy around the bloody events that started 98 years ago and defined by the Entente powers in 1915 as “crime against humanity” is going on heatedly to this day. Although the views have become more sophisticated over the decades, there is still a wide gap between the “western” and “Turkish” interpretations of World War I events. Instead of discussing the incidents and the precedents of what is legally condemned as genocide in more and more countries in the West while persistently qualified as deportation or civil war in Turkey, I am going to outline the aftermath of the events,

¹ Its original Turkish version was proclaimed under the title of: *Vakt-i Seferde İcraat Hükumete Karşı Gelenler İçin Cihet-i Askeriyece İttihaz Olunacak Tedabir Hakkında Kanun-u Muvakkat*. (Kardeş, 2008)

the phases of the development of the two different interpretations and their effects on politics and society.

The think tanks of the Turkish Republic proclaimed on the ruins of the Ottoman Empire always adjusted their opinion on 1915 to the current domestic and foreign political events, but the official stances taken in the course of the 20th century can be divided into three groups. The boundaries of the periods called Ottoman Investigative Narrative, Republican Defensive and Post-Nationalist Critical Narrative by the famous genocide researcher Donald Bloxham (Stone, 2008, p.344) are marked by important events in world politics, notably the declaration of the Turkish Republic in 1923, World War II and the collapse of the Soviet Union. The first phase characterized by the Ottoman Investigative Narrative stretches between the Armistice of Mudros terminating World War I (1918) and the introduction of Atatürk's state (1923) and encompasses the memoirs, reports, court proceedings containing the views of high-ranking Ottoman officials on the causes of the anti-Armenian actions. They include the recollections of Said, Kamil and Talat pashas² the documents of legal actions taken against the presumed perpetrators after the British occupation of Istanbul³ and the official reports of the Ottoman government.⁴ This set of documents represents basically two different approaches: the supporters of the old regime expressed the view that the so-called *millet* system applied in the Ottoman Empire adequately guaranteed the rights of the minorities so the Christians including the Armenians had no right to revolt against the state, despite some minor defects in the system. As the termination of the Turkish War of Independence was drawing close, the opinion that the murderers had acted in defense of the Muslims of Turkey and the Anatolian motherland against the traitors and their western inciters was gaining ground. What is common to these two narratives is their reluctance to name the murderers and those who ordered the massacres, which already implies the possibility to hold the victims themselves responsible for the atrocities later.

The second large period lasted from the early 1950s to the early 1990s, from the UN resolution after World War II to the fall of the socialist systems. However, it is not negligible what happened in the 30 years separating the two periods. In the first decades of the republic a lot of external and domestic factors hindered the elaboration of the World War I events. They include the political, economic and social chaos caused by nine years of warfare, the infiltration of the functionaries of the Committee of Union and Progress, which had been in control of wartime politics, in the state machinery of the republic (but they were gradually eliminated by 1926);⁵ the sweeping reforms launched by Mustafa Kemal,⁶ and later the threat of a second world war for several years. A single event of signal importance was Atatürk's parliamentary speech lasting 36 hours in 1927, the *Nutuk*, in which he narrated the story of the War of Independence from his own angle, thereby discrediting any other concept of history in Turkish political and scientific discourse for decades. What is more, by starting his speech with his arrival in Samsun in 1919, all

² See Çağalı-Güven, G., 1991, *Kamil Paşa ve Said Paşaların Anıları: polemikler*. İstanbul: Arba Press and Kasım, M., 1986, *Talaat Paşa'nın Anıları*. İstanbul: Say Press.

³ See Dadrian, V. N. and Akçam, T., 2011, *Judgement at Istanbul. The Armenian Genocide Trials*. New York-Oxford: Berghahn.

⁴ See National Congress of Turkey 1919, *The Turco-Armenian Question: The Turkish Point of View*. Constantinople: Société Anonyme de Papeterie et d'Imprimerie.

⁵ Like Huseyin Rauf, Kazim Karabekir, Ali Fuat, Kara Kemal etc.

⁶ See Mango, A., 1999. *Atatürk*. London: John Murray, pp.361-456.

preceding events became qualified as belonging to the category of the necessary evil of “pre-history” leading to the proclamation of the republic. (Zürcher, 2004, p.175)

The beginning of the Republican Defensive Narrative is marked by the appearance of Esat Uras’s *Tarihle Ermeniler ve Ermeni Meselesi* (Armenians in History and the Armenian Question) and Y. G. Çark’s *Türk Devleti Hizmetinde Ermeniler* (The Armenians in the Service of the Turkish State) in 1953.⁷ Capitalizing on the more liberal atmosphere after the fall of the state party led by İsmet İnönü the authors tried to prove in response to the UN resolution of 1948⁸ that the events between 1915 and 1917 were no genocide. The ensuing Turkish and pro-Turkish works that adopted this position addressed themselves to the relocation of the Armenians in line with a time-tested Ottoman custom, to the situation of an actual civil war and to the great powers’ imperialist and the Armenians’ nationalist efforts before the world war. It must be added that the murder of Turkish diplomats and their families by ASALA and other Armenian terrorist groups between 1973 and 1985⁹ poured much oil on the fire of this position. Although the silence of the 1960s and ‘70s which owed mainly to the censorship, brought about by the two military coups,¹⁰ appeared to be broken by the Armenian actions, voices only strengthened from the mid-‘80s. With the intensification of international pressure the Turks spared no time or effort to publish books on the secret organizations of the Armenians prior to World War I. In addition, they granted considerable support to western historians who were willing to support the Turkish position,¹¹ and used diplomatic pressure and threats to prevent exhibitions and conferences that would have been concerned with the fate of the Armenians.¹²

The major changes of the 1990s shook the foundations of the Turkish position that were believed to be firm and unshakable. Turkey as the easternmost stronghold of NATO during the cold war, whose domestic affairs was practically controlled by the CIA, (Ganser, 2005, pp.224-244) began to lose its strategic significance. In this situation, the European countries passed resolutions acknowledging the Armenian massacres as genocide one after the other.¹³ Though some hope arose for the normalization of the Turkish-Armenian relations, with the outbreak of the Armenian-Azeri war for the province of Karabakh rapprochement between the two countries was made impossible for decades. Having Europe in mind, Turkey had to realize that one

⁷ See Uras, E., 1953. *Tarihle Ermeniler ve Ermeni Meselesi*. İstanbul: Belge Yayınevi and Çark, Y. G., 1953. *Türk Devleti Hizmetinde Ermeniler*. İstanbul: Yeni Matbaa.

⁸ The resolution N° 260 declared that: “In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;
(b) Causing serious bodily or mental harm to members of the group;
(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
(d) Imposing measures intended to prevent births within the group;
(e) Forcibly transferring children of the group to another group”

Available at: <<http://www.icrc.org/ihl.nsf/full/357?OpenDocument>> [Accessed on 8 April 2013].

⁹ Thirty four Turkish diplomats were killed and there were some civil victims due to the attacks committed against the Esenboğa and Orly airports.

¹⁰ There were three military coups in Turkey in 1960, 1971 and 1980.

¹¹ Like Stanford Shaw, Heath W. Lowry and Justin McCarthy.

¹² The International Conference on the Holocaust and Genocide (Tel Aviv, 1982) was being held without discussing the Armenian case, or the Holocaust Museum in New York was opened without referring to the fate of the Ottoman Armenians.

¹³ *Inter alia* Belgium, Canada, France, Germany, Greece, Italy, Lebanon, Netherlands, Russia, Sweden, Uruguay and Vatican City.

precondition for EU integration was the elaboration of the past as fast as possible. Owing partly to this, works of a more critical tone are also appearing now after the earlier dogmatic books. This Post-Nationalist Critical Narrative characterizes the present, when the nationalist stance may also go together with the open recognition of the responsibility of the Ottoman Turks.¹⁴ This is also demonstrable at the level of society. After the killing of the Armenian journalist of Istanbul Hrant Dink tens of thousands of Turks took part in mass demonstrations with posters claiming “we are all Hrant Dink”. We may also recall the commemoration three years ago at Haydarpasha railway station to pay tribute to the memory of Armenian leaders put on the train on 24 April 1915. The most outstanding event in the political sphere was the signing in Switzerland in 2009 of the Armenian-Turkish memorandum which, however, is still awaiting mutual ratification. Today’s official Turkish position is perhaps most accurately summed up by the words of Prime Minister Recep Tayyip Erdogan who said in reply to the questions of a German paper: “Turkey does not deny the sufferings of the Armenians, but we repudiate the accusation that Turkey had committed genocide. We hope that the committee of Armenian and Turkish historians that was set up as an outcome of the Zurich protocol will play an important role.” (<http://news.am/eng/news/49978.html>. Accessed on 2 March 2011)

After Turkey, let us see the voices of the “west”: Europe, America, Armenia and Israel. Though being less changeable over the decades, their positions were also subject to the paramount interests of global political and military-strategic considerations. After the analogy of Swiss historian Hans-Lukas Kieser, the events of the past nearly one hundred years can be divided into five shorter periods from a western viewpoint. (Stone, 2008, p.352) I touch briefly on the first three and then discuss the last two in more detail. The first phase rests on the World War I reports and the first-hand recollections of missionaries, embassy personnel and military officers.¹⁵ The second group contains literary and scientific works on the Armenians, written between 1923 and 1945, with special emphasis on Franz Werfel’s *The Forty Days of Musa Dagh*.¹⁶ The third phase stretches between the UN resolution of 1948 and the late ‘60s. Mention must be made of the great demonstrations in Yerevan on the 50th anniversary of the events with the participation of tens of thousands of Armenians. It is to be noted at this juncture that Khrushchev, who supported the demonstration, wished to pursue Stalin’s Armenian policy. That meant in practice massive support by the Soviet leaders for the Armenian demand to revise the Lausanne peace treaty and replace it with the territorially far more advantageous resolutions of the Sèvres treaty.¹⁷ After the World War, this effort was evidently not backed up by the USA, the leading European powers or Turkey. The beginning of the fourth phase is marked by the manhunt carried out against dozens of Turkish diplomats by JCOAG and ASALA. To a certain degree these murders causing much uproar over the world achieved their goal: the Armenian tragedy in World War I was talked about more and more widely. That was in part due to the increased interest of historians and to the lobbying of the affluent and settled European and American Armenian diaspora as well. The first concrete result was the resolution to designate April 24th as the

¹⁴ See Akcam, T., 2006. *A Shameful Act*. New York: Henry Holt and Company, or Nobel Prize winner Orhan Pamuk openly stated that the leadership of the Committee of Union and Progress committed genocide against the Armenians.

¹⁵ The most known among these works is: Morgenthau, H., 1918. *Ambassador Morgenthau’s Story*. New York.

¹⁶ See Werfel, F., 1933. *Die Vierzig Tage des Musa Dagh*. Frankfurt am Main: S. Fischer Verlag.

¹⁷ Mention also must be made that the Armenian Question/Genocide was treated as a taboo in the socialist block until the 1970’s–80’s.

National Day of Remembrance of Man's Inhumanity to Man in 1975. It was followed by ever more heated disputes in the UN to condemn Turkey guilty of genocide, a crime already declared to be imprescriptible. (Attarian, 1997, pp.57-101) Though leaving no stone unturned Turkey managed to thwart these efforts, but the main reason was that after losing Afghanistan and Iran in 1979 the US government of Jimmy Carter and later Ronald Reagan was not in the position to antagonize its easternmost ally. Nonetheless there were steps taken in the House of Representatives in 1985, '87 and '90 to recognize the Armenian genocide, but the government vetoed them upon Turkish pressure. Interestingly, several Jewish groups representing Turkey lobbied against the recognition, although the Turkish and American Jewish organizations were divided on the issue. In the polemics going in Israel also at present, the liberal side deems it its moral duty to help the fellow sufferers, while others fear that the recognition of the Armenian genocide would endanger the concept of the Shoa as unique and irreproducible. (Auron, 2003) To strengthen cooperation Turkey began to announce louder the stories of Turkish diplomats saving Jews during the holocaust.¹⁸ Although the decades-old Turkish-Israeli alliance is crumbling, Tel Aviv has not officially condemned Turkey for the crimes against the Armenians, although putting it on the agenda has been raised several times in response to Erdogan's anti-Israeli rhetoric.¹⁹

We have arrived at the last phase to be discussed now. It comprises, just as in Bloxham's periodization, the events of the twenty years after the collapse of the Soviet Union. As mentioned earlier, with the decline in the strategic importance of Turkey more and more European countries began to recognize the events of 1915–1917 as genocide. These resolutions, however, rested on actual political, rather than moral grounds in the majority of cases. The Italians, for example, took this stance to hinder the integration process of Turkey which became an official candidate country in 1999, while the French politicians vie for the numerous and economically powerful Armenian votes by keeping the issue on the agenda. South American countries such as Argentina or Uruguay can also be mentioned which passed their laws condemning Turkey upon the pressure of the Armenian diaspora. For the USA, the Turks are still high-priority allies, as their role played in both Iraqi wars confirms. Though in the early 2000s there was another attempt to pass through the House of Representative the recognition of genocide, after its failure the initiatives to this end have come to a standstill. (Bloxham, 2005, pp.185-206) Russia, by contrast, which supported the Armenians in the Karabakh conflict and still stations considerable forces in Armenia, recognized the genocide in 1995. After the success of the so-called football diplomacy, they took an active part together with the Americans to conclude the Armenian-Turkish accord in 2009, apparently the most important move over the past 20 years. Although in both countries hostile demonstrators greeted the signatory foreign ministers arriving home and neither the Armenian, nor the Turkish parliament has ratified the memorandum which actually only proposes the start of bilateral talks, there is maybe some hope that in the future arms will be replaced by dialogue.

As you will have concluded from the above-said, the Armenian issue has not been settled conclusively despite the one hundred years or so that passed since. Turkey and Armenia are still

¹⁸ See Kulin, A., 2010. *Az utolsó vonat Isztambulba (Last Train to Istanbul)*. Budapest: József Műhely Kiadó. The original Turkish version was published in 2002 under the title of: *Nefes nefese*.

¹⁹ Concerning the debate see: <http://www.haaretz.com/print-edition/opinion/israel-mustn-t-politicize-the-armenian-genocide-1.403807> [Accessed on 27 December 2011].

fighting for their presumed or real truth in the labyrinth of diplomacy, the former on the basis of its growing economic strength, the latter relying on members of its diaspora. Though emotions are still running high in both countries, perhaps the economic interests will force the parties to agree sooner or later. I for one only hope that it will be as soon as possible; not so much earlier a paper like this might have stirred murderous passions in some countries. In “enlightened” Europe researchers whose opinion diverge from the officially taken stance may even face legal action, as the Oriental scholar Bernard Lewis’s case in France proves. (Adalian, 1997, pp.99-122) To cite a Hungarian example, we may recall the passions that flared up after the undoubtedly biased but scientifically partly acceptable lecture by that-time chairman of the Turkish Historical Society Yusuf Halaçoğlu held in the Institute for Historical Sciences. As an outcome, the press reported on “Holocaust denial at the Hungarian Academy of Sciences”,²⁰ though no word had been uttered about post-1918 events during the one and a half hours of the meeting.

Despite these flagrant cases, there are innumerable positive signs that the next generation will come to an understanding. Masses of young Turkish people listen to the songs of the popular American-Armenian rock musician Serj Tankian’s songs, and tens of thousands of Armenian jobless find work and home in major Turkish cities. The elaboration of the events in fiction reveals that the slow and difficult process of a realistic assessment of the past has begun. How this could be accelerated is suggested by a Turkish woman writer Elif Şafak who writes in her book *The Bastard of Istanbul*: “There are some Armenians living in the diaspora who want that the Turks never recognize the genocide. Should the Turks admit it, it would pull the ground from under their feet and would eliminate the strongest and perhaps only bond that holds them together. Just as the Turks are simply accustomed to denying the committed injustices, the Armenians just as persistently remember them because they are accustomed to identifying themselves as the »oppressed«. Apparently, both sides have to change. Both sides have moss-grown dogmas that they should get rid of rapidly.” (Şafak, 2009, p.337)

²⁰ http://hirszerzo.hu/hirek/2006/5/17/12958_magyar_torteneszek_vedik_a_torok_holokauszt [Accessed on 8 April 2013]. The original article (Available at: <<http://hirszerzo.hu/cikk.php?id=12805>>) has been deleted since then.

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CROSS BORDER CO-OPERATION BETWEEN BULGARIA AND TURKEY: EXAMPLE OF BURGAS AND KIRKRALELI REGION

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Conference sub-theme: Interstate Relations and Diplomacy

Key Words: *cross border cooperation, social cohesion, borderlands, Turkey, Bulgaria*

Abstract

Cross border cooperation (CBC) is a form of international cooperation exercised bilaterally or trilaterally among nations who share common borders and distributive policy that provides funds to the Union's border regions (Heidbreder, 2011; Ozerdem, 2011). In September 2004 the European Commission (EC) proposed two new instruments that meant a far reaching reform of the cooperation practice with accession countries and countries outside the European Union (EU) external borders. The Turkey-Bulgaria Cross Border Cooperation Programme's main objective is to promote sustainable and equal socio-economic development in border regions to make it competitive for economic and business development and attractive for living and visiting (Joint Programming Document, 2004). Research area in this theoretical description is characterized in example of Kirkralesi and Burgas region where lives accordingly 332,791 and 415,817 inhabitants (Turkish Statistical Institute, 2011; Burgas district development strategy 2005–2015, 2010). The total budget of the programme for the 2007–2009 programming period is 11,814,525 Euro, of which 10,04,2346 Euro is represented by EU contribution. The remaining 1,772,179 Euro are national contributions from national budgets of partnering countries (Joint Programming Document, 2004). This paper aim is to made comparative description between cross-border cooperation between Bulgaria and Turkey in Burgas and Kirkralesi field studies region. Data is used from Bulgaria's and Turkey's state statistical bureau's.

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CROSS-BORDER COOPERATION BETWEEN MACEDONIA AND GREECE AS AN INSTRUMENT FOR GOOD NEIGHBOURHOOD RELATIONS

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Key Words: *cross-border, cooperation, European, Union, Macedonia, Greece*

Abstract

Cross-border cooperation of the Republic of Macedonia with Greece is quite specific and complex, not because the program structure, institutional features and characteristics of the population in the border area, but because of the historical and political relations of the two countries, outstanding national issues and subtle interstate problem that concerns the constitutional name of the Republic of Macedonia, which gained international dimensions. For these reasons, the study and analysis of cross-border cooperation between Macedonia and Greece is a major challenge, given the fact that its successful development and effectuation may contribute to the approximation of the two countries and people, increasing multi-dimensional and multi-faceted cooperation, and mutual approximation to the actual values that characterize the European Union.

The subject of this paper will be the cross-border cooperation between Macedonia and Greece as an instrument for better neighbourhood relations. The main goal of this paper will be to explain how the cross-border cooperation can influence on the improvement of the mutual relations, as well as for creation of better relations between the people from different countries. The methods which will be used in this paper: descriptive method, comparative method, content analysis method, historical method, etc.

* * *

Introduction

Accession to the European Union is one of the strategic priorities for all countries that aspire to become its members, especially for those countries that are candidates or potential candidates for membership. However, the wishes and preferences for membership in the European Union is one thing and actual opportunities and actual capacities, is something completely different. On the way to the European Union, it is necessary for Albania, Macedonia, Serbia, Montenegro, Croatia, Bosnia and Herzegovina and Kosovo to meet a number of standards and criteria, which are well established, as a *conditio sine qua non* for entry into the European Union. These criteria (Copenhagen, Madrid) contain various demands for reforms in the candidate countries and potential candidates in more social segments: public administration, judiciary, economics, law enforcement, prosecution, institutional structure, legislative processes, etc.

Only through a complementary approach in the implementation of reforms in the countries included in the Stabilisation and Association process we can achieve tangible effects and perform specific institutional and functional approximation to the values and working practices and activities of the European Union and its Member States, as well as creating a mentality compatible with the “European”.

The latest pre-accession instrument IPA generated a lot of benefits, but also specific obligations and challenges for the countries that are its customers, in fact, candidates and potential candidates for EU membership.

Macedonia-Greece cross-border cooperation and agreement

The legal basis on which it is based program for cross-border cooperation between Macedonia and Greece, are located in several legal acts of the European Union. They are: Regulation (EC) No 1085/2006 of the European Council establishing an Instrument for Pre-Accession Assistance (IPA); Regulation (EC) No. 718/2007 of the European Commission for the implementation of the above Regulation; Communication from the Commission to the Council and the European Parliament, the Instrument for Pre-Accession Assistance (IPA), Multi-Annual Indicative Financial Framework for 2008–2010; Multi-Annual Indicative Planning Document for the Republic of Macedonia, etc.

In the past, there have been significant efforts to harmonize and coordinate the areas of cross-border cooperation within the European Union Structural Funds and pre-accession financial instruments, CARDS including INTERREG III in the period from 2000 to 2006. Experiences and lessons learned from this process led to the decision to combine internal and external cooperation funds, under the single umbrella. The current IPA Cross-Border Programme Greece-Macedonia, is the product of joint planning between the two countries, which seeks to fully exploit new opportunities offered under the Instrument for Pre-Accession Assistance.

In the eligible area, seven regions of the NUTS III level (or equivalent) along the border of the two countries, are included. These are regions of Florina, Pella, Kilkis and Serres from Greece and Pelagonia, Vardar and Southeast from the Macedonian side. It also provides the opportunity to fund expenditure incurred for the full realization of the activities or part of them, in an amount up to 20% of the amount of the Community contribution (Union) to the cross-border program in the aforementioned regions, adjacent to areas that are eligible for this program. Accordingly, Thessaloniki region in Greece and Southeast region in Macedonia are included in the eligible areas, because of their size and functional role they play in the program area. The inclusion of Thessaloniki is based on the fact that the region is a geomorphological extension on the Pelagonia massif and geologically located on the west end of the Serbo-Macedonian massif. (Greece-Macedonia IPA Cross-border Programme 2007–2013, pp.10-11)

Hydrographic system which dominates the entire area, that meets the requirements is the hydrologic basin of the river Vardar-Dojran. The two countries share these water bodies and are an excellent opportunity for both countries to cooperate in order for preservation of water quality and the environment at large. In the city of Thessaloniki there is an important trading port

which over a period of several centuries played an important role in the cultural and scientific exchanges in the wider area of the Balkans, and it is a strong commercial and financial center of Northern Greece.

Parts of the Southwest region of the Republic of Macedonia, which belong to the 'Green Belt' in the Balkans, contains a number of protected areas (ten protected areas, two national parks, seven natural monuments, and a nature reserve). One part of the National Park 'Galichica' territorially belongs to the municipality of Resen (Pelagonia region), which is included in the eligible area. Other part belongs to the municipality of Ohrid, Southwestern Region. In order to provide integrated protection and management of eco-systems, and the sustainable use of natural resources, essential believes need to include the Southeast Region in the area that meets the requirements. Also, Ohrid-Prespa region is identified as a potential area for cross-border cooperation by the International Union for Conservation of Nature.

With the participation of the aforementioned regions of the program, the achievement of goals related to the Lisbon Strategy will be facilitated, because they have established a number of research institutions, universities, and additional regional resources; as a result of geographical and historical connection of the two additional regions to the central program area. Moreover, by expanding the eligible territories with value-added activities, a higher level of cross-border cooperation is achieved, it also has a broader impact on the development of the overall territory. The program area has a border length of 246 km (21 miles of lakes), with an area of 28 702 km². In Greece, a region of the NUTS III level prefecture, Macedonia and the region that meets the requirements is 'regional development planning region.'

Total population in the program area is 2 362 158 inhabitants (1 415 922 inhabitants – 68% live in Greece, and 764 278 inhabitants – 32%, in Macedonia). Of the total area, 28 702 km², 14 422 km² are located in Greece, and 14 280 km² are located in Macedonia. 44% of the total population (1 011 790 inhabitants) live in NUTS III regions of Florina, Pella, Kilikis, Serres, Pelagonia, Vardar and Southeast (469 058 inhabitants in Greece, and 542 732 in Macedonia), while the rest of the population lives in two adjacent areas of Thessaloniki and Southwest. Metropolitan Thessaloniki area covers 46% of the total population in only one third of the NUTS III area, while the Southwest region covers more than 9% of the total population in the eligible areas.

The overall objective of the program for cross-border cooperation between Macedonia and Greece is to enhance convergence in the program area by promoting sustainable local development. The overall objective relates to sustainability in its economic, social, cultural components and environmental components, thus taking into account the need to specify and focus on the socio-economic dimension, at one hand, and, indivisible whole of nature and culture and their interactions in the program area, on the other hand. The program will strengthen collaboration among economic actors and stakeholders through joint approaches to support local economic activities, the development of local human resources and the protection of human health, as pillars for sustainable economic development. On the other hand, the program will use the resources given to it for the protection and promotion of potential environmental and cultural potential in the program area, as instruments for sustainable local economic development.

This program contains three priority axes. The first priority axis is to strengthen cross-border economic development, which aims to promote sustainable economic development through common interventions and encouraging cross-border relations. This priority should be conducted with four measures, concentrating on: promotion of entrepreneurship; strengthening of human resources; development of sustainable tourism; and protection of human health through cross-border activities.

The second priority axis is to strengthen the environmental resources and cultural heritage of the program area, which aims to improve joint activities to protect the natural and cultural environment and natural and cultural resources mobilization. This priority will be implemented by two measures, concentrating on: improvement and protection of environmental resources; and natural and cultural heritage of the area.

The third priority axis – technical assistance aims to successful and smooth implementation of the program and strengthening the high-quality of cross-border cooperation, primarily contributing to the overall goal.

The cross-border Program Macedonia-Greece corresponds with the principles set out by the European Union about European policies and priorities for equality, sustainability, cohesion, competitiveness, etc. Priorities and related measures reflect the Lisbon and Gothenburg agendas. They aim to improve the local economic base, apart from innovation and entrepreneurship, promotes tourism, promotes social cohesion and environmental sustainability, human resources, enhances and promotes civil society.

Before the creation of cross-border cooperation program between Macedonia and Greece, was made necessary SWOT analysis, in order to identify strengths, weaknesses, opportunities and threats that characterize the cross-border area. As strengths and opportunities for the region, which is the subject of our analysis can be separated polycentric network of cities; strategic position of Corridor X (E75) and crossroads Egnatia Odos (E90); advanced infrastructure primary traffic; Thessaloniki Port as a gateway, an advanced information and communication infrastructure; natural environment and valuable eco-systems, including geothermal fields; numerous rivers and lakes; fertile plains and a favorable climate for agriculture; rich cultural and natural heritage and developed environmental institutions and culture; landscape suitable for outdoor activities; winter sports; networks and cultural exchanges strengthened during the past cross-border experience; export-oriented and competitive agricultural sector in the Greek administrative areas; strong industrial clusters in certain areas; growing cross-border tourism; availability of relevant research institutes and universities; young population with a strong interest in the adoption of information and communication technology; acceptance of new technologies; active network of non-governmental organizations; positive experience of cross-border cooperation and cross-border investments; implementation and financing of the TEN-T and related projects; WLAN expansion in the Republic of Macedonia; development of data communications network in Southeast Europe; targeting environmental policies of the European Union; rapidly regenerate the economy of the Republic of Macedonia; growing bilateral trade; growing consumer demand for alternative tourism and organic farming; telemedicine; Republic of Macedonia's candidate status and the regional direction of the management of the Structural Funds in Greece; movements for state decentralization etc.. However, there are some weaknesses

and threats that have been identified by the SWOT analysis Thessaloniki dominance and spatial imbalances; inadequate secondary road network; migration to third countries in the program area of the Republic of Macedonia; limited cross-border mobility of people; pollution of shared water resources and water bodies; cooperation in the field of environmental protection is very weak; there is no common plan / environmental protection activities; insufficient conservation of numerous natural and cultural monuments; weak institutional capacity in the field of environmental protection and monitoring; lack of general urban plans for maintaining and strengthening archaeological sites and historical monuments; lack of management plans for protected areas in the state that is not a member of the European Union; sub-regions, which largely depend on traditional agriculture; low level of innovation in most of the industry, a high level of unemployment in specific rural areas; regional and demographic differences in the level of education of human resources; internally marginalizing smaller centers, due to the accelerated development of metropolitan areas; urban distribution and growing consumption; loss of natural resources; pollution in the surrounding areas which affect the program area; climate change; much pressure on the natural and cultural environment due to uncontrolled construction activities; strong and growing development and income disparities between urban and rural areas; quite widespread dislocation of the industry outside of the area of interest; an aging population; delays in institutional frameworks for regional development in the Republic of Macedonia, etc. (Greece-Macedonia IPA Cross-border Programme 2007–2013, p.36)

Of course, we must not marginalize Greece's dispute regarding the constitutional name of Macedonia, because it generates a slowdown sector activities between the two countries and inhibits the development of productive initiatives for cooperation and improvement of mutual relations. With the removal of this major obstacle, many of the activities in various fields will be removed forward, a full utilization of assets and funds coming from the European Union will be allowed, i.e. allocated to the states of the Western Balkans, because Greece occurs as a coordinator most commonly.

Macedonia-Greece cross-border projects

There are many projects emanated from the cross-border agreements and cooperation between Macedonia and Greece. Some of them are:

1. *Revitalization of the main road M5 – Bitola transit route from east to north – Municipality of Bitola & Municipality of Florina* – budget of 565 057 €

- The main goal of the project is to improve transport and travel, by providing access and communication between Greece and Macedonia's southern region that includes Bitola. Through the provision of access and communication, the facilitation of cross-border activities will be ensured, including business development and tourism, which will positively affect the economic and living conditions of those who live and work in both regions. The specific objectives of the project are: Revitalization of the main road M5-Bitola transit route from east to north; increasing road safety standards for all participants; improvement of the environment around the roads. These objectives will contribute to the creation of high-quality and cost-effective transportation of goods and people, which would facilitate trade

between Macedonia and Greece, as well as will enable protection of the environment by reducing noise and pollution.

2. *Construction of the bridge over the Dry River Road from Gevgelija towards the Greek border – Municipality of Gevgelija & Municipality Axios* – budget of 738 000 €

- The aim of this project is to improve the road from Gevgelija towards the Greek border offering access to other transport networks, as well as the trans-European highway E-75 – part of Corridor 10, which starts from Thessaloniki, passing through Gevgelija and Athens.

3. *Development and promotion of cultural and tourism resources in Florina and Bitola – Bitola Municipality – Region of Western Macedonia* – budget of 250 000 €

- This project will undertake the following activities: Creating a project team; creating a website and management; creation of printed promotional material; DVD production; organizing Conference; organization and implementation of information and evaluation visits that are related to the essence of the project; organization and implementation of two festivals in Florina; organization and implementation of the program closing press conference; supply and installation of two electronic information kiosks (e-info kiosks); promotion of special banners to other websites; etc.

4. *Training center for highly educated unemployed people – Municipality of Strumica Municipality Axios* – budget of 117 672 €

The main goal of this project is to contribute to economic development and employment of unemployed specialists, through the following activities:

- Providing intensive training methodologies, technologies and best practices of computer programs, new technologies and IT services;
- Representing the service providers for hiring young, skilled professionals competitive positions with pay within the IT industry.

5. *Spirit of Obrid Municipality of Obrid Municipality Pefka* – budget of 162 534 €

The objectives of the project are:

- Development of alternative forms of tourism, improvement and promotion of culture and tourism resources, intensive communication and close cooperation with the aim to strengthen economic growth and employment;
- Support the strengthening of cooperation in the cultural relations within all regional organizations and initiatives for cooperation as well as strengthening the role of cultural heritage with the support of mutual understanding and the development of sustainable tourism;
- Support and giving wide publicity to the new information and multimedia technologies organized within the region in collaboration with the UNESCO cultural heritage and websites;
- Development of new tourist products;

- Software development as a professional basis for the promotion of tourism and management in the XXI century;
- Support activities for the promotion of the cultural identity of the two countries at all levels (local, regional, cross-border, international) in order to bring people together from Macedonia and Greece.

To achieve the objectives, the following activities would be undertaken:

- Preparation of GIS digital atlas 'Spirit of Ohrid';
- Program to spread awareness of the cultural heritage;
- Development of joint tourist gateway;
- Newsletter Spirit of Ohrid;
- DVD presentations.

6. Integrated program for the development of cross-border cooperation in the field of tourism culture among Krusevo Community Numpfevo – Krusevo Community Numpfevo – budget of 74 567 €

Main activities of the project are:

- Preparation of a study on cross-border cooperation and tourism development in the municipality Krusevo Community Numpfevo;
- The establishment of a tourism office in Krusevo;
- Organization of seminars and capacity building;
- Development of tourism products;
- Create a website for information and facilitate business cooperation between travel agencies;
- Marketing promotions.

7. Integrated program for the development of human resources through education and the promotion of local products and gastronomy – Municipality Kavadarci – Municipality of Edessa – budget of 214 159 €

This project will undertake the following activities:

- Increased sales of products in the border region, especially wine;
- Public infrastructure ;
- Increasing the number of registered products in the region;
- Further development of tourist agencies, opening Tourist Information Office;
- Development of accommodation facilities in the region;
- Investing in small businesses in the border region;
- Institutional Strengthening ;
- An increase in tourists visiting the Municipality Kavadarci;
- An increase in cross-border cooperation between businesses in the region.

8. Development and promotion of tourism opportunities in the border region of Novo Selo and Mouris – Municipality of Novo Selo – Municipality Mouris – budget of 173 757 €

The project will undertake the following activities:

- Creation and distribution of environmental tourist map;
- Creating and distributing informational brochures for five tourist environments;
- Creation and distribution of a manual cross-border tourism;
- Design and commissioning of the web portal;
- Establishment of a tourist info center in Novo Selo;
- Construction of a road to the waterfalls in Kolesino;
- Build entertainment center waterfalls Kolesino;
- Establishment of an annual cross cultural festival waterfalls Kolesino;
- Four cross-thematic civic meetings;
- Five cross-border seminars.

9. *Reconstruction house Pupin – Municipality Vevcani – Chamber of Commerce Kuklis* – budget of 87 590 €

The main objectives of the project are:

- improve the protection of cultural heritage in the Municipality Vevcani and cross-border region;
- ensuring sustainable development and improved socio-economic conditions of the Municipality Vevcani and cross-border region through the promotion of eco / rural tourism and productive public-private partnerships.

Main activities of the project:

- organize a workshop with relevant partners and stakeholders from the border region to develop a framework for the protection of the house Pupin;
- Implementation of civil works for the conservation and preservation;
- Equip the house with modern rooms would have made the necessary travel standards;
- Continuous representation of the life and work of Mihajlo Pupin;
- Design and implementation of dissemination activities in cooperation with Greek partners and other stakeholders in order to inform the cross-border region for the new tourist area.

10. *Region Negotino and alternative tourism perspectives – Municipality Negotino – Municipality of Agios Georgios* – budget of 249 991 €

The main objective of the project will be achieved through the specific objectives of the project are:

- promote the use of cross-border cooperation in alternative tourism;
- promotion of alternative tourism as a tool for rapid and sustainable economic development Negotino;
- building tourism infrastructure in Negotino.

The main goal concerns the strengthening of cross-border cooperation and the promotion of alternative tourism in Negotino and Agios Georgios.

11. *Local quality standards Prespa – Municipality of Resen Municipality Prespes* – budget of 126 900 €

The main goal of this project is to establish contracts for local quality standards Prespa tourism in villages around Lake Prespa. The following activities will be undertaken:

- publicity campaign about the project objectives and activities;
- creating a plan for the categorization of houses;
- the administrative office for the project;
- purchase of equipment for administrative office.

12. *Entrepreneurial Information Centre for SME development in the border region – the Foundation for Development of Small and Medium Enterprises – Federation of Trade Associations of East Central Macedonia* – budget of 85 988 €

The main objective of the project is to promote mutual business relationships and entrepreneurial activities through cooperative and strategic approach which aims at sustainable economic development of the border area. Specific goals are:

- Establishing and facilitating contacts and communication and strengthen relationships between local SMEs;
- Identifying opportunities for activities of common interest;
- Conducting workshops and meetings for the development of entrepreneurial capacity in order to establish a solid, functional and operational and balanced development of SMEs and investment in cross-border region;
- The promotion of products and services and transfer of know-how through direct meetings Entrepreneurship;
- Development of sustainable business meetings and practices;
- The establishment of a support and informational instruments concerning SMEs (website, brochures, newspapers, etc.)
- According to these objectives the following activities will be taken:
- Promotion of the competitiveness of the subregion by facilitating cross-border cooperation, trade and investment;
- Supporting SMEs as competitive to global markets.

13. *Challenges of untouched nature – Municipality of Demir Hisar – Municipality Meliti* – budget of 143 550 €

The main objectives of the project are:

- Dissemination of high local and regional awareness of natural and cultural values and promoting the widespread use of resources;
- Capacity building in support of cross-border network;
- Improving the dialogue between border communities and partnerships between NGOs and other relevant institutions.

To achieve these objectives the following activities will be undertaken planning and coordination network for sustainable tourism development, the involvement of local stakeholders (seminars and study visits) and information.

14. *Sewer mound – Municipality mound – Water and sewage public municipal enterprise Kilkis* – budget of 152 425 €

- The main objective of the project is to establish a system for the supply of quality water for the purpose of providing quality water for household needs cross-mound.

15. *Cross-border solutions for sustainable water supply – Municipality Bogdanci – Municipality Kypros* – budget of 235 000 €

The main objective of the project is to establish a system for the supply of quality water for the purpose of providing quality water for household needs cross-border region municipalities Bogdanci Kypros.

16. *Regional environmental management capacity and infrastructure - Regional Centre for Entrepreneurship Bitola-Diadisa – Waste Management in Western Macedonia* – budget of 45 000 € (All of the information about the projects are from the archive of the Secretariat for European affairs of Republic of Macedonia)

Conclusion

In the summary we can conclude that almost ideal conception of the cross-border cooperation may be affected by full or partial non-performance of the obligations provided by it. The slowdown in the implementation of the program can be generated from the unresolved dispute between Macedonia and Greece, regarding the constitutional name of the Republic of Macedonia. Anyway, all necessary measures need to be taken to prevent the inhibition of the realization of this cross-border cooperation program, regardless of the current socio-political constellation in the bilateral relations between the two countries.

Despite the fact that politicians from both countries are often in an antagonistic relations, still, the people from Macedonia and Greece, especially coming from border areas, are full of mutual understanding, cooperation, and strong personal connections. However, we can conclude that the cross-border cooperation can be an initial point for future cooperation between Macedonian and Greek people, between Macedonian and Greek enterprises, between two neighbors with similar future in NATO and European Union. Through this type of cooperation, the benefits should be tripled. First, the people from both sides of the border will have closer relations and higher level of cooperation. Second, the export of goods and services, especially of the small enterprises, will be increased and third – last, but not least, the politicians from the both countries will be more motivated to meet, discuss and to resolve the sensitive political and historical issues, which will contribute for building a common future in the European Union and NATO.

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**BRUSSELS IS WELL WORTH A MASS:
ASSESSING THE IMPACT OF EU-SPONSORED LEGISLATION
ON MINORITY RIGHTS IN THE WESTERN BALKANS**

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Conference sub-theme: Legal problems of international relations; International Law Issues

Key Words: *minorities, Western Balkans, EU conditionality*

Abstract

Despite the growing interest on the issue of minority rights and protection of national minorities among EU studies scholars, especially in relationship to the recent Eastern enlargements, the impact of exogenously-sponsored minority legislation on the development of the accession negotiations still represents a relatively unexplored ground.

Our study aims to addressing this phenomenon in the Balkan region by conducting a comparative analysis including a wide sample of countries. More specifically, the proposed analysis will trace the developments of the EU's candidate countries and potential candidate countries of the Balkan area: Albania, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro, and Serbia starting from year 2002, when the Commission started to yearly report the progress of each country within the framework of the Stabilization and Association Process (SAP).

In particular, countries' progress in adapting national legislation safeguarding minority rights represents our dependent variable. The assessment of the quality of national regulations and the developments overtime are based on the EU country reports published yearly by the European Commission. The tangible progress in the EU accession negotiations constitutes our independent variable. To determine the proximity to the EU membership we look at the state of the SAP negotiations and at one country's status as candidate or potential candidate (formal recognition, de facto recognition, absence of recognition).

The final discussion will be based on a typology of the Balkan countries addressing their degree of adaptation to the EU-sponsored legislation on minority rights as reflected by their relative proximity to the EU membership.

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THE ACTIVITIES OF THE ICTY AS AN INTERVENING VARIABLE IN THE EU ENLARGEMENT PROCESSES IN THE WESTERN BALKAN REGION

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Abstract

The ICTY sentences and acquittals result not only in several days of enthusiastic celebration or violent demonstration on the main squares in the Balkan capital cities, but also have far reaching consequences for the inter-ethnic dialogue and reconciliation, regional and international stance towards the ICTY, development of the historic narratives in the Western Balkans and finally regional cooperation, which was referred to as one of the principles of the highest importance by the EU member states at the 2003 Thessaloniki Summit on the Balkans and still seems to be one of the crucial premises for the inclusion of the region into the European and Euro-Atlantic systems.

* * *

The way the International Criminal Tribunal for the former Yugoslavia¹ has operated across the years provokes many controversies, questions and doubts, it is obvious already today though that the trials and verdicts have an enormous influence on the political developments in the region. The ICTY does not only write and rewrite the history of the Balkan wars; it keeps the open wounds bleeding and supports the regionally deconstructive narratives and rhetorics. As in the case of the recent acquisition of the Croatian generals Ante Gotovina and Mladen Markač, the Tribunal's verdicts do not constitute an end of a specific process, but rather turn to be great national, if not nationalistic, holidays of enthusiastic celebration on the main squares in the cities of one of the Balkan countries and a parade of negation and even hate speech in the other one. These direct consequences remain just a drop in the bucket of implications caused by the ICTY's operations. The far reaching consequences refer mainly to the regional dialogue and reconciliation, regional and international stance towards the ICTY, historic narratives in the Western Balkans and finally regional cooperation, which was referred to as one of the principles of the highest importance by the EU member states on the 2003 Thessaloniki Summit on the Balkans and still seems to be one of the crucial premises for the inclusion of the region into the European and Euro-Atlantic systems.

¹ The official name of the Tribunal "The International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991". The author will consequently use the shorten version "International Criminal Tribunal for the former Yugoslavia", the abbreviation "ICTY" or simply the phrase "Tribunal".

In the following paper I make an attempt to address the area of influence related to the EU enlargement processes in the Western Balkan region with a clear focus on the reconciliation processes. The aim of the paper is to define the areas of influence and its potential consequences, as well as to indicate how the negative impact can be overcome. The study is based on an analysis of the crucial ICTY trials and verdicts, as well as societal and political reactions to them. The reactions have been studied mainly by media and political discourse analysis, mainly on the intra-regional Balkan level.

The starting point of the research is the assumption that the cooperation of the Balkan states with the ICTY does not only influence the fulfilment of one of the European Commission's crucial requirement, being simply the full cooperation with the international justice system, but indirectly influences potential fulfilment of numerous other requirements, both general, such as the regional cooperation, as well as state-specific, such as the normalization of the Belgrade-Pristina relationships.

The question of the role of the ICTY seems to be particularly important at the very moment (as for the first half of 2013) due to several reasons. First, the mandate of the Tribunal will be completed by July 1st 2013 and number of its essential functions will be from then on carried out by the Mechanism for International Criminal Tribunals (MICT). This change of administrative, institutional and legal structure requires a profound evaluation of the achievements and failures of the Tribunal itself and revision of its activities. Second, the activities carried out by the Tribunal very recently under the Presidency of Theodor Meron (President both of President of ICTY and the President of the International Residual Mechanism for Criminal Tribunals), the acquittals of the key figures from the region – Gotovina, Markač, Perišić, partial acquisition of Karadžić, and the deep conflict between Meron himself and ICTY Chief Prosecutor Serge Brammertz provoke serious doubts regarding the advisability of the Tribunal's functioning and the future of the on-going trials. Finally, the uncertain future of the EU enlargement in the Western Balkans and lack of a single voice from Brussels heard in the Balkans together with the fact of Croatia joining the EU on July 1st 2013 (the coincidentally overlap of the dates of the EU entry of the first Western Balkan country and the completion of the ICTY mandate seems to be very symbolic by the way) demand a question on how the future activities of the MICT will correlate with the enlargement process.

1. Key figures

The International Criminal Tribunal for the former Yugoslavia (ICTY) is a United Nations court of law dealing with war crimes that took place during the conflicts in the Balkans in the 1990's, established in 1993. The Court is legitimated to deal with four types of crime: genocide, crimes against humanity, and violations of the laws and customs of war and grave breaches of the Geneva Conventions. By January 2013 the Tribunal has indicated 161 persons for violations of international humanitarian law committed in the territory of the former Yugoslavia; and there are still proceedings ongoing for 28 accused at the time (14 before the Appeals Chamber, 15 currently at trial). For 133 accused the proceedings have been concluded: 17 of them have been acquitted, 67 sentenced, 13 have been referred to a national jurisdiction and 36 had their indictments withdrawn or are deceased. Finally, it remains crucial to notice that the list of 161

people indicated includes 94 Serbs, 29 Croats (none from Croatia though), 9 Albanians, 9 Bosniaks, 3 Macedonians and 2 Montenegrins.

The cooperation with the ICTY has been demanded by the EU since the establishment of the Tribunal as a prerequisite for any advance in the EU integration process. Indirectly the activities of the ICTY significantly influence another condition defined by the EU – the regional cooperation. The mandate of the Tribunal is to bring to justice those responsible for serious violations of international humanitarian law committed in the former Yugoslavia since 1991 and thus contribute to the restoration and maintenance of peace in the region. It has authority to prosecute and try individuals on four categories of offences: grave breaches of the 1949 Geneva conventions, violations of the laws or customs of war, genocide and crimes against humanity. The ICTY has no authority to prosecute states for aggression or crimes against peace; these crimes are within the jurisdiction of The International Court of Justice. The goal of national reconciliation was not expressly mentioned in the mandate of the ICTY. However, national reconciliation is a precondition to a permanent peace (Barria and Roper, 2005, p.362), as it has been expressed in the United Nations Security Council Resolution 955 establishing the International Criminal Tribunal for Rwanda (ICTR).

Almost 20 years after the establishment, it can be clearly stated that the Tribunal has not been more effective in providing peace and security, bringing justice to victims and defendants, as well as fostering national reconciliation. Obviously it can be explained to some extent by the continuing lack of recognition by the individual states. This was additionally supported by the modesty of the human and financial resources – the initial budget in 1993 for ICTY was 276 000 \$ (Barria and Roper 2005, p.364), whereas in years 2012–2013 the budget amounted to 250 814 000 \$ and in the two previous years even more – 286 012 600 \$ (International Criminal Tribunal for the former Yugoslavia 2013).

The cooperation of the Western Balkan states with the Tribunal has been one of the crucial elements of the EU conditionality mechanism. Already at the 2000 Zagreb Summit the Heads of State or Government of the Member States and WBCs stated that “The recent historic changes are opening the way for regional reconciliation and cooperation (...). They give new impetus to (...) respect for international obligations, including with regard to the ICTY (...). They strengthen regional security (...)”. In the 2003 Thessaloniki Declaration the ICTY conditionality has been confirmed again: “The EU and the SAP countries fully support the International Criminal Court, recalling relevant EU decisions. The Western Balkan countries pledge full and unequivocal co-operation with the International Criminal Tribunal for the former Yugoslavia. Its work, on all open issues, including the transfer to The Hague of all remaining indictees, should be allowed to progress without delays. Providing justice for war crimes is a legal, political and moral imperative to which we are all committed.”

The level of advancement of the integration process in regard to the individual Western Balkan states is relatively difficult to estimate, mainly because the future of the EU enlargement process remains unclear when facing the economic, institutional and political crisis. What is sure is that the governments of the Western Balkan countries find themselves in a wide range of various statuses and stages of negotiations; whereas Croatia, as the most advanced state in its EU integration process, is an acceding country and is expected to join the European structures in

summer 2013 and therefore constitutes a perfect case study when attempt to estimate the process variables are being made. Macedonia, deeply divided by ethnic cleavages and paralyzed by the name issue with Greece enjoys the candidate status since 2005; however the political, economic and societal system based on the Ohrid agreement seems not to fulfil its role anymore and the societal disappointment increases the defeatism. Surprisingly, one of the youngest Balkan states – Montenegro, a candidate country since 2010, is on its best way to Brussels and will most probably be the next to join the European club after Croatia, although this will rather not happen quickly. Serbia is the last of the Balkan states with the candidate status by the end of 2012. Albania applied for European Union membership in 2009 and is officially recognized by the EU as a potential candidate country, which represents a green light and an European support for mainly internal reforms. Finally Bosnia and Herzegovina and Kosovo remain the two burning points in the region, with highly questionable sovereignty, inefficient state structures and basically externally run political systems. Kosovo on the other hand has received very positive assessment in the previous 2012 Analytical Report of the European Commission. How far these developments are influenced by the activities of the ICTY?

2. Key proceedings

The conducted analysis of the political and societal reactions to the Tribunal's activities and verdicts in the Balkan countries allows confirming the thesis that they represent nothing surprising and follow the everlasting narrative on the war. The extremely emotional and everything but substantial reactions divide the public opinion all over the region; but also across world. Some very clear repetitive characteristic and paths can be identified when analysing the social reactions. The narration in the homeland of the winning party focus on the justice that always wins and the dominant perception of the verdict is that the world has finally confirmed the country's status of a victim in the wars of the 90s; and the respect towards international institution is the only way to the truth. On the other hand the dominant view in the country of the losing party is, in contrary, that the ICTY is confirming that it is politically biased and operates under strong international pressure aimed at inclusion of some countries into Europe and exclusion of the others from the international community. Moreover, frequently the activities – according to the losing party – seem to support the argument that the verdict had been made in European public many years ago and whatever the evidential material shows, these are always the same ones who will always be the guilty ones.

The intensity of the reactions and frequency of media appearance correlates with the importance of the political position of the person under the trial. Slobodan Milošević (former President of the Federal Republic of Yugoslavia and former President of Serbia), Radovan Karadžić (former President of the Republika Srpska), Ramush Haradinaj (former Prime Minister of Kosovo), Millan Babić (former President of the Republika Srpska Krajina), Goran Hadžić (former president of the Republic of Serbian Krajina), and finally the military leaders Ratko Mladić (former Commander of the Bosnian Serb Army), Ante Gotovina (former General of the Croatian Army) – these are the names which have provoked the most intense social and political reactions to the trials in the Balkans. All of the reactions were of a strongly confrontational nature and had

a clearly deconstructive character when it comes to regional identity building and development of the regional cooperation.

The Tribunal has played a historic role in the prosecution of wartime sexual violence in the former Yugoslavia and has paved the way for a more robust adjudication of such crimes worldwide. This, together with the relatively “innovative” approach towards genocide, could have been used a symptomatic application of the capacity that results from the war experiences. The potential integration over an issue and attempts to constructively develop the practical application of transitional justice has drown tough in the nation-centred discussions resulting *inter alia* from the unclear way of operation of the Tribunal. The obstacles which made the contrary development impossible will be discussed later in the text.

3. Croatia – a success story?

Croatia seems to be the perfect case to study the real impact that the ICTY activities have on the EU integration process. As at the beginning of April 2013 the Slovenian Parliament ratified the Croatian accession treaty, the integration path can be considered as completed and serve as a perfect research object and source of information for the other Western Balkan countries. The very crucial question one should ask here is whether Croatia could have entered the EU earlier and – if yes, what was the role of the ICTY in delaying the process. Naturally the answer is of a very speculative nature; however, I have no doubts that it could – if not within the 2004 Big Bang enlargement, than at least with Romania and Bulgaria in 2007. As reasonable argued by Jović, the main obstacle to Croatia’s earlier membership of the European Union was its incomplete and insufficiently impressive record on the issues of transitional justice in general, and of its (long-delayed) co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY) (Jović, 2009). This though does not give the picture of the scale of the influence it has on the political development of the negotiation process and reaching the benchmarks of the specific chapters. Victor Peskin and Mieczysław Boduszyński add to the above mentioned issue the clearly domestic effect it has. They argue that no issue has polarised the post-authoritarian Croatian political scene as much as the issue of cooperation with the International Criminal Tribunal for the Former Yugoslavia (2003). However; the domestic effect is of a twofold nature – it externally influenced the dynamics and directions of politics on the one hand, and was played as a tool of political pressure on the opponents on the other one. This has been particularly visible directly after Tuđman’s death when the major domestic political conflict started founded mainly around the issues related to the attempts of reinterpretation of the Homeland War. This might have brought the breakthrough on the Croatia’s path towards Brussels and made the integration noticeably quicker. As already in mid-2001 Račan’s government ceased to fully cooperate with the ICTY. This should be explained to great extent by the weakness of the governmental coalition on the one hand and huge domestic pressure together with the charismatic figure of Ivo Sanader on the other one. As he immediately started to play with the national emotions related to the war which was welcomed with great enthusiasm in the society (the largest rally for the “defence of the dignity of the Homeland War” organized in Split early Spring 2001 was attended by 150 000 supporters) and results in the extreme rise of support for Ivo Sanader and his great success in the

2003 elections. This year and the following ones brought another significant change in the cooperation policy designed in Zagreb.

The radical 2003–2007 shift in Croatian foreign policy was of the utmost importance for Zagreb itself, for Brussels, as well as for Belgrade, Sarajevo and other Balkan capital cities. However, as the ICTY does actually not have any pressure mechanisms in disposal when it comes to implementation of specific policies and its functioning depends strongly in the domestic will of cooperation, it were the internal changes which influenced the cooperation process. This said though one should realize that the policy of cooperation wasn't about cooperation at all. There is no sufficient empirical prove to say that the change happened because the HDZ-led government was seeking justice. The change was rather a toy used in the political game to gain what there was to be gained; it had significant domestic effects, but it was an effect of domestic political rivalries and troubles itself. There are at least four factors one should see as the crucial basis for the policy shift. First it was undoubtedly the Political rivalry between Sanader and Ivić Pašalić, whereas the latter one was associated to persons indicated by the ICTY, which gave Sanader a perfect play card in the dispute and made him willing to develop the cooperation with Hague in order to bury his political opponent. Second, the assassination of Serbian Prime Minister Zoran Đinđić in 2003 proved the enormous strength of the non-formal networks in the region. Even if Sanader and his supporters still believed that Gotovina and numerous military and para-military leaders from the war times were heroes who won the independence for the Croatian nation, they were unable to control all the networks developed during the war – related both to the political and military elites – especially because they were of a transborder nature and enabled the criminals from the very region to cooperate closely. The government needed a support in cutting the networks and the ICTY seemed to be a pretty fine ally in this matter. Third, the death of Tuđman together with the 5th October revolution in Serbia gave the countries a real perspective of the EU membership. As for Serbia the way towards the West was particularly difficult when having in mind the recent experience from the 1999 NATO bombing, for Croatia it personalized the Tuđman's dream about the escape from the Balkans. Finally, the structure of the governmental coalition built by HDZ together with the main party of Croatian Serbs, the Independent Democratic Serb Party (SDSS), made the reconciliation and justice – at least at the discursive level – an important issue in Zagreb (Jović, 2003). The change of the policy towards the ICTY was accompanied by a severe change of the policy towards the region at the same change and involvement in the South European Cooperation Process.

However, Tuđman's concept regarding the escape from the Balkans resulted from his very clear idea of Croatian identity based on the Central European legacy, but it wasn't equal to the enthusiasm regarding the EU membership. His critical attitude towards the European Communities was motivated mainly by his criticism towards the idea of multiculturalism which from his perspective was a project that has already proved to fail. This was additionally supported by the disappointed related to the lack of support for Croatia during the wars, mainly in 1991. Brussels was perfectly aware of this fact and until 2000 actually nothing happened, whereas the Summit in Zagreb in November 2000 might be seen as a symptom of Brussels's very optimistic reaction to the elections lost by HDZ.

Nota bene, as the importance of the external pressure and conditionality mechanism remains undeniable and not only the case of Croatia, but also what happened in Serbia between October

2000 and March 2003 shows how effective they might be. However again, it wasn't seeking the justice that made Đinđić surrender Milošević. It was the risk of losing the U.S. direct aid and support for financing from international financial institutions. On the other hand though, the assassination provoked some debate about whether Western countries had pressed Đinđić too hard to transfer indicted war criminals to The Hague (Orentlicher, 2008, p.42). What is very likely is that Đinđić weren't killed, Serbia probably wouldn't lost its momentum and would have the chance to enter the EU together with Croatia.

Moreover, the regional reconciliation should be perceived as a term and goal much broader and harder to achieve than just the cooperation with the ICTY and, as underlined by Jović while Croatia has indeed significantly improved its cooperation with the ICTY, its achievements on the issue of addressing war crimes domestically (in the legal, political and social spheres) have been less impressive (2003). This should not be surprising at all when one takes a wider view on the reforms being conducted in the Western Balkans along the European Union's recommendations and guidelines – very frequently they are passed as laws, so that someone in Brussels may see that something has been done, but than they are not implemented or implemented to a very limited extent and this is exactly what has been happening with the concept of regional justice.

If not the lack of cooperation with the ICTY, Croatia would have the chance to join the EU either in 2004 or together with Bulgaria and Romania. One could argue that the high level of corruption and unresolved internal and/or neighbour conflicts remained the crucial obstacles, the cases of Bulgaria, Romania and Cyprus show though, that these three conditions were treated flexibly.

Whereas the goals of the Tribunal would have not been achieved even to a minimum extent if not the decisions made on the domestic level; when looking at the issue from the external perspective, one may claim that the ICTY and the EU have coordinated their stances and policies towards Croatia by applying various strategies based on the "stick and carrot" instrument. Moreover, the activities of the ICTY have had a significant impact on the removal of some of the nationalistic figures from the Croatian political arena.

As far as Croatia has fulfilled the condition of full cooperation with the ICTY understood as extradition of the suspected war criminals, the success when it comes to the later goals of the Tribunal's work remains much harder to measure. As the majority of the former Yugoslav republics Croatia hasn't implemented lustration of the elites from the 90s, the great number of the accused in Hague remain perceived in their homeland as heroes and defenders; and the public awareness of the war crimes committed by Croats during the wars is still very weak.

4. Obstacles and challenges as the crucial components of the influence

Most probably it would be an extensive exaggeration to claim that an institutionalized mechanism of international justice can bring peace and reconciliation to a post-conflict region. Would it though be an exaggeration as well to say that it might disturb and check the abovementioned processes? The conducted analysis allows stating that the parties of the armed conflict have had great expectations towards the Tribunal and – especially recently – hoped for justice to be

brought from Hague. Consequently, one should underline that it is not the concept of the Tribunal itself that has numerous negative effects on the reconciliation processes, but rather number of specific institutional solutions adopted across the years.

Some of the crucial obstacles limiting the role played by the ICTY have been already mentioned in the text; however, the analysis of the activities undertaken by the Tribunal across the past two decades allows defining number of challenges and limitations which significantly influence the EU enlargement process in the region of the Western Balkans. One of the crucial obstacles faced by the ICTY is the fact of concurrent jurisdiction over serious violations of international humanitarian law committed in the former Yugoslavia between the Tribunal and national courts. Although the Tribunal can claim primacy and may take over national investigations and proceedings at any stage if this proves to be in the interest of international justice and can also refer its cases to competent national authorities in the former Yugoslavia, the cooperation has been very vague so far, which results primarily from the lack of political will on the national level.

Another obstacle on the Tribunal's way towards justice is, as underlined by Patricia Wald – judge at ICTY in years 1999–2001 – the strange combination of the common law adversarial system with the civil-law inquisitorial mode of criminal trial that founds its procedural regime (Wald, 2004, p.2).

Similarly, the great role played by the Prosecutor and the everlasting discussion on whether “too many ‘little fish’ have been indicted, i.e. middle and lower-level functionaries in larger operations, designed to perpetrate war crimes, crimes against humanity and genocide, which were instigated and planned by the ‘big fish’” (Wald, 2004, p.467). As the role of the Prosecutor is visibly dominant, the judges exercise their broad discretionary sentencing in a very unclear way enabled by the loose regulation of the sentencing process in the ICTY Statute (Holla, Smeulers and Bijleveld, 2009, p.79). Additionally, one of the most problematic, or even as stated by Wald – the most troublesome aspect of the ICTY proceedings remains the rules of evidence, dealing with witness statements going to the heart of the accused's actions or expressions, implicating his culpability (Wald, 2004, p.470).

“The Tribunal is a criminal process, a criminal law process, and that's what it is first and foremost. We cannot expect it to do everything” the former ICTY Deputy Prosecutor David Tolbert told in 2008. The challenges of the post-conflict and post-authoritarian societies cannot be faces through criminal trials alone. The mechanisms applied should be far more complex. Many ask whether “any court can truly deliver justice to victims and give them a voice, and whether any court can contribute to reconciliation” (Clark, 2009, p.137).

5. Conclusions

“There will be viewpoints we maybe won't be able to agree with but we should find that minimal consensus and that it a will to have peace, reconciliation and respect of every victim,” the Croatia's President said commenting on the acquittal of Croat Generals Ante Gotovina and Mladen Markač. These few words represent not only a personal opinion, but a deep general truth

about the role played (or better said not-played) by the ICTY in the region – it confirms or doesn't confirm viewpoints, that's it and only it. But it means a lot in the Balkans.

The research that served as a basis for this text together with the presented analysis allow concluding that the activities of the ICTY modify significantly the EU enlargement processes in the Western Balkan region. The crucial conclusions of the study are that first the more precise the requirements and rewards of the ICTY conditionality are, the more willing the countries are to fulfil them. Second, the EU conditionality is not the only factor that influenced the development of the states' cooperation with the Tribunal. E.g. in case of Serbia, the US pressure (threats to suspend financial aid) seems to be the predominant factor supporting the cooperation with the ICTY, especially in the first years after the fall of the Milošević's regime. Third, the less capable the EU seems to accomplish its promises and the less consistent the enlargement policy is, the more reluctant in cooperation the WBCs are. Four, the high domestic costs that the Balkan politicians had frequently have to pay for cooperation with the ICTY together with the inconsistent and soft policy of the ICTY itself make the policy makers able to conduct numerous manipulations and shortcomings. The Tribunal's activities and omissions have made it possible to develop the "minimum cooperation and appeasing" strategies, as well as the policy of voluntary surrendering. Five, the ICTY failed to establish cooperation rooted in a value-related basis. Consequently the capturing and extraditions have been frequently treated in the WBCs as payoffs or payments for rewards/carrots, not an element of a consistent process of reconciliation and dealing with the past. Six, the political and societal reactions in the region which followed the crucial trials and verdicts in Hague represent nothing surprising and follow the everlasting narrative on the war. The extremely emotional and everything but substantial reactions have been constantly dividing the public opinion. The cooperation with the ICTY has not resulted in development of the conflict transformation processes. Seven, the unexpected acquittals based on unexpected redefinitions and reinterpretations of the international law, such as the resignation of the "200 meters Standard" or the adoption of a very broad understanding of a missed military target have created a huge space for subjective assessment and flexible facts management, which resulted in declining trust among the Balkan societies towards the Tribunal and lower public support for the cooperation, which negatively influenced the public support for the EU integration, as well as the integration processes themselves. Eight, the ICTY has failed to communicate its opinions and verdicts accurately. The public opinion both in the region, as well as all around the world tend to interpret the particular verdict as exonerating or victimizing the particular nations, thus undermining the reconciliation processes. And finally nine, the positive influence of the ICTY on the reconciliation process was significantly more effective when the external pressure was stronger, which shows that the internal impetus for change might not have been an enough sufficient element.

Although the activities of the ICTY have had numerous remarkable positive effects in the region which brought the European perspective much closer to the WBCs, such as exemplary the support for the fight against organised crime, its contribution to the restoration and maintenance of peace in the region and thus to the advancement of the EU integration processes remain at least strongly questionable. As the EU enlargement process is a clearly political one, the activities of the Tribunal and the MICT should maintain independent from any political pressure. Had the

independence be stronger and/or clearer, both the reconciliation and the EU enlargement processes could have been more advanced.

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VIOLATED HUMAN RIGHTS AND FREEDOMS NEAR THE EUROPEAN UNION: ANALYSING THE TURKISH ALEVI COMMUNITY'S HUMAN RIGHTS POSITION IN THE PROCESS OF EUROPEAN UNION ACCESSION

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Abstract

A pluralist democracy in a multicultural environment in conditions of peace in one way can be established through empowering and protecting non-dominant groups that do not benefit from the same opportunities as the majority. In an international legal framework where the rights of minorities in each state have long been decided on an ad-hoc basis, the unique source of the regime applied to minorities in Turkey has been the 1923 Lausanne Peace Treaty. Although the treaty gave minority status only to certain non-Muslim groups in Turkey, developments in the international law on human rights could provide an opportunity for groups like the Alevis to be treated on equal citizenship basis. As the largest ethno-religious and cultural group in Turkey, it is estimated that there are 15 million Alevis, most of who face human rights violations and non-recognition in Turkey. As this religious community and their rituals become increasingly distinct, they may even start to be perceived as separate religion, whose members might require to be recognized as such. The Alevi problem, beyond this recognition question, has become a matter of the European Union (EU) in the accession of Turkey within the human rights perspective. It is important to examine developments regarding human rights and freedoms, equal treatment and citizenship in order to understand the Alevis position within the framework of international human rights protection and the Turkish desire for EU accession. The focus of this study will be shaped around the topic of developments in Turkey regarding human rights protection, and a specific investigation within the Alevi community. The further question will be how the violation of Alevi community's human rights can be understood in the framework of human rights protection and Turkey's desire for EU accession. Within this theme several points will be highlighted which are central to the understanding of the opportunities and benefits afforded by the Alevis being able to enjoy rights and freedoms, under both collective and individual concepts of human rights within the EU accession.

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I. Introduction

Turkey predicated on the United Nations (UN) and EU's human rights protection system and the human rights court: the European Court of Human Rights (ECtHR). As a signatory state to the international human rights instruments such as the International Covenant on Civil and Political Rights (ICCPR) or European Convention on Human Rights (ECHR), Turkey is required to respect, fulfil and ensure the safeguarded human rights and freedoms. Although Turkey adheres with the international human rights instruments, within the accession process, the EU

has continued to criticize Turkey's human rights applications. Since 1999, for Turkey, human rights and freedoms became an increasingly important accession issue. Uncertainty over Turkey's EU candidacy culminated at 1999 with the Helsinki Summit when Turkey officially named as a candidate country. The accession procedure of the state to the Union leaped to negotiation phase in 2005, with the condition of ensuring full compliance to the Copenhagen criteria and deepening of political reforms. So, the international human rights and freedoms requirements can be regarded as the abstract of what EU asked from the candidate Turkey.

The EU insistence on human rights in Turkey are designed to ensure the freedoms of all Turkish citizens (Türkmen, 2002), although rights and freedoms continue to be violated, particularly those related with religion. Religion is the fundamental aspect of society and calling for freedom of religion using human rights as a tool, is essential to the 'development of modern perceptions of human rights and fundamental freedoms' (Nowak, 2005, p.407). Implementations in Turkey on religion related affairs adduce what freedom of religion means for religious communities such as Alevis, a separate religious group, which is not recognized as minority. Turkey's minority policy wrought by the Lausanne Peace Treaty (1923) concluded with recognition of non-Muslims as national minorities. Although the Lausanne Peace Treaty does not specify any particular ethnic group, in practice the scope of national minorities confined to Armenians, Greeks and Jews (Minority Rights Group International, 2007). Furthermore, the failure to protect the rights of religious communities other than those defined in the Lausanne Peace Treaty adversely affects the ethno-religious communities including, the Alevis. A careful investigation proves that some policies in Turkey have been violating the human rights and freedoms of the non-dominant Alevi religious community. This paper attempts to assess and explain the Alevi religious community's human rights conditions within the framework of EU, will begin with the subject of international human rights and freedom attached to the Turkish accession to EU. The paper continues with a description of the religious structure of Turkey and different aspects of Alevi religious community's human rights circumstances and violations: non-discrimination, religious education and places of worship.

II. Accession to the EU, Human Rights and Turkey

One of the values of being a civilized nation, in the eyes of Gong (1984), originated from certain criteria designed to ensure people's rights and freedoms, which is the recurring issue that all EU candidate countries have to face. In 1998, the Copenhagen political criteria was created in order to ensure that for candidate countries a 'transparent' (William, 2005, p.64) requirement is forwarded for admission, which obligate the achievement of '... stability of institutions guaranteeing democracy, the rule of law, human rights, respect for and protection of minorities ...' (European Council in Copenhagen, 1993, p.13). Efforts to achieve accession include the granting of civil and political rights, social, economic and cultural rights and rights of minority. So, the Union conditioned the candidates must fulfil the Copenhagen political criteria, in order to eliminate problematic human rights and minority matters at the process of Union enlargement, and to facilitate the Europeanization of these candidates. Candidate countries are asked to be compatible with requirements harmonized with human rights and protection of minorities. Within the Union's internal dynamics, the European Court of Justice (ECJ) also concluded that

human rights form an essential component in the Community law (Defeis, 2007). Human rights, as the fundamental of the Union, had been underlined in many of the Union's treaties but not, however, in the founding ones, such as Rome. The Treaty on European Union (1992), the Treaty of Amsterdam (1997) and the Treaty of Nice (2001) emphasized that 'the Union is founded on respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities'. (EUROPA, 2010).

Regarding the combination of human rights, minorities and enlargement issues, Alston and Weiler (1998, p.672) explained that the '... Union will be importing a new set of unresolved minority issues as well as human rights challenges...' in the course of enlargement. So, enlargement of the Union proceeds conditionally from the human rights facet, which necessitates the fulfilment of human rights law requirements and protection of minorities. Human rights conditionality has been the indispensable for the Union in the procedure of enlargement and in relations with the 3rd countries. Conditionality proposes to prepare the candidates for membership and prepare the members for the new comers (Grabbe, 2005), who are supposed to be in good standing in human rights and minority issues. Especially, for the issues of minority which are dealt within the accession process, the 'Commission's approach in the candidate countries reflects pragmatic concerns for internal-international stability' (Pentassuglia, 2001, p.22). As a domain, human rights have been an important factor in accession period of candidate countries and the human rights and minority conditionality, however, became increasing vital after the fifth enlargement wave. A standard human rights regime for all members and minority conditionality, if it could be succeeded, for candidates, have been aimed at creating unanimity with respect to the fundamental principles of pluralist democracy. In this framework, it was essential that functioned in the EU; there was 'a detailed human rights catalogue, which would cut across cultural and political differences of states' (Zolkos, 2004, p.9). Although the conditionality of the EU faced with some criticisms for being vague and with the debate over whether the EU in fact have a collective attitude and policy on the minorities issue, admittedly political conditionality serves human rights, rule of law and democracy (Kliewer and Stivachtis, 2007). Consequently, it is the Copenhagen political criteria that promote the Union's conditionality, and which 'provides a good basis for estimating integration impacts on democratization in candidate states' (Kliewer and Stivachtis, 2007, p.154).

Turkey's negotiations with the EU have been protracted, without any definite membership date. Consecutive progress reports on Turkey prepared by the Commission emphasize the consequentiality of respecting human rights and protecting minorities, notably in enhancing religious communities' circumstances. In the reports of the Commission, conditionality of accession has once more strongly emphasized that Turkey's accession negotiations and eventual membership depend on ensuring the protection of minorities with respect to human rights and freedoms. In parallel with the arguments on accession, conditionality and religious communities, the Commission's concern over the position and legal status of the Alevis had gained momentum by 2000, leading to a later statement by Commission (2009, p.22) that 'a legal framework in line with the ECHR has to be established, so that ... the Alevi community can function without undue constraints'. Alevis' legal statuses, discrimination, special attention to their places of worship and religious education, and improvement in expectations for the minorities in terms of EU accession are clearly stated on the agenda of the Union. For Turkey, under the EU

requirements the only way forward is to respect the conditions of the EU's requirements regarding the respect of human rights, the protection of minorities and progressiveness in religion communities. Agreeing on the equal citizenship principle in state governance is the high level democracy and EU requirement, as well as 'taking measures to members of the religious minorities, particularly as regards education, and to ensure that the members of these minorities are no longer perceived as foreigners in their own country' (Hunault, 2009, p.1). It can be deduced that a state with an unsolved Alevi problem would conflict with the accession requirement to ensure the protection of minorities and to fully respect to human rights and freedoms.

III. Alevis of Turkey

The human rights questions that affect Turkey at international level concerns the status of religious groups and their on-going demands for freedom of religion and equality. Questions on minorities, freedom of religion and equal treatment have complicated Turkey's human rights record. The minority and religious groups protection regime, in addition to the general issue of freedom of religion, has been disputed and brought about Europeanization that impact the 'state-religion relation and pressurize Turkey towards the creation of a new regulatory framework for religion' (Ulusoy, 2011, p.420).

a. Religion-Based Formation of Turkey

For centuries, the structure of Anatolia was akin to a mosaic where diverse ethnic, religious and linguistic groups lived as one. Following the Turkish War of Independence, the 1923 Lausanne Peace Treaty determined the minority related regime of Turkey. For the minority policy of this new Republic, the Lausanne Peace Treaty, was the major influential instrument, and is still in force. It is the non-Muslims as specified by the Lausanne Peace Treaty that benefits from the minority regime provision. More explicitly, for instance, the Lausanne Peace Treaty, that govern the Turkish minority policy as follows: non-Muslims in Turkey hold the right to found educational and social institutions. However, the concrete structural position of religious communities in Turkey is not only composed of those covered by the Lausanne Peace Treaty, the Greeks, Armenian Christians and Jews, but also groups including Alevis, Jehovah Witnesses, Assyrians (Karimova and Deverell, 2001), and other Christian denominations.

b. The Alevis

The belief systems diversify and synchronize during the transition of civilizations and reconstructing of societies. New civilizations, new societies and new cultures influence each other's sociological and cultural heritages, as in the ancient epochs of contemporary Turkey. The Battle of Manzikert was a watershed for Anatolia and Turks, in the 13th century, and the mass migration of Turkmens increased as a result. As Melikoff (2009) noted, the Turkmens used to be typified as non-Muslim Turks, rather than as an original Islamic groups. A prototype Muslimism

was fully adopted by some of these Turk tribes, but not others. So, while some tribes fully adopted Islam, i.e. Sunni Muslims, in others, vestiges of ancient faiths and cultures harmonised with Islamic insight to create the beliefs of the Anatolian Alevi. Among myriad Anatolian people, Alevism's religion motifs spread and was situated as a *sui generis* belief and way of life as concurrently with the dissemination of Islam in the region.

Who are these Alevi? Before Islam, Turks used to follow religion and beliefs as Shamanism, Buddhism, Christianity and others. Scholars agree on the common point, that Alevi origins are rooted in the culture of nomadic Turk tribes. Turks Shamanic beliefs and way of life became a contradiction with Sunni-Islam, which require definite and permanent settlement, so they perceived Islam according to their own manner of life (Okan, 2004). In general, the divergence of the Alevi and the Sunni is based on the convictions and interpretation of their beliefs. Sunni belief and rituals, such as namaz, fasting in Ramadan or participating in the Hajj are not generally followed by the Anatolian Alevi. Instead they pray communally in the ceremony called cem, rather than the namaz of the Sunni, in cem houses (cemevi) rather than mosques and fast in the month Muharrem (mourning in memory of Caliphate Ali's son Hussein who killed in Karbala by son of Umayyad caliph Yazid I.) rather than Ramadan. In contrast to other interpretations of Islam, Alevism is believed to be 'the original interpretation of Islam that defends the uniqueness of God, being Prophet of Mohammed and being holy of Caliph Ali' (Şener, 2009, p.15). Alevism, as the unique belief system, can be 'designated as broadly as possible as a socio-cultural and spiritual belief system that is inherently syncretistic' (Erol, 2012, p.44). Before the mid 1980's, Alevism has losing its unique character, and was associated with different belief systems, including Atheism, and thus, 'Alevi have traditionally been regarded with suspicion by Turkey's Sunni Muslim majority and suffered both discrimination and occasional pogroms' (Jenkins, 2007). It was the 1990s when Alevism began to acquire an organizational structure through associations and foundations. The assize of this minority will become apparent when Turkey become an EU member state, because as Akbulut and Uysal (2008, p.438) point out 'Alevi and Kurds would be the largest minorities of the EU, even larger than the whole Roma population within the EU's current borders.' Contemporarily, it is estimated that there are also many Alevi who are Kurd.

c. Challenging Issues for Alevi:

Places of Worship, Religious Education in Turkey and Discrimination

Freedom of religion in international human rights enshrined with the article 18 of Universal Declaration of Human Rights (UDHR) states that 'everyone has the right to freedom of thought, conscience and religion; this right includes ... to manifest his religion or belief in teaching, practice, worship and observance' (United Nations, 1948). Eighteen years after the Universal protection measure, freedom of thought, conscience and religion covered in the framework of the International Covenant on Civil and Political Rights (ICCPR). ICCPR regulated everyone's right to freedom of thought, conscience and religion involves '... to manifest his religion or belief in worship...' (United Nations, 1966). The regional human rights legal instrument that embodies the freedom of religion is the European Convention on Human Rights' (ECHR) ninth article, which accords with the UN's protection regime (Council of Europe, 1950). Therefore, EU's

human rights provisions correspond, at international level, with the UN Conventions (Krüger, 2010). Each human rights instrument mentioned covers the freedom of religion, freedom of practice religion or a belief, which amounts to the places of worship issue. The human rights dimension of this matter can be revealed more clearly in the UN's human rights protection regime. The Human Rights Council Resolution 6/37 (2007, para.9) 'urges States to ... ensure that religious places ... are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction.' The Human Rights Committee, CCPR General Comment No.22 (1993) extends the freedom of religions' and designate that the 'concept of worship ... to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including the building of places of worship ...' In establishing the places of worship, the Resolution 64/164 (2010, para.7) emphasize the non-discrimination principle in its words; 'legal procedures pertaining to ... places of worship are not a prerequisite for the exercise of the right to manifest one's religion and belief, and such procedures, when required at the national or local level, should be non-discriminatory...'. Similarly, the ECtHR's conclude that restriction on places of worship can constitute an interference or violation of article 9. The Court (1996, para.44), in *Manoussakis and Others v. Greece* case, added that 'the Court's task is to determine whether the measures taken at national level were justified in principle and proportionate.' However, when considering the planning permissions for places of worship, the margin of appreciation of the states has been accepted. As stated, 'a wide margin of appreciation will prevail unless an extremely serious violation of Article 9 is found' (Berry, 2012, p.25).

In Turkey, the discussion on Alevi places of worship, cem houses, has continued for several decades, and in the Commission's progress report (2012), Alevi places of worship has once more received attention. The Commission (2012, p.25) emphasize the fact that cem houses are not recognized as places of worship and 'Alevi experienced difficulties in establishing new places of worship... have to pay electricity and water bills, whereas the state budget covers such expenses for mosques.' In regard of places of worship debates, in 2012, an Alevi MP, a member of the main opposition party, requested that a cem house be established in the Parliament building, however, he met with rejection. The legal ground of the rejection of the Parliament originated from the Directorate of Religious Affairs' official opinion on cem houses. The Directorate iterated that Alevism is a sub-interpretation of Islam and mosques are the common places of worship for Muslims, therefore institutions, such as cem houses, cannot be recognized as places of worship. In another event, an association in Ankara was sued due to having an unlawful regulatory statute. The regulatory statute manifested association's aim to construct cem houses, which are places of worship of Alevi. The state authorities contested that cem houses are not places of worship and the article shall be omitted; otherwise the association should be dissolved. Consequently, the Court of Appeals reversed the decision of the Court of First Instance, and decided cem houses are not places of worship according to the legal regulations of Turkey. While legal arguments on places of worship effectively prevent Alevi worshipping, in villages, even more serious incidents occur. In Alevi villages, there are buildings used as cem houses, however, under the name of culture centres. The reason for naming these places as culture centres was to obtain permission from the state authorities when the lands or disused buildings used are demesnes of the state. Congregation villagers cover the expenditures of their own cem houses; however, they frequently struggle to meet these costs (Dede of a village, per. comm., 17 April

2011). Each year during festivals, the representatives of the state visit some villages and make promises related with cem house issue, although these promises are never kept (Dede of a village, per. comm., 17 April 2011). In one village, the Alevi association sought to fund the cem house through the contribution of local people. However, the cem house could not operate, due to issues of finance and lack of dede, the person who oversees the religious ceremonies (Village Headman, per. comm., 20 May 2012). In contrast, the village contains a small mosque, which funded by the state, even though villagers do not regularly attend daily namaz. In another village located in the Aegean region, no cem house exists, but the villagers have not appealed to government agencies, as they assume the response will be rejection (Village Headman, per. comm., 26 May 2011). Here again, the application for the restoration of a disused school building had been directed to the government agencies, on the basis that the building would be used as a multipurpose culture centre. Currently, people in the village face a title deed problem, and the file has been awaiting decision from the state authorities for over two years. As can be witnessed, Alevi citizens face a range of problems regarding the places of worship, in terms of religious rights, discrimination and conflict in the role of state in supporting places of worship. For instance, while mosques expenditures, as electricity or water, and the salaries of imam's are covered by the state, Alevis have to struggle to build their own cem houses and pay the expenses from their own resources. In spite of paying the same taxes as Sunnis, Alevis receive no support from the state authorities such as Directorate of Religious Affairs, and this be considered as being discriminated.

Turkey adopted the principle of secularism in 1937, and the interpretation of secularism in the Constitution of the Republic of Turkey (1982) is stated as follows: 'there shall be no interference by religiously motivated elements in state affairs or politics.' Although secularism is the main principle encapsulating the Republic, there have been assertions that religious groups and minorities in the state have been exposed to policies, which are not conducive to a secular regime, as in the religious education system of Turkey. The Constution of Turkey adopted both secularism and compulsory religious education, article 24, which has been condemned as recognizing only the Sunni sect of Islam. For Alevis, the secular Turkey's compulsory religious education and the Directorate of Religious Affairs contradicts their human rights and freedoms. The Alevi-Bektashi Federation president Mr. Selahattin Özel (per. comm., 31 January 2012) described the religious education system of Turkey as a violation. The Federation demands the abolishment of such lessons, a demand which he claims accord with the democratic system and universal human rights declarations. The initial judgment of the ECtHR on Turkey was when an Alevi citizen Hasan Zengin sued the government on the grounds that his daughter's, Eylem Zengin, exemption request from the religious culture and ethics lessons had been rejected. The Court concluded that religious education of Turkey consisted of teaching of the Sunni sect of Islam's rituals and belief systems, and violates the second sentence of Article 2 of Protocol No. 1. The Court (2007) stated that religious education and parental rights should be respected in regard to their religions and beliefs. Teaching a religion or belief in contradiction to the beliefs of the parents should be avoided, and the Court (1976, para.53) stated that religious lessons should be 'objective, critical and plural.' Such elements existed in the Court's decision and opinions as in the *Kjeldsen, Busk Madsen and Pedersen v. Denmark*. Also the Organization for Security and Co-operation in Europe (OSCE), in 2007, accepted the document the Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools, which consists of various sections related in

developing appropriate curricula in public schools about religious education. The Organization (2007, p.40) adopted religious education principles which have to be 'sensitive, balanced, inclusive, non-doctrinal, impartial, and based on human rights relating to freedom of religion or belief'. Neutrality and objectivity were pronounced in the OSCE principles as in the General Comments of the UN Human Rights Committee, General Comment No. 22 and the Committee on Economic, Social and Cultural Rights General Comments No. 13. In the case of compulsory religious lessons in Turkey, objectivity and pluralism of the content and curricula are controversial. The domestic regulations affirm that in determining compulsory religion and ethics courses' content, while allowance should be made for the main information sources, in conjunction with Islam's main principles, a non-denominational and multi-religious approach is to be embraced (Ministry of Education Instruction and Discipline Board, 2006). However, in the case of *Hasan and Eylem Zengin v. Turkey*, the ECtHR (2007) determined that the religious education of Turkey was not being accorded with objectivity and pluralism. As Adanalı indicates (n.d.), the explicit violation of objectivism and pluralism in the curriculum means 'nearly half of the content concerns religion and Islam with remaining topics ranging from secularism to humanism and from ethical values to etiquette'; according pre-eminence to Sunni traditions.

The focal point of the controversy over religious education is when religious education, taught from the viewpoint of a particular sect, due to the state's religious instruction policy, constitutes an infringement of freedom of religion and conscience (Yaşar, 2000). In the case of *Hasan and Eylem Zengin v. Turkey*, the Court announced its decision that, as long as it was done in a general manner, an emphasis on Islam was not a contravention. However, this was not the case in Turkey, (where the emphasis on Sunni Islam was too strong). Requesting parents to avow their faiths and religions in the exemption procedure was found to conflict with the principle that no one should be coerced to reveal their religion beliefs. Even if children were exempted from the lessons, 'no possibility for an appropriate choice has been envisaged for the children' (ECtHR, 2007, para. 76). The lawyer for Hasan Zengin, Kazım Genç, (per. comm., 20 September 2010) criticizes the ECtHR decision as ignoring the compulsory nature of religious instruction in secular states and declared that the Court had failed to elucidate the matter from this perspective.

The Commission (2012, p.24) in the progress report mention the *Hasan and Eylem Zengin v. Turkey* judgment 'has yet to be implemented' with the new textbooks for the academic year 2012–2013. The Commission (2012, p.24) report continue that 'children who did not attend (the religious education lessons) were subject, in several instances, to discrimination. No alternatives were provided for students exempted from these classes.' Although the Commission emphasize the right to exemption, the exemption instances are rare and the procedure in the state fails to operate when the matter is reviewed at implementation level. Initially, to exempt their children from the religious lessons, parents are obliged to predicate their faiths; however, this action disqualifies them from the exemption procedure. The State foresees that the religious education do not present a problem after the rectification in the curriculum in which a total of 25 pages of material about Alevis has been introduced over the whole 12-year period of education. Certainly, the ECtHR decision had led the process of religious education reform in Turkey, and 'sent a clear message that Turkey will be held to the same standards and expectations of other European nations when it comes to safeguarding the ECtHR's democratic ideals' (Simon, 2009, p.631). These qualities are intended to create a Turkey that would not contravene the ECHR, but instead

to progress towards being a 'civilized nation' in the EU. The common stance of two attitudes continue on the assessments on implementations of the Republic of Turkey towards Alevis demands and problem on the religious education system. Liberation theological adherents, such as the Hacı Bektash Veli Anatolian Culture Foundation, advocates the abolition of religious education and the Directorate of Religious Affairs, demanding that the state shall observe a hands-off policy on religious issues. The hands-off policy however is not accepted by Alevis identifying themselves as conservative, who would prefer greater representation in the Directorate of Religious Affairs and religion instructions in school. The Cem Foundation general manager Hıdır Akbayır (per. comm., 16 September 2010) expresses that 'religion shall be taught in schools while also from the Alevis aspect not only from Sunnis . . . when children cannot live according to their philosophical beliefs, a gap will occur, they will feel an emptiness and this will be closed by the Sunniism . . .' Two options stand as compatible with international human rights and freedoms; an objective, neutral, critical and pluralistic compulsory religious instruction in Turkey's education structure, which can either be compulsory or optional, or alternatively, the abolition of such lessons from the education system.

IV. Conclusion

Achieving the feasibility of tolerance, acceptance of the ethno-religious and cultural minorities, as the part of the society, in accordance with enabling the capacity and opportunity of enjoying fundamental human rights and freedoms is essential as well as compulsory for a peaceful society. Turkey still looks to the Lausanne treaty to legitimize its regime for minorities, even though this treaty fails to meet the needs of the present situation. Upgrading the degree of ability and feasibility of tolerance in the society, accepting Alevis as the part of the society, regarding the ECtHR jurisdiction and international human rights law all directly relate to the ability and potential of religious communities to enjoy their fundamental rights and freedoms. Failure to recognize cem houses as Alevis places of worship under any legal status correspondingly undermines financial status of these places. The state's discriminatory applications, such as failing to cover the costs of cem houses, or refusing to represent them in the Directorate of Religious Affairs, has intensified the Alevis opposition. The issues of the Alevi community's recognition and representation proclamations, compulsory religious education, status of the cem houses and the equal treatment matters have all been considered by the EU, and shall be ameliorated as the necessary articles on the membership of EU. Turkey's religious education system is still to be silent on pluralism and objectivism, which was formalised by the ECtHR decrees and the OSCE Guideline. The recodification of the religious education system has gained importance in the EU accession agenda, because accessional progress relies on meeting conditions for membership. Ultimately, Turkey's compulsory religious culture and ethics lessons and matters in cem houses have been regarded as breaches of fundamental human rights and freedoms, as rendered by the ECtHR decision and Commission progress reports. The continuation of the same juncture suggests there are complexities in the EU membership process, in the view of Copenhagen political criteria and the Union's stance on human rights in the enlargement policy. To become a democratic civilized EU member state, Turkey will have to support religious communities' rights and freedoms, as well as tolerance in society. Without improving the conditions of minorities and

religious communities, and respecting their human rights and freedoms, Turkey's integration and accession to the EU seems as if it will remain on a condition of stagnation.

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THE GREEKS OF ISTANBUL AND EU HARMONIZATION

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Key Words: *Venice Commission, religious minorities, Halki, Ecumenical Patriarchate*

Abstract

I would like to present current ESI research on the problems facing religious minorities in Turkey, taking the Greek Orthodox in Istanbul as an example.

Some of these problems are directly related to the fact that religious communities in Turkey cannot attain legal personality. That is why the Ecumenical Patriarchate as such does not exist, the state only recognizes individual believers and foundations. This situation has been criticized many times by the EU, especially by the European Commission in its progress reports, but also by the Council of Europe's Venice Commission, which published a report in 2010 offering Turkey four possibilities to introduce a legal personality for religious communities as they exist in different European countries. Ecumenical patriarch Bartholomeos during a presentation to the constitutional commission in the Turkish parliament in February 2012 referred to both EU standards and the recommendations of the Venice Commission. With a legal personality, religious communities could register and run strictly religious activities such as education of priests, church services and finance this through rent income of apartments and houses and donations.

However, besides the issue of legal personality, the situation for Christian and Jewish communities has improved in recent years in the course of the EU process. Most strikingly are the changes to the foundations' law, which was reformed several times since 2002. These foundations are so important, because they finance the minority institutions like schools, churches, hospitals etc. Through changes, these foundations now can sell and acquire property without problems and can claim back confiscated property, a process, which is ongoing. Not all problems are resolved, but amendments to the law are expected to overcome them. The same is true for the situation of minority schools. They faced many restrictions concerning their pupils, which have been partly addressed but the reform process needed to continue. For all these questions the EU process has proven to be a very useful tool to address them. This is why patriarch Bartholomeos and other leaders of religious minorities have been supporting Turkey's EU membership.

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HOME SWEET HOME?: THE RIGHT OF RETURN IN POST-WAR BOSNIA AND HERZEGOVINA

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Abstract

Integral to the Dayton Peace Accords, aimed at ending the war in Bosnia, was meeting the needs of the 2.2 million Bosnians displaced by the war. Yet, the approach taken – to grant all Bosnians the Constitutional right to return to their pre-war home – focused only on the physical reconstruction of ruined houses and communities. This approach assumed that the return of displaced individuals would begin undoing the ethnic cleansing campaigns of the war. This paper argues that in defining both home and community as inherently physical spaces, the Accords overlooked the war's destruction of social and personal relationships, instead emphasizing only the physical damage. Drawing upon fieldwork conducted in Northwest Bosnia in the spring of 2011, this paper shares personal narratives of returnees which problematize many dominant narratives of post-war return through highlighting return as a process not as a fixed end-goal. My interviewees¹ illuminate the importance of the reconstruction of social and personal relations, another casualty of the war, as equally integral components of the process of return. Success of return, as defined by the Accords, rests on the number of returnees. While these numbers fail to reflect quality of life of returnees, they also mask the sustainability of return, especially to rural communities, where few opportunities exist for youth to root themselves in their community or country and the majority of returnees are elderly. As they die, these communities also die. This reality remains largely unexamined by programs facilitating return and, thus, unprepared for.

Furthermore, the goal of reversing ethnic cleansing demands active projects, such forums for interethnic exchange between individuals, to breach the ethnic divides the war created. The recreation of ethnically diverse municipalities will not inherently restore the multiethnic communities pre-war Bosnia was known for. Promotion of return, while an important step towards post-war recovery, may not create the enduring communities or interethnic relationships necessary to build peace in Bosnia.

* * *

Sanski Most, situated along the Sana River in northwest Bosnia,² had the misfortune of essentially being ethnically cleansed twice³ during the war. In 1992, Bosnian Serb forces took the town and

¹ Seven semi-structured interviews were conducted in Sanski Most, Bosnia in April/May 2011 as part of my study abroad program. I received IRB approval through the School for International Training who ran the program, "Peace and Conflict Studies in the Balkans."

² Between Bihac and Banja Luka, just south of Prijedor, but in the Federation.

displaced or killed many of the Bosniak (a term marking Bosnian Muslims) and Bosnian Croat residents. They maintained control until 1995, when the Bosnian Army retook large swaths of north-west Bosnia in Operation Sana, which displaced many of the Bosnian Serb residents. Underscoring campaigns of ethnic cleansing was the ethno-territorial assumption that “demographically homogenous ‘ethnic’ spaces would provide security through separation,” and that this quest for security and fear of other ethnic groups necessitated the “un-mixing” of Bosnia’s multi-ethnic communities.⁴

Shortly after Operation Sana, political leaders met in Dayton Ohio, eventually signing the General Framework Agreement for Peace, the Dayton Accords. These Accords created two autonomous entities – Republika Srpska and the Federation of Bosnia-Herzegovina – perfunctorily linked by a weak central government. The Dayton Accords preserved the “un-mixing” of Bosnia, achieved through ethnic cleansing, and used the military borders to define the new political borders, thus enshrining separate physical and political spaces for the continuation of ethnic discourses.⁵ The territories of “Republika Srpska and the Federation of Bosnia-Herzegovina,” notes anthropologist Stef Jansen, “were founded on the expulsion and/or escape of over 90% of their inhabitants of undesired nationality.”⁶ The legacy of these war-time campaigns, reflected today in the demographics, social interactions and sense of community, has direct implications for the viability, health and sustainability of communities such as Sanski Most, and for peacebuilding across Bosnia.

Addressing the realities of ethnic cleansing and their implications for reconciliation was a major concern of the Dayton Accords. Creating a stable political and social order required addressing the needs of the 2.2 million Bosnians displaced by the four-year war, resolving issues of property restitution, and clarifying the legal status of refugees and internally displaced persons alike.⁷ The “solution” identified in Annex 7 of the Dayton Accords granted all refugees and internally displaced persons the right “to return to their homes of origin” as a means of “settlement of the conflict” and creating “Peace” in Bosnia.⁸ Or, as geographer Richard Black argues, Annex 7 operated, and continues to operate, as a forum for “righting the wrong” of ethnic cleansing.⁹

³ I use this term delicately, all sides committed crimes during the war, but proportionality should be taken into consideration, and I would argue, ethnic cleansing was not a fundamental Bosniak military and political objective during the war, whereas many Bosnian Serbs advocated for and used this kind of ethno-territorial logic.

⁴ Dahlman, C. and O Tuathail, G., 2004. Legacy of Ethnic Cleansing: the Localized Geopolitics of Displacement and Return in Two Bosnian Places. *Annals of the Association of American Geographers*, Vol 95, No 3, pp.576-577. The ethno-territorial discourse was especially prevalent in the rhetoric employed by Serb and Bosnian Serb political and military leaders before and during the war, see the 1986 Memorandum published by the Serbian Academy of Arts and Sciences, or speeches delivered by Radovan Karadzic – political leader of the Bosnian Serbs during the war.

⁵ de Koning, M., 2008. *Return Migration to Bosnia and Herzegovina: Monitoring the Embeddedness of Returnees*. University of Amsterdam.

⁶ Jansen, S., 2006. The Privatization of Hope and Home: Return, Reforms, and the Foreign Intervention in Bosnia-Herzegovina. *Dialectical Anthropology*, Vol 30, p.179.

⁷ Of the 2.2 million displaced, nearly one-third sought refuge abroad, and two-thirds, roughly 1,300,000 persons remained internally displaced during the war. Since the Dayton Accords, one million Bosnians have “returned.”

⁸ General Framework Agreement for Peace, 1995. Annex 7: Refugees and Displaced Persons.

⁹ Black, R. and Gent, S., 2006. Sustainable Return in Post-Conflict Contexts. *International Migration*, Vol 44, No 3, p.23 and Eastmond, M., 2006. Transnational Returns and Reconstruction in Post-War Bosnia and Herzegovina. *Transnational Migration*, Vol 44, No 4. and Jansen, 2006, p.179.

Defining “home” as “place of origin” underscores the Accords’ individual-centric rather than broader community-situated conceptualization of home.¹⁰ This framework minimizes the importance of social interactions in defining community spaces, and thus misses the significance of examining the “interpersonal ruins” the war created.¹¹ Such a definition also fails to consider if communities are capable of caring for returnees, and if returnees will have adequate access to the necessary institutions and social services upon return.¹² Addressing the human impact of the war, in addition to the physical, remains crucial for the success of return, and, ultimately, reconciliation.¹³

In 2004, the UNHCR proudly announced that one million Bosnians had “returned” and touted the success of Annex 7.¹⁴ This emphasis on return to physical structures and the measure of “success” through the number of returnees does not take into account the dynamism of the process of return, nor does it define home as a socially constructed and situated space whose meaning is, in part, developed through the social interactions which occur there.¹⁵ It also fails to acknowledge the impact of personal experience during the war, and how “those returning to their former homes often find *themselves* vastly transformed, physically and socially, and have to negotiate their re-entry in quite different contexts of power and inequality.”¹⁶ Assessing just one element of return – the physical – masks the emotional and social complexity of the process of return. Furthermore, defining return as physical movement attempts to uncouple the physical from the emotional and social experiences of returnees. In this way, the physical or demographic characteristics of a community take precedence over social cohesion.

Through emphasizing return to pre-war locations, Annex 7 enshrines a pre-war, multi-ethnic vision of Bosnia, and claims the objective of return is recapturing the “normalcy” disrupted by the war. Relying on memory of pre-war life to define “normalcy” assumes that reinstating demographic diversity will enable the return to pre-war harmony.¹⁷ Such a perception fails to acknowledge the economic and political transformations, both as a product of the war but also post-socialist restructuring, which define Bosnia’s present situation and render the past unobtainable.¹⁸ On an individual level, the language of “return” suggests a cyclical physical movement, which may not align with an individual’s emotional, social or economic trajectory. As Stef Jansen notes, “displaced Bosnians remembered previous *lives*, not just a previous place of

¹⁰ Black and Gent, 2006, pp.32.

¹¹ Clark, J., 2009. From Negative to Positive Peace: The Case of Bosnia and Herzegovina. *Journal of Human Rights*, Vol 8, p.362.

¹² ICDM, 2008, 100. Their report notes that a 2005 Department of State report found instances where minority returnees were discouraged from returning to certain municipalities by “official obstruction of returnees’ access to local services” (105).

¹³ Clark, 2009, p.361.

¹⁴ The last Bosnian census was conducted in 1991, and the absence of systematic population data poses numerous obstacles to Bosnia, assessment of the effectiveness of programs facilitating return being just one.

¹⁵ Eastmond, M., 2010. Introduction: Reconciliation, Reconstruction and Everyday Life in war-torn societies. *Focaal – Journal of Global and Historical Anthropology*, Vol 57. Black, R., 2002. Conceptions of “home” and the political geography of returnee repatriation. *Applied Geography*, Vol 22, pp.20.

¹⁶ Eastmond, 2010, p.9. Italics my own.

¹⁷ Jansen, 2006, p.184. A problematic remembrance of Bosnia in and of itself, but not an issue to be explored further in this paper.

¹⁸ Eastmond, 2010.

residence.”¹⁹ Reclaiming a physical space will not necessarily recover those pre-war lives, or, as anthropologist Anders Stefansson terms it, resume their “past life trajectories.”²⁰

Furthermore, returnees, especially minority returnees – those who would be ethnic minorities in their post-war community of origin – must overcome significant barriers, not just physical repossession of their pre-war home, to obtain basic standards of living and human rights. A 2007 UNHCR survey found that 82% of displaced persons still have destroyed property, and 83% of displaced persons are unemployed, and that minorities, especially minority returnees are disproportionately affected by unemployment, and have more tenacious access to state services (education, pensions and health care).²¹

The language of physical return also articulates a fixed “end” for the process of return: the physical re-entry into one’s “home of origin.”²² Emphasis on “home of origin” neglects the needs and reality of over 113,600 Bosnians who remain internally displaced,²³ often living in collective centers or occupying homes of other displaced individuals – further complicating the reality of “return.”²⁴ Furthermore, conceptualizing return as a cycle, rather than process, marginalizes discussion of how sustainable return actually is, if returnees permanently or temporarily claim their pre-war homes.²⁵ “Durable return,” argues the Internal Displacement Monitoring Centre, “will depend on greater efforts to put in place the conditions regarding livelihoods, access to social protection, unbiased education, and infrastructure to effectively lessen the impact of ethnic discrimination [against returnees].”²⁶

My fieldwork, conducted in April of 2011, was centered in Sanski Most and the village of Hrustovo, and examined how individuals experience making a home in a community still deeply impacted by the war.²⁷ Returnees spoke of the physical processes of re-turn: repossessing property, rebuilding, and regaining a sense of security²⁸ – all elements emphasized in the rhetoric of the Dayton Accords. At the same time, my informants also discussed the broader social and personal transformations that influenced their processes of remaking homes and communities, either as returnees to their “home of origin” or as internally displaced persons, unable or uncomfortable returning to their site of pre-war residency. Thus, beyond the physical loss and processes of reconstruction, the war also left a clear mark on the social fabric of Sanski Most.

¹⁹ Jansen, 2006, pp.184-185.

²⁰ Stefansson, A., 2006. Homes in the Making: Property Restitution, Refugee Return, and Sense of Belonging in a Post-War Bosnian Town. *International Migration*, Vol 44, No 3, p.123.

²¹ Internal Displacement Monitoring Center, 2008, p.62. However the report also notes that the many returnees are elderly pensioners which impacts unemployment levels. A 2007 Household Budget Survey, conducted by the Bosnian government, found that there were 2.8 elderly persons per child in Bosnia, 30.5% of the population was retired, and 59% of households have no minors (aged 0–17).

²² Black and Gent, and O Tuathail, G. and O’Loughlin, J., 2009. After Ethnic Cleansing: Return Outcomes in Bosnia-Herzegovina a Decade Beyond the War. *Annals of the Association of American Geographers*, Vol 99, No 5.

²³ Internal Displacement Monitoring Centre, 2010. *Country Statistics: Bosnia and Herzegovina* [online] Available at: <<http://www.internal-displacement.org>>

²⁴ Dahlman and Tuathail, 2004. *The Legacy of Ethnic Cleansing*, p.589.

²⁵ Internal Displacement Monitoring Centre, 2008. *Bosnia and Herzegovina: Broader and Improved Support for Durable Solutions Required*.

²⁶ Internal Displacement Monitoring Centre, 2008, p.12.

²⁷ Semi-structured interviews were conducted with six individuals, and one in-depth informal conversation with a seventh, in addition to information gleaned through participant observation. I received IRB approval from the School for International Training who ran my study abroad program before conducting my research.

²⁸ Mention here data on discrimination against minority returnees.

The lack of opportunities in Bosnia encouraged many refugees, especially the young and middle-aged, to seek permanent residency abroad while still maintaining a connection with pre-war homes, communities, and family.²⁹ These members of the Diaspora also fail to fit neatly into typical portrayals of “the returnee” as they maintain relationships within multiple spatial and social environments. Members of the Diaspora with whom I interacted often financially support their “homes of origin” and return periodically without establishing – or intending to establish – permanent residency there, even as many were rebuilding the family home.³⁰ This contributes to another hidden form of return – the seasonal or semi-permanent – the complexities of which are not reflected in official statistics on return. The implications, however, of part-time residents for communities, such as the village I lived in, are broader than seasonal bursts in population. Nearly half of the houses in Hrustovo were inhabited semi-permanently, and the presence or absence of those families shaped the social environment of the community. With fewer full-time residents, many of whom were elderly, class sizes in the local school were falling, and local businesses were closing.

In late April, around the Easter holiday, the population of Hrustovo and Sanski Most swelled as many displaced Bosnians returned during the vacation. Many discussed the difficulty of being both “a stranger here and there” as one interviewee, Dina, put it. Dina’s brother, who was translating, added, “the term we use here [in Bosnia] is crucified. One hand here and the other there” he gestured outstretching his arms. “But my heart is here,” Dina responded. These displaced Bosnians have been robbed not only of their homes, but of their sense of community, belonging and identity.

The tension of belonging also finds expression in language use. One evening when relatives now living in Slovenia were visiting my host-family, the conversation quickly slipped into Slovenian. Oddly, I was the only non-Bosnian in the room, and for everyone else, Slovenian was their second, not their mother-tongue – yet it was obviously a language of comfort and connection for those assembled. As Dina later told me, “no matter how long we are [in Slovenia]...there is always something in Bosnia that connects us to this land, but here [in Bosnia] I am [also] a guest.” This contradiction, this tension as expressed linguistically and through identification with place, positions members of the Diaspora between two rooted communities. Arguably what I observed that evening was the formation of a third community: the displaced, bound together by their shared tension of belonging, expressed in their common adopted tongues. The experiences of this transient community are often overlooked in attempts to measure “return.”

Despite the courage of those who have returned, Sanski Most has been irrevocably changed by the war, in multiple ways. Before the war, roughly 50% of the population was Bosniak and 40% Bosnian Serb.³¹ Although there has been no official census taken since 1991,³² it is estimated by

²⁹ Eastmond, 2006, p.141 and Internal Displacement Monitoring Center, 2008, p.71.

³⁰ According to the World Bank, in 2011, remittances constituted 10% of Bosnia’s GDP. World Bank, 2011. *Global Economic Prospects June 2011 Regional Annex Europe and Central Asia*, [online] Available at: <<http://go.worldbank.org/JW2N41TE50>>

³¹ The remainder of the population was Bosnian Croat (5%) or identified as Yugoslav (5%). Union for Sustainable Return, Correspondence with Author, 2011.

³² After twenty years, Bosnian politicians have finally agreed to conduct a census in 2013, a decision which occurred only after years of political battle. See *Balkan Insight’s* coverage of the lengthy Census debate. Available at: <www.balkaninsight.com>

the Union for Sustainable Return that nearly 90% of the population in Sanski Most is now Bosniak.³³

Many youth I spoke to, a majority of whom were returnees themselves, all expressed desire to move to a more urban environment or, even more ideally, out of Bosnia entirely for economic, educational and social opportunities. In a country where 21.6% of the population are minors, a major youth-exodus would have a significant impact on Bosnia's future.³⁴ This brain-drain contributes to the fragility of many returnee communities. For Sanski Most, like small, rural spaces across Bosnia, the demographic upheaval the war fueled may not have fully concluded as youth seek futures outside their community.

As Steffansson notes, "the return of younger, middleclass minority [Bosnians] to urban spaces is quite rare," thus among the permanent community of returnees, many are elderly.³⁵ Many people of childbearing age fled (or died) during the war, and have not returned permanently. Dina, who chose to settle in Slovenia after the war noted, "we [my husband and I] never talked about [returning to Bosnia], he had a job, he had citizenship, we had established life there, so it didn't make sense for us to come back here where we didn't have anything, we didn't have jobs." This trend, coupled with low birth rates, creates conditions for demographically unsustainable communities which are slowly dying out. On my first day in Sanski Most, my host father, trying to sound nonchalant, noted that no new children had been born in their village that year. One resident of Stariji Rijeka, a predominately Bosnian Croat village close to Sanski Most, noted how important it was for his parents to remain in their village after the war, even though they were now the youngest family in the village, and the village still carried physical scars of the war – especially land mines.³⁶ "They were hoping others would return," Kruno, a high school senior, said, "but it doesn't look like that will happen...there are only old people, and in seven or eight years there isn't going to be anyone in [Stariji Rijeka] because all the old people are going to die and that will be that."

Attending the Easter Mass in Stariji Rijeka, Kruno's words echoed in my ears as I surveyed the church. Just a handful of young faces dotted the congregation. Of the eight individuals under twenty in the crowd, three were Kruno and relatives, two were children of members of the Diaspora, and three were Bosniaks, friends Kruno had invited to celebrate Easter with his family – a big step for many of them. Obviously, the congregation isn't getting any younger, especially as the youth, like Kruno, seek opportunities outside Bosnia. This snapshot of the community illustrates the unspoken precariousness many of Bosnia's aging communities face, a reality not accounted for in assessments of (or programs facilitating) permanent return.

Furthermore, minority returnees may not be permanently settled. On a walk through Sanski Most, the only neighborhood where I saw signs selling *rakija* – home-distilled alcohol, a marker

³³ Union for Sustainable Return, personal correspondence with the author, 2011. Bosnia and Herzegovina Agency for Statistics, 2007. *The Household Budget Survey*. The survey reported Bosnia's median age for males to be 37, and 40 for females (as compared to 35 and 38, respectively for the United States (2010 Census). 59% of households have no minors (0–17), but more than 1/3 of houses have at least one elderly resident.

³⁴ Bosnia and Herzegovina Agency for Statistics, 2007. *The Household Budget Survey*, p.10.

³⁵ Steffansson, 2006, p.120.

³⁶ All interviewees cited in this paper received pseudonyms. Landmines, notes the Internal Displacement Monitoring Centre, 2008, pose a threat in 1,366 Bosnian communities, or to roughly 1,300,000 Bosnians, although only 100,000 (only?!) Bosnians are directly at-risk of land mines (p.73).

of non-Muslim families – also sported placards offering “house for sale or exchange with a house in Banja Luka or Prijedor” – both large towns in nearby Republika Srpska. Many minority returnees, such as Bosnian Serbs in Sanski Most, hope to relocate to communities where they will belong to the majority, even if this entails leaving their “home of origin,” in what is hopefully their final displacement. These “for sale” signs indicate that even Sanski Most’s small Bosnian Serb community may not be permanently settled, that return, for these individuals, has not satisfied their social, economic or emotional needs.

Two of my interviewees, both Bosniaks, fled Prijedor (Republika Srpska) during the war, opting to settle after Dayton in Sanski Most for economic as well as security reasons. They, like many displaced persons, feared the implications of being “minority returnees.”³⁷ One, Edin, described Bosniaks who did return to Prijedor, especially early on, as “living under the shutter,” that is keeping as low a profile as possible to prevent conflict with their neighbors.³⁸ The other interviewee, Mirsad, emphatically stated the importance of living under “our” – meaning Muslim – government rather than returning to “enemy territory,” to Republika Srpska, even if that was his “home of origin.” Like his physical house in Prijedor, his community was destroyed by the war.³⁹ His comments illustrate the larger, harder truth that bricks and mortar can only reconstruct a house, but not a home.

Homogenization and physical separation of communities provides a significant obstacle to peacebuilding through diminishing opportunities for inter-ethnic contact, an important component for addressing and healing trauma.⁴⁰ Selma, another high school senior, shared how it took meeting Bosnian Serbs for her to cast off her own assumption that a “Serb was a monster, and a Croat too,” and that realizing that “they were people just like me...really helped me with my trauma.” These instances of personal transformation mark, according to psychologist Ervin Staub’s research in Rwanda, the first steps towards creating lasting peace through changing conceptions of the “other.”⁴¹

These pivotal moments of sharing experiences of suffering during the war and acknowledging common humanity provided the catalyst for many of my interviewees to begin reimagining the “other.” However, in divided communities, spaces for genuinely encountering the “other” are few. Furthermore, these spaces do not often occur organically, and depend upon the courage of individuals to enter into them with openness to truly hear another’s story. Fear of meeting and interacting with the “other” inhibited many of my informants, including Vahido, from willingly entering such spaces. Required to attend an inter-ethnic teacher training session, Vahido was concerned that he would meet his former teacher, the Serb who “made me start hating ‘them.’”

³⁷ In addition to concerns about physical security, many minority returnees were concerned about access to services (employment, housing and education) under local and entity governments dominated by other ethnic groups (Stefansson, 2006 and Jansen, 2006).

³⁸ See also Stefansson, 2006.

³⁹ Prijedor was a site of especially brutal ethnic cleansing in 1992, for more information see Helsinki Watch, 1993. *War Crimes in Bosnia-Herzegovina*. New York, NY: Human Rights Watch.

⁴⁰ Clark, 2009, p.365.

⁴¹ Clark, 2010.

He later reflected in his Masters Thesis,

...I hated Serbs so much that my only motivation to go on with life was revenge: to harm at least one Serb in order to make him/her pay for my suffering... [at the training] it was very hard to sit in the same room with Serbs. It was disgusting to see their names on nametags that were stuck to their chests.⁴²

Yet, as Vahido told me, the training also “transformed my life...it made my life much easier because it’s much easier to love than to hate.” Before the training, he had difficulty understanding why Serbs, especially those he knew, didn’t speak up in protest of the atrocities committed around them. For Vahido, inaction by his Serb acquaintances implicated them in the crimes, directly or indirectly. These trainings enabled Vahido to hear from Serbs how they too were threatened, and that their silence was not synonymous with support for the regime. He recounted,

This was my biggest difficulty with Serbs, why didn’t you say something? But now I realize that there were Serbs who were not supporting [the war]...[and] that they were threatened...and of course when you have to choose between your family and your children and your neighbor, I kind of now understand...I understand why they didn’t [speak up] and before I couldn’t.

Hearing the stories and experiences of “others” harmed by the war enabled Vahido to begin understanding the destruction of his community and his life in a more complex and compassionate way. This process of regaining a sense of inter-ethnic community occurred five years after Vahido physically – and “successfully” to use the rhetoric of assessment of return – came back to his “home of origin.”

Integral to Vahido’s experience was his ability to return to his pre-war community, to confront not only Serbs, but the individuals who directly defined his wartime-suffering. However, fear of meeting perpetrators, or as Mirsad put it, fear of “betraying my wounds,” highlights another barrier to the process of return and speaks to how individuals, transformed by their experiences during the war, may not be able to return, to re-inhabit their previous “life trajectories.” Yet, the process of reconciliation, like any of the processes of return, occurs on a personal timeline. Furthermore, Vahido’s physical return to Sanski Most did not enable this transformation. Addressing his war-time “interpersonal ruins” required additional steps, took “meeting the other.”⁴³ Yet this component of reconciliation is grossly overlooked in number-based evaluations of return. Until assessment of return encompasses sustainability of community, includes the transnational experiences of the Diaspora and programs facilitating return not only support but encourage “meeting the other,” such statistics scratch only the surface of what it means to come home.

⁴² Omanovic, V., 2003. The Role of the Project Diacom in Reconciliation in Bosnia. *Capstone Collection*, School of International Training, Paper 181 [online] Available at: <<http://digitalcollections.sit.edu/capstones/181>>

⁴³ Clark, 2009, p.362.

THE SOCIAL MODEL AND THE ECONOMIC SECURITY IN EUROPE

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Key Words: *Europe, economic security, social model, states*

Abstract

The economic security has to be understood, in our opinion, as the essential factor of security, the one that ensures the resources and the dynamic balance of the other components who belong to this system. The limited character and the uneven allocation of the resources – even if it's about energy resources, raw materials or food and water, the irreversible damage of the Earth's natural balance by the environment degradation, the asymmetric evolution of the resources, illnesses, extreme poverty, poor education or the lack of it, the lack of balance between the rich states and the poor ones on the north-south axis of the planet are all vulnerabilities, with an insufficiently evaluated explosive potential. These are manifested in two ways: internally, the consequences can mark a sharp instability and externally, their export cannot be stopped, but, at best, only managed. The economical dimension of the security will be determined and the national interest will function just like a bed of Procrustes.

The European social model is the one that consolidates the economic security which is the result of the interaction between the internal and external factors that enhance the distribution and consumption of the goods and services produced in a national economy. Thus, making a successful social model involving performance in the labor market, in education, in health and in the social services area sets the foundation of stable economic security and ensure appropriate economic policies. An efficient social model shall reduce economic insecurity, risks and vulnerabilities.

However, the European social model is a concept that has caused much controversy after the fall of the iron curtain. This concept includes a combination of processes and highly democratized institutions on one hand, and on the other hand a high level of social protection, a competitive economy, the existence of social dialogue, promoting equality, a performant education system and a health system that can cover the population's needs as well as possible. Analyzing social policies and social protection systems in each European country we can better understand the role played by the European social model.

Before the end of the Cold War, economic models were based on national economies, leading to partial isolation. Security models were focused on the balanced confrontation between powers or super powers and their allies. After the Cold War, economic liberalization has also led to the changing of the security model. Currently, achieving security is increasingly based on interdependence and cooperation among states, for both internal and external problems. The question then arises, "Does Europe need a social model?"

* * *

INSTABILITIES IN SLOVENIAN SOCIETY: TOWARDS THE PAST OR THE FUTURE?

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Key Words: *Slovenia, transition, socialism, protests, economic crisis*

Abstract

In the beginning of transition Slovenia was often addressed as the story of success, which started splitting along the seams after 2008, and it seems it now fell into dust. For more than two decades Slovenia was performing well as an independent state and a new democracy and was seen as a role model for many countries, which started the transition at the same time. However, in recent years development and progress stopped. It seems that Slovenia hit the rock bottom, since the question whether it will end up like Greece is rising more and more often. The situation is aggravating due to political disputes within the political arena and due to the deteriorating economic situation, which was further worsened by protests that started in November 2012 and do not seem to stop. The main question, which rises is: are the protests and the general situation the result of the economic crisis or the reflection of the yugonostalgia? It seems that Slovenia found itself on a crossroad hesitating which were to go: towards the future or towards the past.

* * *

Introduction

“Once upon a time, far away, there was a small, beautiful country named Slovenia, situated on the south of the Central Europe and on the north of the Mediterranean. After centuries of struggles for own territory, ethnicity, country, culture and freedom, in 1990 it seemed these dreams had finally became true. For almost twenty years, it seemed everything was going in the right direction, but then suddenly, dark clouds began to accumulate over this small and beautiful country. And so it began, the deterioration of economic and political situation, weakening of social cohesion, worsening of the general state of mind, values, perception, hope...”

Despite this poetic introduction and an almost tragic conclusion, unfortunately the reality is anything but fairy-tale resembling. Slovenia did not reach all the potentials it could, given its good starting position. Slovenia (like other countries of Central and Eastern Europe) started its transition in 1989/1990 in political and economic field. Compared to other countries involved in transition (e.g. Slovakia, Poland, Hungary, Czech Republic etc.) Slovenia had an excellent starting position, if not the best one. It was the most developed republic in Yugoslavia, its GDP p.c. share was much higher compared to other transition countries and countries of Yugoslavia, its geographical position was/is strategic (the closeness of Italy and Austria) thus its developmental

potentials were prominent. Nevertheless, today Slovenia is lagging behind, compared to some other transition countries, like Slovakia or Poland which are seen as rather well developing countries.

But, tightening of economic conditions is not the only issue Slovenia is facing nowadays, since also general social conditions are becoming increasingly alarming. In November 2012 protests started where Slovenian nation required the resignation of Slovenian current government and better working and living conditions. The situation was further exacerbated by the media exposing controversial facts of the premier and other leading structures of the state. Slovenian nation is becoming increasingly dissatisfied and desires for new and better times are getting stronger and stronger. This leads to a craving for a better situation and a better future, for security and certainty, which is considered to characterized Slovenia during its membership in Yugoslavia.

This will be discussed in the article, where we will analyze the Slovenian society: its economic and political situation from times when Slovenia was still a part of Yugoslavia till nowadays. In particular, we will focus on the situation from the secession, covering the period between 2000 and 2012 and the global economic crisis. In the context of political developments we will focus on the early elections to the National Assembly in December 2011, which are quite tightened to the whole situation that had emerged in November 2012.

From dependence to independence

For a long time Slovenia was a part of other entities, monarchies and federations, but in this article we will focus only on times of Slovenian secession from the entity it last belonged – the *Socialistic Federative Republic Yugoslavia* (Socialistična Federativna Republika Jugoslavija). Before proceeding to analyze the situation in the independent Republic of Slovenia, some crucial points have to be highlight (we will not go into details of historical facts). In the table below (Table 1) we list the entities, which included Slovenia from 1867 (when it was still a part of Austro-Hungarian Monarchy) until its independence in 1991.

Table 1: Entities including Slovenian territory

NAME OF ENTITY	YEAR OF FORMATION
Austro-Hungarian Monarchy	1867
Country of Slovenes, Croats and Serbs <i>Država Slovencev, Hrvatov in Srbov – Država SHS¹</i>	1918 (lasted a mere 33 days)
Kingdom of Serbs, Croats and Slovenes <i>Kraljevina Srbov, Hrvatov in Slovencev – Kraljevina SHS</i>	1918 (on 1st December)
Kingdom of Yugoslavia <i>Kraljevina Jugoslavija</i>	1929
Democratic Federative Yugoslavia <i>Demokratska Federativna Jugoslavija – DFJ</i>	1945 (August)
Federal People's Republic of Yugoslavia <i>Federativna Ljudska Republika Jugoslavija – FLRJ</i>	1945 (November)
Socialist Federal Republic of Yugoslavia <i>Socialistična Federativna Republika Jugoslavija – SFRJ</i>	1963
Republic of Slovenia <i>Republika Slovenija</i>	1991 (25th June)

¹ Regardless, it has never been internationally recognized as a state.

Summing up the economico-political situation from 1918 till 1990, for more than six decades Slovenia performed under the *socialism/communism* which left a mark on every field of the society. In the '50 a centrally planned economy and self-government management were implemented (Slovenska kronika XX. stoletja, 1996, p.198). It was an experiment and an attempt to bring socialism and capitalism together but it did not work (Osolnik, 1998, pp.196-197). At the same time the economic system and market had to submit to political ideas of the leading party and to centralization of the economy. Monopolies were fostered, which institutionalized the political power for business and employment. This process of transforming the economic and political sphere, included all socialist/communist countries, which successfully monopolized the economy and distorted market legalities. The first action, which followed was the liberalization of Yugoslavian and thus the Slovenian economy (Pezdir, 2008, p.12).

These liberations concerned Kardelj's proposals, submitted in 1965, for republics to become states, while the federation should serve only as a basis or space for states to coordinate their politics. In reforms regarding the economic system Kardelj defined the Yugoslav economic system as a specific one, which would consider and combine free market economy and would be based on the common ownership. Kardelj's reforms were supported by Josip Broz Tito, the President of Yugoslavia at that time and the highest authority. Very quickly after the implementation of Kardelj's ideas and plans, in 1967, the negative effects began to appear. They were reflected in the overburdened economy, the raising of capital in neighbor banks etc., which in a few years almost nullified the efforts of the reform. This resulted in slowing down the relatively high growth of the Slovenian economy, most reflected in industrial production. This slowed down Slovenian development, since it has lost its advantages over other parts of the country (Slovenska kronika XX. stoletja, 1996, pp. 290-291). Also in politics the implementation of Kardelj's reforms in the form of *self-managing socialism* caused the fragmentation of technostructure, it weakened its basic elements and functions, such as technological process, production planning, quality control, long-term planning, etc. Technostructure became bureaucratic with the implementation of traditional elements (Schierup in Grancelli, 1995, p.12).

In the end of the '70 and in the beginning of the '80, waist in consumption had begun across the entire Yugoslavia, which resulted as a crisis. The situation began to further escalate after the death of Kardelj (in 1979) and even more after the death of the president Josip Broz Tito (in 1980). Requests for foreign loans spread within the country, while the federation was accepting the responsibility to cover the loans, without knowing the real economic balance of the consumption. The federal government has been sharing huge assets for non-existent warranty and permission for foreign loans, which caused a huge debt and inability to promptly check the sum of debts. All this has led to inflation, to which also contributed high costs of Yugoslav army, even exceeding army forces of larger and wealthier countries. The result of negotiations about economic mechanisms and legalities, maintained "alive" by top politicians, had further deepened the crisis. Discrepancies in economic balances were growing, just like the inflation and implementation of experimental shock therapies resulting in the growing apathy of the economy (Osolnik, 1998, pp.196-197).

All these had led to desires of Slovenia to "leave" the current situation and position in Yugoslavia and to its secession and independence. Desires for democratic political system and market oriented economy were intensified. National interests for independence were firstly introduced in

Nova Revija and on a popular assembly in a clear formulation (document) of national interest known as *Majniška deklaracija* (in May 1989). *Majniška deklaracija* clearly stated that Slovenes want a sovereign state of the Slovenian nation, where decisions would base on links with Yugoslavia and other nations under the renewed Europe and where human rights, freedom and general well-being of Slovenian citizens would be respected (*Majniška deklaracija* in Prunk, 2002, p.555).

On 23th December 1990 a plebiscite of independence was launched, where 95% of Slovenes voted *for independence*. After the adoption of the Constitutional Law, the Yugoslav army attacked the new Slovenian country, which arose the *Slovenian Independence War* (also known as a *Ten-Day War*). The war ended by signing the *Brioni declaration* on 7th July 1991 on Croatian Brioni. The European Community recognized Slovenia as an independent state on 15th January 1992, but some European countries have recognized it as such, earlier (Prijon, 2012). And so it began the process of transition as a hope for a better future for Slovenes and Slovenia.

From sweet dreams to a nightmare

Developments in economic arena

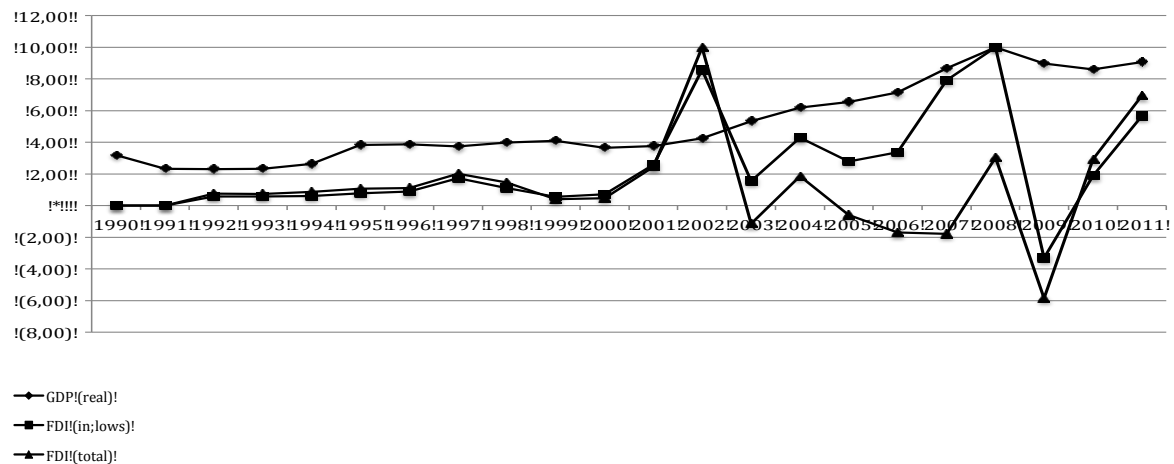
With the secession from Yugoslavia in 1990 the Slovenian transition began, during which, in its early stages, Slovenia was often seen and addressed as a “*story of success*”. All seemed that Slovenia was determined to intersect with the old regime – *socialism* and to launch a new political and economic system – democracy and market oriented economy. Although, transition itself means and strives for the transformation of political, economic, social and cultural system and thus aims at the transformation of the whole socialist society into a western one (see Offe, 1993), Krusell and Rios-Rull (see 2002) claim that the political transition itself may not be sufficient for a successful economic transition.

Slovenia's good initial starting position is largely a result of the Austro-Hungarian legacy of which Slovenia was a part. Nevertheless, there are two possible ways under which transition can take place; the *shock therapy* and *gradualism*, Slovenia decided for the latter. The gradualist approach eventually disclosed some of the unresolved issues from the time Slovenia was still a part of Yugoslavia, when the market was regulated, private ownership was limited and the privatization was questionable (see Adam, 1989). All this factors generated an environment not too favorable for establishing all necessary elements for performing a market oriented economy. The lack of these elements was (and still is) seen in the lack of: a supportive environment for entrepreneur development, the existence and the right to private property, free market, innovation, distinction of economic and political system, etc. Slovenia was characterized by limited business initiative, publicly owned property, lack of competition and market freedom, political interference in economic system etc., which consequences are still visible today.

Slovenian economic development started growing slowly but constantly in terms of real GDP. Also Foreign direct investments (FDIs) were quite present but in small amounts (from 1990 until 2000). In 2001 inward FDIs jumped from 135,800,000 (in 2000) to 503,400,000\$ and again to 1,659,500,000\$ (in 2002). Afterwards they started decreasing again, with ups and downs until 2007, when another wave of major FDIs arrived, jumping from 649,332,359\$ (in 2006) to

1,531,374,684\$ (in 2007). In 2008 a great jump in FDI can be observed amounting of 1,936,803,175\$ and another big share in 2011 amounting of 1,095,961,692\$. On the other hand real GDP was constantly growing, reaching the peak in 2008 (with 54,606,018,255\$). In the chart below (Chart 1) we represent the trend of movement for real GDP, inflow and total share of FDI (see Prijon, 2012).

Chart 1: Trend of movement for real GDP, FDI (inflow) and FDI (total) between 1990 and 2011



Source: Prijon, 2012 p.174-175 (normalized values from data of The World Bank, 2012)

Summarizing, we could claim that according to these data Slovenian economic performance was not as bad as it might look at the first glance. But, considering Kornai's (see 1995) statement that Slovenia find itself in the so-called "*transition economic crisis*", leaves us wondering what is the real situation. With his statement Kornai (1995) refers to the problem caused by the transition from economy, basing on limited supply to limited demand. Further confusion rises looking at forecast and doubts of foreign media and experts. The European Bank for restructuring and development (EBRD) forecasts a 1.4% of economic decline for Slovenia in 2013, being the worst forecast among all other countries of Central Europe and Baltic states² (ERDB in K. Š., 2012). Also The Economist is wondering if Slovenia would be the first former communist country in the euro area needing economic aid like Greece (The Economist, 2012).

Slovenian poor economic situation is the consequence of many mutually related factors, among which, the most important role is played by Slovenian banks, which are becoming heavily dependent on liquidity provided by the European Central Bank. Another crucial factor hindering the current economic situation are Slovenian long-term government-bond yields and high non-performing loans, which are still rising rapidly, causing general insecurity and fear among foreign creditors. Another important event were the 380 million € (1% of GDP), which Slovenian government stuffed into *Nova Ljubljanska Banka* (NLB) (The Economist, 2012), which is state owned. Therefore, the solution of the crisis is rather difficult, Slovenia was forced to adopt certain measures in the hope that the situation will get better in the future. In 2010, the previous

² The EDRB's prognosis and forecast is based on the general global crisis which affected the whole world, but Slovenia faces also a decline in exports, poor liquidity of banks and lack of loans, which disables enterprises to successfully operate in foreign growing markets (ERDB in K. Š., 2012).

government set six (6) priorities until the end of the mandate consisting of (Vlada Republike Slovenije, 2010):

1. The Consolidation of public finances,
2. The improvement of businesses' conditions,
3. The improvement of the payment discipline,
4. The improvement of the functioning of the labor market,
5. Effective prosecution of economic criminal and
6. Structural measures and institutional adjustments.

At the oath of the new (Janša's) government (on 10th February 2012) steps to save Slovenian economic situation and the crisis have been designed and written on the official web page of the *Government Communication Office* (2012) and in the *Contract for Slovenia 2012–2015* (Pogodba za Slovenijo 2012–2015). The latter consists of reducing the public consumption by 10%, following with later structural reform, which will consist of fiscal consolidation and the launch of a new economic cycle. The main goal is a faster growth of Slovenia from 2013 onwards, compared to the EU average. Measures for economic growth consist of the elimination of late payments, the elimination of bureaucratic obstacles to locating objects in the environment, shortening the settlement of disputes for small and medium-sized enterprises, reducing the labor costs, incentives for investment, a gradual reduction in taxes on corporate income and the elimination of the credit crunch. In March, 2012 the new government of Janez Janša presented the final list of measures designed to save, per year around 800 million € (Uravnoteženje javnih financ, 2012). In October 2012 an excess of revenues over expenses was detected in Slovenian general fund, amounting of more than 40 million €. The total budget deficit (between January and October 2012) amounted of little less than 1.1 billion €³ (M.B., 2012).

Slovenian Prime minister Janša highlighted the problem of Slovenian further development, which has been progressing well since independence, even exceeding the average development of the EU until 2008. It seems that the global crisis has affected Slovenia more, compared to other countries entering the EU in 2004, since then, it is not able to catch up the European average and lags behind in progress and development. In May 2012 Slovenia have fallen for more than five percentage points and lost the advantage it had in 2004, compared to new members at the beginning of the crisis (Dnevnik.si, 2012). Taking in consideration Krusell and Rios-Rull (2002) when they state to be quite possible that a simple step and transformation of the political system into democracy may create an initial recession of economy leading into relatively poor long-run process, we can claim that this might be the Slovenian case. But, when analyzing the economic (and also political) developments of other transition countries, which joined the EU in 2004 one can only wonder, *is Slovenian economic situation ever getting better? Is the current status normal and reparable? Is there a hope for a better future?* Maybe there is, but there is still a long way to reach the previous trajectory, the turning point and in the end to achieve the so expected *"story of success"*.

³ Of which 633 million € or 58% of deficit was accounted for January and February, when the current Janša's government did not have full powers as a coalition and as a government.

Developments in political arena

It all started with the global economic crisis when general dissatisfaction began to damage the already fragile social cohesion, which was further undermined by Slovenian political developments. On 21st September 2008 elections in the National Assembly took place, which were the fifth elections in the National Assembly in the independent Slovenia. On these elections Borut Pahor, the president of the left-wing party *Social Democrats* (Socialni Demokrati) became the mandate for the government, since his party won with the 30.45% (320,248) of votes⁴ (Volitve v državni zbor, 2008). Nevertheless, Pahor is not considered as an absolute left politician, his party tends to prefer more the left values and mentality. Pahor managed to form the coalition (the government) addressed as the “*left triplet*”, since it consisted of three left-wing parties, beside *Social Democrats* (Socialni Demokrati) also *Zares* and *Liberal Democracy of Slovenia* (Liberalna Demokracija Slovenije). In June 2011 speculation about the collapse of the coalition and Pahor’s government started, since *Zares* announced the abandonment of the coalition (Demokracija, 2011), after some ministers have already left the coalition. On 20th September the National Assembly expressed the vote of no confidence to Pahor’s government (36 votes FOR confidence and 51 votes of AGAINST), hence Pahor was resolved as a Prime Minister (A. S. et al., 2011).

On 21st October 2011 the president of Slovenia, Danilo Türk dissolved the Parliament and first early elections (seventh on the row) to the National Assembly were held on 4th December 2011. The winner was the *List of Zoran Janković/Positive Slovenia* (Lista Zorana Jankovića/Pozitivna Slovenija) with 28.51% of votes, the second was *Slovenian Democratic Party* (Slovenska Demokratska Stranka) with 26.19% of votes and the third was Pahor’s *Social Democrats* (Socialni Demokrati) with 10.52% of votes (see Pinterič and Prijon, 2012). First tensions started with the problem of the new mandate for the coalition and the government. Normally, the mandate would be the president of the party with the majority of votes, but in this case the established protocol encountered problems.

The President of Slovenia, Türk proposed Janković for the new mandate, since *Positive Slovenia* (Pozitivna Slovenija) won the parliamentary elections. Janković’s attempts to form a coalition and thus a government with other two left-wing parties *Social Democrats* (Socialni Demokrati) and *Democratic Party of Pensioners of Slovenia* (Demokratska Stranka Upokojencev Slovenije) and a right-centre party *List of Gregor Virant* (Lista Gregorja Viranta) failed. The latter (Virant) was negotiating the coalition also with the *Slovenian Democratic Party* (Slovenska Demokratska Stranka) with Janez Janša as its president, the biggest right party, winning over a quarter of all votes on the parliamentary elections. Although Janković was able to ratify the coalition’s contract on 7th January, 2012 allowing him 52 seats in the National Assembly, he could not form the coalition, since he gained just 42 votes (lacking additional four votes to form a coalition and thus the government). President Türk decided not to suggest Janša as a mandate, as Türk considered him to be too involved in the corruption affair *Patria* and thus suggested a banker Marko Voljč, who tried to chair the government soon after the independence, but failed. Even in this case the National Assembly did not vote for Voljč. The group of MEPs suggested Janša as a mandate for the new coalition, who was finally able to form the new government. Janša’s cabinet was

⁴ Out of 1,070,523 total votes.

approved by the National Assembly on the 10th February, 2012 (Utenkar, 2012). All this left Janković and his party, as the biggest party of the opposition.

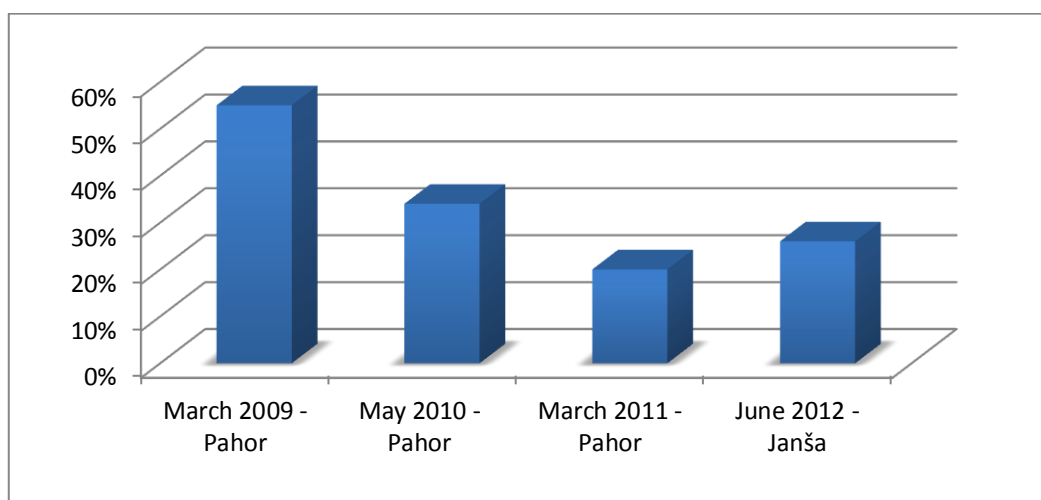
And then the problems started. Citizens, who voted for *Positive Slovenia* (Pozitivna Slovenija) were *furious* for the turnout of the events, since they felt affected and unconsidered. On the other hand voters of *Slovenian Democratic Party* (Slovenska Demokratska Stranka) felt *thrilled* about the situation. Already during the campaign and after the elections, the polarization of opinions and people occurred, since on the one hand there were “*conscious Slovenes*” who considered Janković as a threat and a person who would take Slovenia again in the Yugoslavia (since Janković is half Slovenian and half Serb). On the other hand there were those who supported Janković and saw him as a potential savior of Slovenia. Regardless, of who was right and who was wrong, the situation carried on with Janša as a Prime minister.

The first dissatisfactions with the new right government started right after the government suggested some major changes as *anti-crisis measurements*. The latter can be observed in trust measurement in institutions among which also the trust in the Prime Minister. The survey is performed by Politbarometer several times per year.

Slovenian Politbarometer of January 2012 detected that the current Prime Minister Janša received 25% of trust (Politbarometer 1/2012, 2012). In June 2012 only 26% of respondents supported Slovenian government (Janša’s government), while 62% did not support it (12% were undecided). The majority (86%) of left oriented respondents did not support Janša’s government, while 65% of right oriented supported it, while 23% of respondents trusted Janša as a Prime minister (Politbarometer 6/2012, 2012). In September 2012, 21% of respondents supported Janša’s government, while 73% did not support it (6% of respondents were undecided). In September only 14% of respondents trusted Janša as a Prime minister (Politbarometer 9/2012, 2012).

Just for illustration, we present data of Politbarometer in 2009, 2010 and 2011 to analyze the trend of trust in Prime Minister Pahor (in 2009, 2010 and 2011) and the trust in Prime Minister Janša (in 2012) as it reflects trust and support in the government (data presented in the Chart 2).

Chart 2: Trust in Pahor and Janša (between 2009 and 2012) in bars

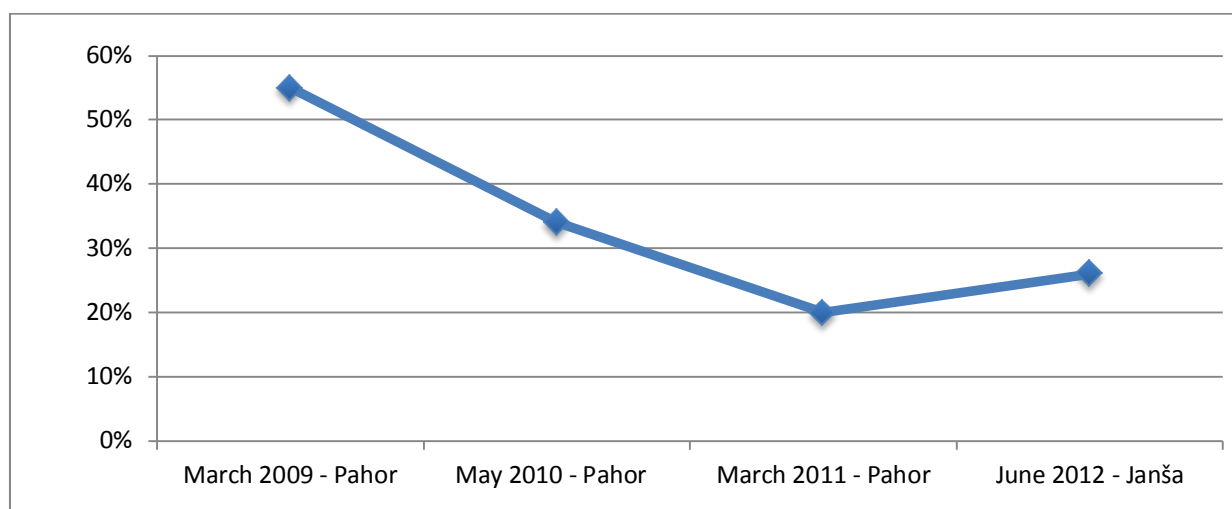


Source: Own figure (data from Politbarometer 3/2009, 2009 and Politbarometer 3/2011, 2011)

In March 2009, 55% of respondents supported Pahor's government and 40% of respondents trusted Pahor as a Prime minister, on the other hand 25% did not trust him (Politbarometer 3/2009, 2009). In May 2010 34% of respondents supported Pahor's government (61% did not support him and 5% were undecided). In March 2011 only 20% of respondents supported Pahor's government (70% of respondents did not support it and 10% were undecided) (Politbarometer 3/2011, 2011). In June 2012, 26% of respondents supported Janša's government (Politbarometer 6/2012, 2012).

In the chart below (Chart 3) we present the same trend in lines to highlight better the downward trend in trust.

Chart 3: Trust in Pahor and Janša (between 2009 and 2012) in lines



Source: Own figure (data from Politbarometer 3/2009, 2009 and Politbarometer 3/2011, 2011)

Uprisings and protests: the beginning of the end?

Due to the recent developments, from November 2012 until today, the question which rises spontaneously is: *Are we witnessing the beginning of an end?* It all started on 29th October, when the first protest, attended by about 600 people demanded the resignation of the government and the resignation of Maribor's⁵ Mayor, Franc Kangler, under the slogan "*Let's raise our heads!*" organized by the *Group 29th October* (Utenkar, 2012). The protest shiver continued in November and December, 2012 and is still ongoing, accompanied by strikes, student's protests, demonstrations etc. The common point of all, are demands for resignation of the political elite, a radical reform of the juridical system, the prosecution of corruption, nepotism, dissatisfaction with the government and its current policy of resolving the crisis, dissatisfaction with mayors, the absence of the welfare system etc. (Vičič, 2012; Planet siol.net, 2012; L. K., 2012; Polak, 2012). The extent of the protests are different, some have been attended up to 10,000 people (for the exact number of each protest see Polak, 2012).

⁵ Maribor is the second largest city in Slovenia.

Even though, the majority of protests and uprisings, as they were called, were performed peacefully, there were some incidents. On 26th November (in Maribor) for the first time in the history of Slovenian independency, the police had to use teargas. On 30th November the police used the water gun (Polak, 2012), several tens of people were detained and about 30 people had to be taken in the emergency (Planet siol.net, 2012). On 3rd December (in Maribor) on the so-called the "*Third Maribor's uprising*", the event turned into hooligan's violence. At least six policemen were injured and 60 people were detained, against whom a trial was performed (Planet siol.net, 2012).

Beside strikes and protests also issues about the Premier Janša, the president of the larger party of the coalition *Slovenian Democratic Party* (Slovenska Demokratska Stranka) and the President of the *Positive Slovenia* (Pozitivna Slovenija) Janković, are stirring ghosts from January 8th, when anti-corruption commission declared they both failed to report their assets. The news brought again about 10,000 protesters under the slogan: "*The second Slovenian uprising*", where the demands were still the same: "*We demand the resignation of the political elite!*" (The Economist, 2013).

On the 23th January 2013 the "*General strike of the public sector*" was organized and attended by about 10,000 employed in public sector and some students. Common demands were: a solidarian society, welfare state, rule of law, fairer distribution of wealth etc. (Mladina.si, 2013).

This situation is becoming more and more alarming as it raises questions about the stability of the Slovenian society both at home and abroad. The U.S. Ambassador Joseph A. Mussomeli, sees no future in Slovenian protests and considers the current Slovenian situation more complex than they have first expected in Washington. The result of the whole Slovenian situation is reflected in the current lack of interest of U.S. banks for Nova Ljubljanska Banka, and in the lack of interest of U.S. being in the role of a mediator in resolving the conflict between Slovenia and Croatia (Brstovšek, 2013).

The Economist cited the Slovenian daily newspaper *Delo*, which declared that Slovenian government is "*clinically dead*" rising the question how long can it last. But the same question can be applied to Slovenian economic situation, since the latter is alarming. Slovenian economy has shrunk for 2.4% and GDP will fall for additional 1.4% in 2013, while the unemployment is yet 12% (The Economist, 2013). And, if in August 2012 The Economist was wondering, if Slovenia would be the first former communist country in the euro area that would need economic aid (The Economist, 2012), the need for a bail-out from euro-zone partners is now desperate (The Economist, 2013). Also Bloomberg reported about the Slovenian situation highlighting the crucial issues among which the problem of much-needed reforms in the banking sector is urgent if Slovenian wants to avoid the recession (Cerni, 2013). But the process of bail-outs is hindered by developments in politics and in the civil society.

In the mid time, demands for the current Premier Janša to resign are rising also among parties in the coalition: *Democratic Party of Pensioners of Slovenia* (Demokratska Stranka Upokojencev Slovenije) demands Janša's resignation otherwise the party will leave the coalition. The same requirements are set by *Slovenian People's Party* (Slovenska Ljudska Stranka) which invite Janša to propose the new mandate as soon as possible (Potič and Belovič, 2013).

A reflective conclusion

When highlighting the key issues of economic and political events and protests in which people demand better living conditions, the resignation of the government and the whole political elite, the reform of the juridical system etc. it looks like a movie, as such events are a new phenomenon for Slovenia. At this point one may wonder, *do Slovenes want to continue along with the path that Slovenia began in 1990 with the secession from Yugoslavia and with the transition? Do Slovenes want to approach and reach the West with established democracy and free market economy and accept all its components, both positive and negative ones? Do Slovenes want to go back in the past, where there might have been certainty and security in terms of jobs, with the parallel lack of everything else (lack of gasoline, consumer goods, limited car rides, restrictions in going abroad, energy reduction, etc.)?*

Slovenian deteriorating situation results in fear by foreign investors and countries that could help Slovenia to resolve the crisis. But instabilities are becoming more and more frightening also for Slovenes, who do not see a possible bright future in the country. A growing number of outgoing Slovenians abroad, either to study or to work, either in the form of transfers of established companies or money, appear as a panic diaspora. All hopes, which were put in new, brighter and better future for Slovenia from its secession from Yugoslavia, are now turning into a despair and dystopia of Slovenian society.

But, even more frightening is the dilemma of the new political leader and new measurements which are more than necessary to improve the overall situation, starting with the economic one. Whichever party will form the new coalition and whoever will be the new Prime minister, if the current government falls, measurements will still be much needed. Restrictions and cuts of the public budget are an obvious and unavoidable fact, which must be adopted and performed, no matter what. Thus, we are facing a difficult and an alarming fact rising in a crucial dilemma: *Are we going towards the future or towards the past, characterized by instabilities in political and economic situation, lack of electricity, goods, freedom and hope?*

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THE OHRID FRAMEWORK AGREEMENT AS A PREVENTIVE DOCUMENT FOR THE STABILITY OF MACEDONIA

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Abstract

When analyzing the history of Macedonia, we always find it as a country that consists of a population with different ethnic backgrounds. When this population was under the Ottoman rule, it was less nationalists because there was a more religious than a national imposition and the people themselves had a foreign ruler. With Macedonia's independence national feelings began to awaken, which crossed the border by not respecting the rights of others who also possessed the citizenship of the Republic of Macedonia, occasionally even with harassment, insults and prisons, violating the right to education in their native language of other ethnicities which population belonged to the majority in Macedonia. The situation got worse since the rights of other ethnicities were violated every day more and more, and as a result of this condition we have the armed conflict in Macedonia in 2001.

The armed conflict in Macedonia could have even escalated if it did not reach an agreement in Ohrid by both political representatives of the ethnic Albanian and Macedonian parties and thereby signed the Ohrid Framework Agreement in 2001. The Ohrid Agreement was considered as the strongest weapon of peace and stability in Macedonia and is considered even to this day as a preventive of other ethnicities in Macedonia for a stable and multi-ethnic country, and as a catalyst for Euro-Atlantic integration.

From the analysis of the content of the Ohrid Agreement it is clear that democracy must be respected, as well as the rights of every citizen, good inter-ethnic relations development, the internal stabilization of RM, the justice-administration and police reforms, the rights of the citizens who represent minorities in the Republic of Macedonia, the market economy, regional and international cooperation, etc... These points are not just to be respected because they are already listed in the OA but with their implementation our state will be an EU and NATO member, thus these are the conditions which are required from us by the internationals. Only in addition to fulfilling all the principles of the OA there will be stability and peace in Macedonia, this document itself is the prevention of any conflict, insecurity and instability in the country.

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KOSOVO'S TERRITORIAL DEPENDENCE REFLECTION IN SERBIAN POLITICAL PARTIES DISCOURSES

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Abstract

The aim of this article is to evaluate the stances of relevant Serbian political parties (Democratic Party, Democratic Party of Serbia, Socialist Party of Serbia, Serbian Radical Party, New Serbia, G17 Plus and Liberal Democratic Party) on Kosovo's independence issue, as well as to assess the dynamics of change and continuity of parties' attitudes during the 2000–2012 period. This paper argues that the majority of Serbian parties' normative orientations and ideational values, which formation date back Milošević's era, strongly effects the patterns of Kosovo issue representation in public space.

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Introduction

Kosovo is an integral part of Serbian identity, which is important for the Serbian statehood. In this context, the problem of Kosovo is an essential part of Serbian political parties and electoral campaigns agenda, which dominated after Slobodan Milošević's regime change in 2000. The beginning of democratic changes gave hope that the issue of Kosovo, which was mostly employed for the purpose of ethnic mobilization, would be dropped as the most important element of the regime strategy.

Nevertheless, the transformation of the political regime did not lead to fundamental changes in party politics with regard to Kosovo. Strongly supported by the former president (2000–2003) and Prime Minister (2004–2008) Vojislav Koštunica Kosovo policy was established in current Serbian constitution, which was approved in 2006. The appeal to national values, which one of the most important is preservation of Kosovo, can be understood as *ancient regime* heritage that is deeply rooted in Serbian society. This in turn encourages further escalation of territorial problem. Thereupon, it may be alleged that institutional value patterns adopted in the past determine how current Serbian parties operate, while changes in current policy are limited by political costs, such as potentially negative reaction of Serbian society and the decrease of electoral success.

As a result, Kosovo has long been and still remains a powerful tool for political mobilization. In this context, party policies on Kosovo determine that Serbian society continuously sees the issue of Kosovo as one of the most important domestic policy issues.

The article raises the *problematic question* whether the Kosovo issue is: a) the object of political parties' manipulation, based on utility maximizing approach or b) Kosovo, being the integral part of the collective identity, automatically dictates the patterns of Serbian political parties' electoral strategies? The author alleges that in order to explain the parties' stances on Kosovo, it is essential to combine the influence of both rational factors (such as electoral success, social support) and normative elements (such as parties' institutional culture and internal norms or ideological stances).

The aim of this paper is to evaluate Serbian political parties' stances on the issue of Kosovo in the period 2000–2012. The article focuses on policy attitudes of relevant Serbian political parties toward Kosovo issue and their proneness to persistence and mutability over time. The author examines the largest and the most popular political parties in Serbia which had been continuously elected to the National Assembly of Serbia in the period 2000–2012: Democratic Party, Democratic Party of Serbia, Socialist Party of Serbia, Serbian Radical Party¹, New Serbia, G17 Plus (United Regions of Serbia) and Liberal Democratic Party.

The author of the article applies the theory of historical institutionalism which offers useful analytical tools for explaining both policy inertia and policy change in the parties' stances toward Kosovo over time. The sources for the article include academic literature, documents of political parties, and mass media materials.

The article is organized in the following way. In the first part of this paper the author examines the theory of historical institutionalism. The section reveals the reasons of stability (and possible change) in political institution (and political party) policy practices over time. In the second part of the article the author analyzes comparatively the Serbian political parties' stances toward Kosovo issue, with a focus on electoral campaigns.

1. Institutional and ideational environmental assessment in the context of political changes: the perspective of historical institutionalism

Political parties are rational actors in the political system. In order to achieve the main goal – to gain power and to implement their policies – parties position themselves by choosing a relevant political issue. As a result, institutions (in a broad sense) and parties (in a proper sense) are a set of tools and resources necessary for the individual to implement his own interests. However, this definition does not assess the importance of such factors as historical and cultural heritage in the adoption and implementation of political decisions. Widespread value patterns dictate how political parties operate. Hereby, political actors and their decisions are influenced by features of settled institutional and normative environments. In this context, the paper applies the theory of

¹ Despite of the fact that Serbian Radical Party lost all of its seats in the 2012 parliamentary elections, until recent elections radicals were one of the largest and the most popular political parties in Serbia. Therefore, Serbian Radical Party is the object of this article.

historical institutionalism, which is classified as a part of the new institutionalism theory². In the analysis of political process historical institutionalism provides useful analytical tools that combine both rational and cultural elements.

Historical institutionalism assume that institutional decisions made in the past, have lasting value and might become stagnant in future choices of political actors (Pollack, 2008). Purposeful institutional performance is directly related to one of the most important concepts used by historical institutionalism which is the path dependency model. This concept indicates how decisions made in the past influence the development of an institution: the political course adopted in particular period of time influences the development of an institution and limits the alternative political ideas (Pierson, 2000).

The political trajectory adopted in the past might reach the lock-in stage. The change of adopted political course can be disadvantageous to institutions themselves. In this way, institutions are reluctant to policy changes concerning the indefinite consequences of the reform. Whereas, political parties avoid changes concerning a possible decline in electoral success.

Historical institutionalism perceives institutions and their practices as a result of a specific period of time (Thelen, 1999). Institutions originate, are determined and supported by the broader social and political context. This is why they are not considered as the only explanatory variable. Institutions become a result of interaction of socio-economic changes, ideologies and interests of individuals.

Political changes in terms of historical institutionalism are explained as punctuated equilibrium: institutions operate steadily, unless they experience external shocks that overbalance the prevailing institutional equilibrium. Historical institutionalism separates the course of history into continuing periods marked by critical junctures, i.e. country's development periods, when there are significant institutional and value changes. According to Barry R. Weingast (2005), these radical changes indicating historical periods originate during the time when established provisions in society alter and give place to new approaches and new identity formations. The change of ideas determines the emergence of a new political course. Critical moments can happen in a short period of time or a change towards new political course may last a longer time. It is important to note that by distinguishing these critical moments (as the most important reasons leading to changes in party politics) can be analyzed when, how and whether political actors exploit critical moments to change the current policies.

According to Peter Hall (1993), in the analysis of political change three distinct levels of changes in policy can be identified. These levels can be applied in the examination of political parties' policies:

- First level political change indicated institutional alterations in policy tool settings, while general policy goals and tools remain unchanged.
- Second level political change denotes changes in the instruments of policy as well as their settings are altered in response to the dissatisfaction of past experiences.

² The new institutionalism does not constitute a unified body of thought and consist of three different perspectives: rational choice institutionalism, historical institutionalism, and sociological institutionalism.

- Third level political change implies radical changes in policy goals alongside institutional settings and tools.

The historical institutionalism approach pays attention not only to external factors that lead to institutional changes, but it also takes into account the nature of institution: institution effect depends on the type of institutions, on the context and on the period in which the institution operates. Paul Pierson (2004) wrote that institutions, of which the adoption requires extensive initial efforts and that has a significant impact on the public society, generate path dependency model and positive feedback. Simply put, institutions encourage political actors to act within the framework of existing institutional structures with only minor policy changes. Positive feedback model may be also applied in explaining continuity of specific party policy path.

Institutions not always deliver a positive feedback because their activities may lead to accepting new changes. Long time existing institutions or policies may encourage negative feedback, which causes a distorted effect and revokes social support to existing structures. Thus, a pressure for policy or institutional changes is created. In interpreting policy changes, the change agents are also very important. They push the participants of decision making process to initiate changes or to reshape the interests and identities. However the possibility of change depends on society's commitment to solve a specific problem.

Historical institutionalism uses a broad definition of institutions and describes them as "<...> the formal or informal procedures, routines, norms and conventions embedded in organizational structure of the polity or political economy"³ Hereby, this theoretical approach rejects the functionalist interpretation of institutions. Instead, institutions are perceived as "<...> shaping and constraining political behaviour and decision making and even the perceptions and powers of political actors in a wide range of ways"⁴. In this context, historical institutionalism analyzes the importance of the internal dynamics of political parties, since some institutional rules and norms eventually become a part of an individual's worldview; these rules and norms also shape the identities, determine and limit the choices of society members. This way party policies formation process should be approach through the internal party dynamics that relates to interaction between individual party members and party itself. Equally important is to examine separate initiatives to embrace policy changes which can be rejected or adopted by majority party members. Eventually, the characteristics of party members may contribute to development of particular party policies.

Historical institutionalism is based on the sociological tradition of Emille Durkheim. According to this tradition, our primary thinking categories are a socially and culturally constructed phenomenon (Immergut, 1998). As a result, historical institutionalism provides some great value to ideas, which being the primordial causes of political behavior, eventually become the base model that political decisions are based on (Steinmo, 2008). Thus, the new historical institutionalism includes such analysis' objects as values, behavioral norms and discourses, which are typical to political parties.

³ Taylor, R. C. and Hall, P., 1996. Political Science and the Three New Institutionalisms. *Political Studies*, Vol. 44, No. 5, pp.936-957, p.938.

⁴ Bell, S., 1996. Institutionalism: Old and New. *Administrative Science Quarterly*, Vol. 41, No.2, pp.1-16.

Most of historical institutionalists analyzing the impact of institutions on individual behaviour combine the features of the rational choice theory and the constructivist theory (Immergut, 2005). As John Zysman (1994) states, historical institutionalism does not object to the rational choice theory. According to author, each individual rationally weighs his actions. However, ideational and institutional environments interact with each other. Institutions are perceived as storage of beliefs, knowledge, values and common practises, so “<...> prevailing ideas and institutional cultures are seen as very important shapers of the behaviour of actors”.⁵ Eventually these cultural attributes stabilize and encourage reproduction of certain behaviours in the society. Using this perception of historical institutionalism it is important to analyze the reasons which cause the repetition of political parties’ decisions.

Most of historical institutionalism authors mainly focus on the development of Western countries and are less focused on the post-communist countries development processes. Thus, it is useful to apply this theoretical approach on the analysis of Serbian political party practices. The historical institutionalism theory’s particular attention to ideational dimension of institutional practices, such as values and discourses, provides helpful analytical tools in analyzing the dynamics of Serbian political parties’ positions on the issue of Kosovo.

2. Discourses of the Serbian Political Parties on the issue of Kosovo

Serbian political party system is dynamic, conflictual and insufficiently institutionalized. One of the most important factors determining the political instability is Serbia’s territorial integrity issue. Despite different ideologies (see table 1 below) most of Serbian political parties pay a great attention to the issue of Kosovo’s independence, which usually grows before the upcoming elections.

Table 1. The main characteristics of Serbian Political Parties

Political party	Date of foundation	Ideology	Political leader	The most important provisions of political programme
Democratic Party	1989	Social democracy	Boris Tadić	<ul style="list-style-type: none"> - Liberal economy; - Social equality; - Protection of civil and minority rights; - Maintenance of Serbian territorial integrity; - Cooperation with Western countries; - Integration into the EU and NATO.
Democratic Party of Serbia	1992	National conservatism	Vojislav Koštunica	<ul style="list-style-type: none"> - Judicial reform; - Euro scepticism - Maintenance of Serbian territorial integrity.
Serbian Radical Party	1991	Nationalism	Vojislav Šešelj	<ul style="list-style-type: none"> - The Greater Serbia concept; - Euro scepticism; - Maintenance of Serbian territorial integrity; - Anti-globalism; - Pan-Slavism.

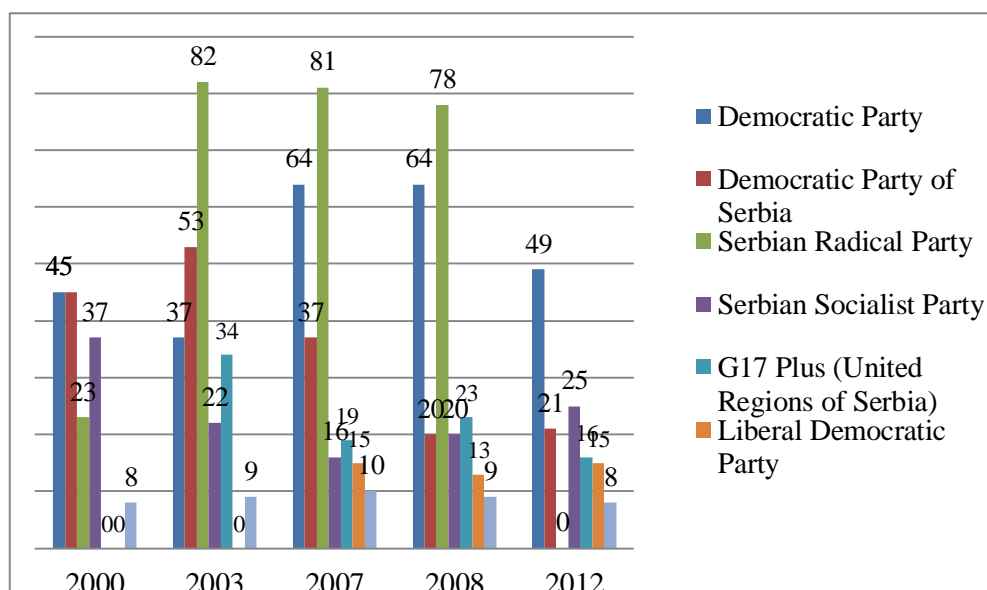
⁵ Rosamond, B., 2000. *Theories of European Integration*. Basingstoke: Palgrave, p.118.

Political party	Date of foundation	Ideology	Political leader	The most important provisions of political programme
Socialist Party of Serbia	1990	Social democracy	Ivica Dačić	<ul style="list-style-type: none"> - Social equality; - Free education and effective social security; - Protection of national minorities; - Maintenance of Serbian territorial integrity; - Integration into the European Union.
New Serbia	1998	National conservatism	Velimir Ilić	<ul style="list-style-type: none"> - Restoration of the monarchy; - Preservation of national independence and territorial integrity; - Protection of human and civil rights.
G17 Plus (United Regions of Serbia)	2002	Liberalism, conservatism	Mladjan Dinkić	<ul style="list-style-type: none"> - Protection of civil rights; - Integration into the EU and NATO; - Regionalism; - Liberal economy. - Protection of Serbs in Kosovo.
Liberal Democratic Party	2005	Liberalism	Čedomir Jovanović	<ul style="list-style-type: none"> - Cooperation with the International Criminal Tribunal for the former Yugoslavia; - Liberal economy; - Lustration; - Integration into the EU and NATO; - Regional cooperation; - Protection of human rights; - Accept Kosovo's independence.

Source: made by the author of the article

Although the majority of political parties reject the independence of Kosovo, Serbian parliamentary election results indicate that neither moderate nor radical party groups get the majority of votes (see graph 1 below). It causes that Serbian governments are characterized by inconsistent political agenda not only in forming their positions towards Kosovo issue but also in providing effective solutions to social and economic problems. The following part of the article examines Serbian political parties' attitudes toward Kosovo independence issue.

Graph 1. Serbian Parliamentary Elections results from the 2000 to 2012 (by number of seats won)



Source: Organization for Security and Co-operation in Europe

2.1. Democratic Party: Both Kosovo and Europe

Democratic Party's commitment to the EU integration reforms is one of the most important factors in determining party policy towards Kosovo. As present party leader Boris Tadić confirms "My policy Both Europe and Kosovo"⁶. Due to the fact that the EU conditionality policy requirement is the development of constructive dialogue with Kosovo, the Democratic Party maintains more moderate stances than many other Serbian parties. Hereby the party gets the votes of electorate that sympathize with nationalist values such as territorial integrity, sovereignty, national unity, but does not accept radical ultranationalist provisions such as chauvinism.

During 2000 parliamentary election campaign the Democratic Party was one of the few opposition parties that did not include the question of Kosovo in its electoral program. Moreover, the political program in 2001 only referred to vague need of dealing with status of Kosovo, but it did not express a specific position on the territory. It can be referred to the fact that at that time the political situation determined opposition parties' electoral programs: the main proposition of the opposition was to promote democratic reforms alternative to the S. Milošević's regime.

The opposition parties also took into account the Serbian society's expectations, such as security issues or economic recovery that were determined by the post-war situation. Accordingly, in the end of 1999 Serbian weekly newspaper *Vreme* published an interview with one of the then opposition leaders Vladan Batić. During the interview he named the most important issues on the Serbian political parties' agenda such as democratization, human rights and the situation of war refugees. At that time Kosovo was not a political priority in the Serbian parties' program (Bieber, 2003).

When after the murder of the party founder Zoran Dindić in 2003 B. Tadić became the leader of the Democratic Party, the party position on Kosovo became more populist and public speeches of the party leader got some features of nationalism. During the 2004 presidential election campaign B. Tadić managed to avoid the escalation of Kosovo issue. However in his inaugural speech he described Kosovo as "an open wound in Serbia"⁷. In his speech B. Tadić also said that solving the territorial issue of Kosovo would be one of the top priorities of his presidency.⁸ B. Tadić stressed that territorial solution can only be based on the UN Security Council Resolution no. 1244⁹, thus demonstrating the commitment to maintaining the territorial integrity of Serbia and rejection of the Kosovo Albanians independence aspirations.

However, B. Tadić's stance did not reflect the general party approach on Kosovo. In a survey made in 2005 a Democratic Party member and former Serbian prime minister (2003–2004) Zoran Živković described Kosovo as a problem that had developed because of faulty policies of Serbian

⁶ B92 News, 2008. *Tadić: Serbia wants both Kosovo and EU*, [online] 10 January 2008. Available at: <http://www.b92.net/eng/news/politics-article.php?yyyy=2008&mm=01&dd=10&nav_id=46814> [Accessed on 12 August 2012].

⁷ International Crisis Group, 2004. *Serbia's Changing Political Landscape*. [pdf] Available at: <http://www.crisisgroup.org/~media/Files/europe/040722_serbia_changing_political_landscape.pdf> [Accessed on 1 August 2012] p.15.

⁸ ERP KiM Info-Service, 2004. *Serbia's reformist president pledges to join EU at inauguration*, [online] 12 July 2004. Available at: <http://www.kosovo.net/news/archive/2004/July_12/2.html> [Accessed on 29 June 2012].

⁹ UN Security Council Resolution 1244 (1999) reaffirmed the commitment of UN member states to the sovereignty and territorial integrity of Federal Republic of Yugoslavia (succeeded by Serbia).

and Albanian political elites that had been carried out in the region for the past sixty years (Stanojlovič, 2005). Z. Živković acknowledged that Kosovo and Metohija are already lost, both culturally (the politician did not believe in the possibility of coexistence between two nations) and territorially (he suggested the division of Kosovo and Metohija which would stipulate the Albanian independence). Politician added that the widespread claim that “<...> Kosovo and Metohija must remain part of Serbia is the worst example of “rhetorical patriotism”¹⁰.

Thus, Z. Živković represents the liberal approach that might be discovered during the premiership of Z. Đinđić. The former party leader did not reject alternative conflict solutions such as gradually gained Kosovo’s independence. Z. Đinđić was the first Serbian politician who publicly acknowledged that the issue of Kosovo’s independence was no longer a taboo in Serbia.¹¹ Meanwhile, when B. Tadić came to office, the Democratic Party narrowed the list of possible solutions down to one, i.e. the preservation of Kosovo autonomy. Due to the disagreements on policy toward Kosovo Z. Živković left the party in 2007.

In order to assess Democratic Party, it can be presumed that party attempts to balance between two different electoral groups (nationalists vs. moderate-liberals) in forming its position on Kosovo. For example, during the 2007 parliamentary election campaign B. Tadić acknowledged that the independence of Kosovo is a likely solution of the territorial problem.¹² Nevertheless, in order to get more votes from a nationalist segment of electorate, B. Tadić declared that he “will fight until the last moment to for this not to happen.”¹³ It is important to evaluate that time political environment, because the negotiations on the final status of Kosovo that started in 2006 determined the main topic of the election campaign. However, the Democratic party’s program of 2007 foresees not only the need to protect the legitimate interests of Serbia during the negotiation process, but it also provides the aspiration to prevent the Kosovo issue in Serbia’s everyday political life (Stojarova, 2007).

Party’s position changed, though not radically, in 2008 when Kosovo declared its independence and the government of Serbia collapsed. When pre-term parliamentary elections were announced in March 11 2008 B. Tadić stated that “<...> Serbia will do everything to annul the self-styled and illegal declaration of Kosovo’s independence”¹⁴. However B. Tadić alleged that the membership of EU is the most effective way to regain the lost territory, i.e. being a member of EU and collaborating with member countries that did not recognise Kosovo as an independent state.

Unlike the majority of the Serbian political elite, the Democratic Party response to the declaration of independence was rational, because B. Tadić focused on the legitimacy of the Kosovo’ declaration of independence that, accordingly to politician, violated the sovereignty of Serbia (Obradović, 2008).

¹⁰ Stanojlovič, S., 2005. *Untying the Kosovo Knot. A Two-Sided View*, [pdf] Belgrade: Helsinki Committee for Human Rights in Serbia. Available at <<http://www.helsinki.org.rs/doc/Files20.pdf>> [Accessed on 2 July 2012] p.44.

¹¹ Bosnian Institute News and Analysis, 2003. *Djindjic Raises Spectre of Regional Border Change*. [online] 23 January 2003. Available at <http://www.bosnia.org.uk/news/news_body.cfm?newsid=1694> [Accessed on 10 July 2012].

¹² B92 News, 2006. *Kosovo independence more likely, Tadić says*, [online] 11 December 2006. Available at <http://www.b92.net/eng/news/politics-article.php?yyyy=2006&mm=12&dd=11&nav_id=38533> [Accessed on 2 July 2012].

¹³ *Ibid*.

¹⁴ B92 News, 2008. *Serbia annuls Kosovo independence declaration*. [online] 17 February 2008. Available at <http://www.b92.net/eng/news/politics-article.php?yyyy=2008&mm=02&dd=17&nav_id=47781> [Accessed on 13 July 2012].

Likewise party policies on Kosovo did not change after 2008 elections. Although the party leader continued to reject the Kosovo independence and declared to “<...> defend the legitimate rights of Serbians”¹⁵, the biggest attention was paid to living conditions of the Kosovo Serbs and to smooth implementation of 2011 renewed talks on Kosovo status. In the 2011 then President B. Tadić launched a “4 Point Plan”¹⁶ for the future of Kosovo. Despite the negative Pristina’s official’s response to the initiative¹⁷, this proposal demonstrates that Democratic Party managed to approach the issue in a more restrained way, choosing for the path of pragmatism.

From 2000 to 2012 the Democratic Party position on Kosovo can be described as controversial and dynamic. Although nationalist rhetoric is not a predominant feature of the election, a notable strengthening of party radical rhetoric is observed in the pre-election time. This tendency can be related with the intention to increase the electoral success. Nevertheless, compared with other Serbian political parties’ campaigns, the Democratic Party election campaigns are dominated by issues of economic and democratic reforms.

2.2. Democratic Party of Serbia: politics of the past

The Democratic Party of Serbia is one of the most active political forces in Serbia to develop the Kosovo issue. Party leader V. Koštunica makes the impression of S.Milošević’s regime disassociated politician who puts the national interests prior to his personal ambitions. This image became acceptable in post-war Serbian society as a compromise between radical nationalist parties (that were associated with S. Milošević’s regime) and democratic parties (which did not pay enough attention to the Kosovo issue).

At the beginning of democratic reforms the party had been often attributed to pro-European and liberal parties. However, eventually it has strengthened the nationalistic approach. This party’s position on Kosovo could be one of the most important factors that led to this shift.

Nationalist policies of the Democratic Party of Serbia might be derived from the circumstances of its foundation. Being a member of the Democratic Party, V. Koštunica had criticized his allies for the lack of attention to the national interests of Serbia and Kosovo. As a result, V. Koštunica and his supporters left the Democratic Party and founded Democratic Party of Serbia. Also, the uncompromising party’s position on the Kosovo issue may be caused by the fact that most of the former regime supporters joined the Democratic Party of Serbia after S. Milošević’s withdrawal from the power (International Crisis Group, 2004).

According to Hilde K. Haug (2011), Koštunica’s political discourse is based on Serbian national identity and values. Similarly, party’s discourse on Kosovo is grounded on patriotic sentiments and historical events. Consequently this discourse includes two categories: cultural and moral. Slogans such as *‘Kosovo is an integral part of Serbia’*, *‘We will not calm down without Kosovo’*, *‘Kosovo is a*

¹⁵ Democratic Party Official Website. Available at <<http://www.ds.org.rs/en/about-democratic-party>> [Accessed on 12 July 2012].

¹⁶ The proposed initiative was based on the following principles: a) high level of self-government for Serbs throughout Kosovo based on decentralization, b) region in North Kosovo with special rights, c) special status for the Serb Orthodox monasteries, and d) process for the settlement of property claims.

¹⁷ In the view of the fact that at the heart of the proposal was the idea of creating a region in North Kosovo, Pristina’s officials’ feared of the emergence of another Republika Srpska that could block the central government.

cradle of Serbian identity, *Fight for Kosovo* are an integral parts of the Democratic Party of Serbia electoral campaigns.

The party's position on Kosovo remained unchanged or even become stronger during 2000–2012. During the 2000 parliamentary election campaign, unlike most of the then opposition parties, the Democratic Party of Serbia focused on the national interests of Serbia, such as the preservation of Kosovo within Serbian borders. Similar party policies are seen during 2003 election campaign.

As it was expected, the rhetoric of Koštunica became more severe in 2008 after Kosovo declared its independence. Although the issue of Kosovo was highlighted by most of the elected parties, the territorial issues became primary in the Democratic Party of Serbia election campaign. Unlike the former ally B. Tadić's electoral rhetoric, V. Koštunica's rhetoric was reactionary and emotional. As an example may be given V. Koštunica's official speech in Kosovo in 2008: "Kosovo is the first name of Serbia, and to support Serbia means to tell the truth that Kosovo belongs to Serbia and the Serb nation <...> the Serb Orthodox Christian shrines and holy places scattered across Kosovo testify to this"¹⁸. This quotation illustrates one of the dominant party rhetoric features, i.e. the tendency to emphasize religious symbols, that gives support from such powerful institutions as Serbian Orthodox Church.

Unlike the members of the Democratic Party, V. Kostunica focuses on the interpretation of past events. He often manipulates the moral categories such as justice and injustice that are associated with NATO air raids in Serbia in 1999. As a result, V. Koštunica describes Kosovo unilateral declaration as "<...> the final act of a policy that started with the NATO aggression against Serbia in 1999"¹⁹. He also declares the independence of Kosovo as "<...> illegal, immoral and ultimately doomed effort to amputate the heart of the Serbian people"²⁰. In V. Koštunica's discourse the issue of Kosovo acquires a new meaning: "<...> from being the focus of a cultural myth of Serbian origins, Kosovo has developed into the vehicle of a cultural myth of injustice and mistreatment suffered by Serbians"²¹. Instead of offering a concrete solution to the territorial problem, V. Koštunica manipulates the concept of patriotism and exploits the disappointment of disintegration processes of Yugoslavia that still lingers in Serbian society. Such rhetoric about Kosovo is comparable with S. Milošević's stance on the same issue.

The Kosovo issue is the starting point for many policies of the Democratic Party of Serbia. Being in office as the Prime Minister, V. Koštunica made Kosovo one of the most important issues of domestic and foreign policies. Favourable EU policies towards Kosovo's independence caused euro-sceptical party position. While during the 2008 parliamentary election campaign The Democratic Party tried to balance between the Euro-integration processes and territorial issues of the country, V. Koštunica rejected any possibility of signing a long sought Stabilisation and

¹⁸ B92 News, 2008. *Koštunica tells Serbs "Kosovo is priority"*, [online] 7 May 2008. Available at <http://www.b92.net/eng/news/politics-article.php?yyyy=2008&mm=05&dd=07&nav_id=50043> [Accessed on 5 July 2012].

¹⁹ B92 News, 2008. *Serbia annuls Kosovo independence declaration*, [online] 17 February 2008. Available at <http://www.b92.net/eng/news/politics-article.php?yyyy=2008&mm=02&dd=17&nav_id=47781> [Accessed on 13 July 2012].

²⁰ B92 News, 2008. *Koštunica gives strongly-worded Statehood Day speech*, [online] 15 February 2008. Available at <<http://www.b92.net/eng/news/comments.php?mm=2&dd=15&yyyy=2008>> [Accessed on 6 July 2012].

²¹ Obradović, J., 2008. Kosovo: the view from Serbia. *European Union Institute for Security Studies, Analysis*, [pdf] Available at <<http://www.iss.europa.eu/uploads/media/kosovo.pdf>> [Accessed on 28 July 2012] p.2.

Association Agreement²², since its signing would have meant the acceptance of Kosovo's independence.

Moreover, during V. Koštunica's premiership in 2006 the new constitution of Serbia was adopted. The referendum campaign organized by the government was centered on the issue of Kosovo and it emphasized the most important goal – to defend Serbian territorial integrity (International Crisis Group, 2006).²³ The Kosovo and Metohija was defined as “<...> an integral part of the territory of Serbia”²⁴. The same statement used to be regulated in the 1990 constitution.

Meanwhile, the constitution's Article 114 regulated the president swearing text that directly obliges the president to “devote all <...> efforts to preserve the sovereignty and integrity of the territory of the Republic of Serbia, including Kosovo and Metohija as its constituent part”²⁵. This example illustrates how the Kosovo issue becomes a legal tool for institutional manipulations. According to the constitution, the president who accepts the independence of Kosovo, violates the supreme law and must be removed from office. Thus constitution makes the president the hostage of nationalist party politics.

In this way 2006 adopted Serbian constitution is path-dependent and ensures the continuity of S. Milošević's regime policies towards Kosovo. Without further constitutional amendment constitution makes legally impossible for Serbia to recognize Kosovo independence. This provision encourages positive feedback and affects the preferences of Serbian political parties. However, the constitutional referendum turnout was only 54.91%²⁶. This illustrates that the Kosovo issue was no longer the main factor in determining electoral behavior.

As in all previous elections, Democratic Party of Serbia preserved its nationalistic stance in opposing Kosovo's independence during the general elections of 2012.

2.3. Serbian Radical Party: ultranationalist stance

It is an extreme right nationalist party led by the indicted war criminal Vojislav Šešelj (Čolović, 2002). The Serbian Radical party, like the Democratic Party of Serbia, is also in favour of maintaining Serbia's territorial integrity. The party's position on Kosovo is partly determined by the concept of *Greater Serbia*, which is promoted by the party itself. One of the most important goals stated in the party's program is the unification of the Serb populated areas and the protection of the Serbs living outside Serbia (Stojarova, 2007).

²² The Stabilisation and Association Agreement constitutes the framework of relations between the European Union and the Western Balkan countries for implementation of the Stabilisation and Association Process. In exchange for commitments to political, economic, trade, or human rights reform the country may be offered tariff-free access to some or all EU markets and financial or technical assistance.

²³ International Crisis Group, 2006. *Serbia's New Constitution: Democracy Going Backwards*, [pdf] Available at <http://www.crisisgroup.org/~media/Files/europe/b44_serbias_new_constitution___democracy_going_backwards.pdf> [Accessed on 10 July 2012] p.4.

²⁴ Constitution of the Republic of Serbia, 2006. Available at <http://www.srbija.gov.rs/cinjenice_o_srbiji/ustav.php> [Accessed on 10 July 2012].

²⁵ *Ibid.*

²⁶ The new constitution was supported by 53.04% of the electorate and 1.47% were against the new constitution; 45.09% did not participate in voting 0.39% votes were declared invalid. Kosovo Albanians have not participated in voting.

Kosovo is considered to be an unquestionable territory that culturally and legally belongs to Serbia. The party has an extremely radical approach to Kosovo: it not only rejects the independence aspirations but it also disagrees with an autonomous status of Kosovo. This position has not radically changed in the period 2000–2012.

However, in the period 2003–2008 party's rhetoric on ethnic minorities had become slightly moderate. It happened in 2003 when Tomislav Nikolić replaced V. Šešelj. The new leader was eager to transform the party from the radical to the conservative party. As a result, during 2004 presidential election campaign, T. Nikolić expressed more favourable positions on other ethnic groups, including Albanians²⁷. However, these changes were not crucial. After T. Nikolić had lost the election, the party returned to the radical nationalistic rhetoric. Besides, during the 2004 presidential election campaign T. Nikolić maintained the traditional elements of the party's ideas, such as extension of state borders and the extreme position towards Kosovo. The possibility of any changes was limited by actual leadership of V. Šešelj that provided the main party guidelines (even though the official leader was T. Nikolić).

During 2007 parliamentary election campaign the party continued radical rhetoric towards Kosovo and the long-term goal to realize idea of The Greater Serbia. After Kosovo declared its independence, T. Nikolić announced that he “will not rest until Kosovo and Metohija is under Serbia's control”²⁸. Although, during the 2008 pre-term parliamentary election campaign the Serbian Radical Party stressed economic issues and made a commitment to fight against corruption or raise living standards, the main pillar of party campaign remained Kosovo.

However, in the period of T. Nikolić's leadership, party's attention to social and economic problems grew. Being in favour of Serbia's EU membership T. Nikolić and few of his followers left the party and founded the Serbian Progressive Party in 2008. Disagreements on party's position on European integration process could be seen as important indicator of T. Nikolić's more restrained position on Kosovo. Nevertheless, the Serbian Progressive Party's program states, that political activity of party is based upon 10 main principles of which one is to protect the “territorial integrity of the Republic of Serbia”²⁹. Accordingly, Serbian Progressive Party considers Kosovo and Metohija “<...> to be the heart of the Republic of Serbia and the integral part of its territory”³⁰.

After the split, the Serbian Radical party remains the only popular political power representing extreme nationalism in Serbia. In respect that the Serbian Radical Party from 2000 to 2008 remained the most popular party in the country, this led to further escalation of the Kosovo theme in Serbian society. It limited the possibilities of other parties to moderate their positions and to look for alternative solutions to Kosovo issue. However, party lost all of its seats in the

²⁷ T. Nikolić began his 2004 presidential campaign by meeting with the Mufti of Belgrade at his burned-out mosque that was burned by a crowd on 17 March 2004 in response to Albanian riots in Kosovo.

²⁸ B92 News, 2008. *Massive Kosovo rally held in Belgrade*, [online] 21 February 2008. Available at <http://www.b92.net/eng/news/politics-article.php?yyyy=2008&mm=02&dd=21&nav_id=47869> [Accessed on 11 July 2012].

²⁹ *Program of Serbian Progressive Party* [online] Available at <<http://sns.org.rs/%D1%81%D1%80/important-documents/3584-program-of-serbian-progressive-party.html>> [Accessed on 13 August 2012].

³⁰ *Ibid.*

2012 parliamentary elections³¹. This radical change in electoral preferences implicates that highly nationalistic political agenda is no longer relevant to the Serbian society.

2.4. Socialist Party of Serbia: deviation from the past and the new strategy

Though with the ousting of S. Milošević nationalist program of the party had not disappeared, since 2000 it can be identified some gradual changes in the party stance toward Kosovo.

Opinion polls³² made shortly after the war in Kosovo in 1999 showed that S. Milošević's authoritarian regime had lost the support of the majority of Serbian society and the political program of the Socialist Party of Serbia did not reflect the priorities of the then Serbian society³³. While the Kosovo issue was only in the sixth place of the most important society's priorities. The Socialist Party of Serbia noticed this shift in societal preferences and during the 2000 election campaign restricted the use of nationalistic rhetoric and did not make the Kosovo question the major issue of campaign.

Meanwhile, during 2003 parliamentary election campaign, balancing between nationalistic and moderate rhetoric, the party came through the identity crisis. The party sought to distance itself from the extreme policy in the past. During 2004 presidential election campaign the candidate of the socialist party I. Dačić purposely did not mentioned a succession of S. Milošević's policies.

Substantial policy changes were visible after the death of S. Milošević in 2006 when I. Dačić became the leader of the Serbian Socialist Party. Socialists gradually sought to establish itself as a modern social-democratic party (Stojić, 2011). The party renounced its nationalistic agenda and adopted a new agenda that was based on European integration and the social welfare policy. Accordingly, the Socialist Party of Serbia election campaigns in 2007 and 2008 were based on social and economic issues. Similarly, Kosovo issue did not dominated in the party's electoral campaign of 2012.

However, during 2012 presidential campaign I. Dačić promise to protect Serbia's national interests. Since the party states in its official website that "the battle for Kosovo and Metohija within Serbian borders remains national priority and political issue"³⁴, the above mentioned I. Dačić's statement can be interpreted as a commitment to continue the mainstream policy on Kosovo. However, unlike under the leadership of S. Milošević's, the party supports the highest autonomy for Kosovo and insist on finding diplomatic solution to the conflict. These alterations could be identified as a radical policy shift.

2.5. New Serbia: pragmatic approach

Meanwhile, another political party constantly elected to the parliament is the New Serbia formed in 1998. In the programme of New Serbia Kosovo question is not mentioned. It can only be found a vague statement saying that "the national independence and territorial integrity are the

³¹ Serbian Radical Party still holds 17 seats in the Community Assembly of Kosovo and Metohija and 5 seats in the Assembly of Vojvodina.

³² International Crisis Group, 2000. *Serbia's Embattled Opposition*, [pdf] Available at <<http://www.crisisgroup.org/~media/Files/europe/Serbia%207.pdf>> [Accessed on 12 July 2012] p.4.

³³ More than 60% of Serbian population expressed the desire to improve of relations with Western countries.

³⁴ Socialist Party of Serbia Official Website, [online] Available at <<http://sps.org.rs/en>> [Accessed on 12 July 2012].

basics of the programme”³⁵. This proposition prompts party’s disapproval for Kosovo’s independence. Nevertheless, the policies of the New Serbia can be described as pragmatic. In respect that the party usually made coalitions with nationalistic parties³⁶, its position on Kosovo had been always influenced by coalition partners. Thus, the party had always sought to maximize the benefits, since it used to accommodate to the circumstances in order to get votes.

As the above analysis shows, despite different ideological frameworks, most of the political parties in Serbia have formed a similar position, i. e. Kosovo is an integral part of Serbian territory and national identity. However, there is an alternative point of view to the territorial issues that are discussed in the following section.

2.6. Alternative approach to Kosovo issue: positions of Liberal Democratic Party and G17 Plus (United Regions of Serbia)

Disagreements on national issues, including Kosovo, caused the split of The Democratic Party and the foundation of the Liberal Democratic Party in 2005. It is the only mainstream party in Serbia to maintain that the country is better off without Kosovo. The Liberal Democratic Party insists on acceptance of the fact that Serbia has lost jurisdiction over Kosovo since 1999. The party also criticize the political leaders of Serbia for their populist policies on Kosovo, which often come to be the obstacle to any reforms.

The Liberal Democratic Party fully supported the independence of Kosovo, which was considered to be the last step of disintegration of former Yugoslavia. That was the major reason why the party was excluded from the government forming process in 2007 and 2008. During the 2008 election campaign the Liberal Democratic Party was the only party encouraging a new approach on Albanian-Serbian relations, i.e. recognizing the possibility of the independence of Kosovo and disassociating from nationalistic rhetoric that represents the past policies of S. Milošević.

During the presidential campaign of 2012 the party leader Čedomir Jovanović maintained a consistent position on Kosovo. According to him, “<...> it is an axiom that Kosovo is independent from Serbia. We need to sit down at the table with Kosovo Prime Minister Hashim Thaci as soon as possible”³⁷. Instead of abusing national interests for the preservation of the personal power, party promotes a new policy, which focuses on the rights of the citizens.

The G17 Plus (United Regions of Serbia³⁸) has similar provisions on Kosovo to the liberals’. G17 Plus emerged from the NGO with mostly economic experts. Partly because of the circumstances of party foundation nationalism is perceived to be an undesirable phenomenon in Serbian society (Bochsler, 2010). Instead of the Kosovo issue, the top priority is the euro-integration process.

³⁵ Stojarova, 2007. Op. Cit.

³⁶ The party took part in the 2003 legislative elections in coalition with the Serbian Renewal Movement. While in 2007 elections New Serbia won 10 seats as part of the coalition with the Democratic Party of Serbia.

³⁷ Albertini, M., 2012. Serbia’s Upcoming Elections: Candidates, Platforms and Implications. *Balkananalysis*, [online] 30 April 2012. Available at <<http://www.balkananalysis.com/serbia/2012/04/30/serbias-upcoming-elections-candidates-platforms-and-implications>> [Accessed on 18 October 2012].

³⁸ In 2010 G17 Plus changed its name into United Regions of Serbia. Though in this article G17 Plus is called by its original name since United Regions of Serbia is formed by several parties and organizations such as Together for Šumadija, the People’s Party and etc.

During 2003–2012 election campaigns the G17 Plus focused on economic reforms and did not emphasized territorial problems.

The party does not deny the importance of Kosovo to Serbian collective identity and accepts the state responsibility to protect the rights of the Serb community in Kosovo. The G17 Plus supports the compromise between Serbs and Albanians, which guaranteed the political autonomy of Serbs living in northern Kosovo.

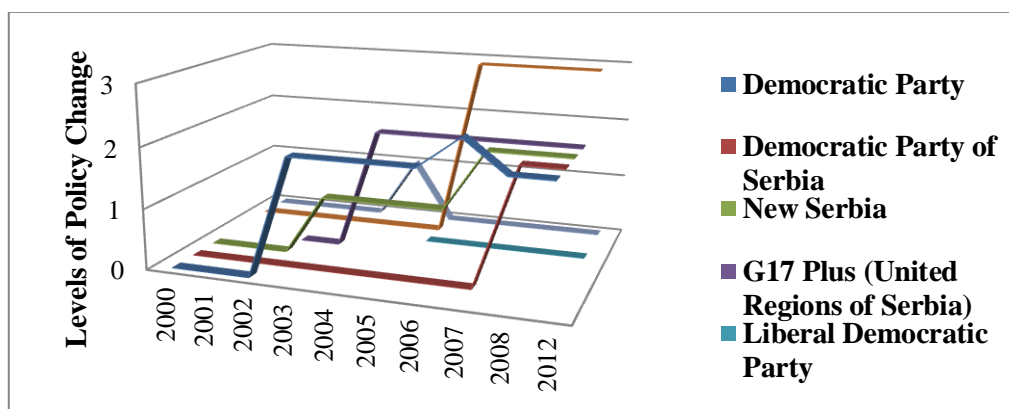
G17 Plus has a more dynamic and more realistic approach on the situation than majority of political parties in Serbia. As the party representative Čedomir Antić stated in an interview, “the Serb political elites must rid themselves of their preoccupation with the past and their obsession with formal sovereignty”, while “<...> the Albanian political elites for their part must cast off their hegemonic ideas and stop exporting crises because they cannot deal with the internal problems of their society”³⁹. The party supports the independence of Kosovo only if the same right of self-determinations is given to the Kosovo Serbs.

However, G17 Plus (United Regions of Serbia) decision to form a new government with Serbian Progressive Party and Socialist Party of Serbia after 2012 elections may indicate some changes in general party policy toward Kosovo since one of the newly formed government goal is defending Serbia’s territorial integrity and not recognizing the independence of Kosovo.

Overall, most of the Serbian political parties see the future of Kosovo within the Serbian borders. Nevertheless, the graph below indicates that since the critical moment (which of the major institutional and normative alterations is considered the regime’s changes in 2000) political parties are characterized by first and second degree party policy changes dynamics, such as:

- Internal institutional environment change: i.e. an attempt to introduce third – order change in party policy toward Kosovo usually followed in party splits (foundation of the Democratic Party of Serbia, the Liberal Democratic Party and partly the Serbian Progressive Party).
- Policy alterations that were determined by the utility – maximizing approach, i.e. variable election strategies of political parties (the Democratic Party, the New Serbia).

Graph 2. The variability of Serbian political parties’ positions toward Kosovo over time



Source: made by the author of the article

³⁹ Stanojlović, S., Op. Cit., pp.28-29.

The Socialist Party of Serbia was an exception since its transformation is characterized by third level degree policy change. Unlike in the period of S. Milošević's leadership, Serbian Socialist Party deviated from nationalistic path and agreed the granting autonomous status for Kosovo.

Conclusions

The analysis confirms that in forming stances toward Kosovo's independence issue Serbian political parties applies utility-maximizing approaches, but this appear to be complementary to parties' ideational values and normative orientations.

From 2000 to 2012 most of Serbian political parties preserved their stances on the issue of Kosovo issue, i.e. marginal policy alterations satisfy the first and second level policy change that does not involve fundamental changes in general policy goals.

The Serbian Radical Party and the Democratic party of Serbia are the most constant when talking about Kosovo: since the foundation they continue to reject any aspirations of Kosovo's statehood. Such policies can be attributed to coherent nationalistic ideologies expressed by these two parties. Accordingly the Democratic Party of Serbia and the Serbian Radical Party are the most active political players in developing Kosovo issue in Serbia's political space.

While the modest groups such as the G17 Plus and the Liberal Democratic Party are also characterized by steady positions and are less inclined to take a hard line on Kosovo independence. This position can be explained by the pro-Western stances expressed by these parties, as well as by the period of parties' foundation: political parties that formed after 2000 have a tendency to distance themselves from populist policies towards Kosovo and to focus on socio-economic issues.

The biggest policy volatility is apparent in positions of the New Serbia and the Democratic Party. These varying positions may be associated with the utility maximization strategy which promotes the policy change. Nevertheless, likewise G17 Plus and the Liberal Democratic Party, latter political actors refuse emotion-based Kosovo issue representation and focuses mainly on practical questions.

The internal ideational environment of the Serbian political parties also explain policy attitudes toward Kosovo, whereas: a) individual characteristics of the Democratic Party of Serbia members caused strict positions on Kosovo; b) the change of political leaders in the Socialist Party of Serbia and the Serbian Radical Party determined less attention to the issue of Kosovo, while at the same time it cause more attention to Kosovo in the Democratic Party; c) the interaction between party and their individual members in attempting to introduce policy changes resulted in party splits rather than alteration of original attitudes toward Kosovo (cases of Democratic party and the Serbian Radical Party).

In 2006 adopted Serbian constitution, which is path-dependent and ensures the continuity of S. Milošević's regime policies towards Kosovo. Without further constitutional amendment constitution makes legally impossible for Serbia to recognize Kosovo independence. This provision encourages positive feedback and affects the preferences of Serbian political parties.

To sum up, Kosovo issue will continue to haunt Serbian politics. The political heritage that is based on tradition of ethnic mobilization, still dictates the electoral behavior of most of Serbian political parties: shaping their positions on the Kosovo issue, parties use widespread value patterns, not rational arguments. This leads to further escalation of the Kosovo issue as an inseparable part of Serbia. Nevertheless, there is a noticeable change in Serbian political actor's representation of Kosovo since the public rhetoric of political parties acquires more pragmatic features. In addition to this, increased sophistication of Serbian electorate's preferences reflect the fact that in Serbia exist institutional and normative pluralism, which is crucial for long – term solution to territorial conflict.

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MULTICULTURAL EDUCATION AS A REALITY: PSYCHOLOGICAL PREMISE

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Abstract

Multiculturalism is a reality which has its basis in the humane nature of the human being. It is not an accident that cultural diversity is being promoted in all the campaigns for human rights. This trend, without doubt, results in a decrease of the mutual cultural intolerance, which may produce parallel (separate) worlds in a multiethnic society. In this paper, an effort has been made to theoretically analyze the basic premises of the cultural pluralism in a school context. First, the multiculturalism is discussed as a taboo topic, as a past experience in the totalitarian systems versus the current transparent treatment of this issue. Further on, the concept of multiculturalism is scrutinized. An important place in the analysis is given to the transformation from multicultural to intercultural education, highlighting the complexity of this undertaking. Finally, the psychological premises of the interculturalism in education are emphasized, referring to the theory of Piaget for decentered thinking and the suggestions of the American psychologist Banks regarding the equal pedagogy.

* * *

Introduction

The multicultural education as a synonym of the modern school institutions would be only a descriptive sum of theoretical principles of the education if its integral components are not to be implemented in the educational context, i.e. the school practice. From a practical point of view, multiculturalism is the main pillar of the modern education whose building means putting continuous effort by all subjects and institutions, responsible for the education. The planned tasks and goals for this project are not sufficient on their own if consistent models for their realization are not deliberated, starting from the state legislation, the media, marketing and the schools (local level). Otherwise, the multicultural policy would be reduced to a futuristic idea.

Societies which are open towards other cultures accept the basic idea of the multicultural education as one of the most important pillars for the building of the human perspective. In this way, a stable opinion is created for accepting the multicultural premises of the education and upbringing, starting from the preschool, primary and higher levels of education.

1. The Multiculturalism as a Taboo Topic

The multiculturalism idea was a taboo topic during the domination of the communist system in many countries in the Balkans and wider. Totalitarianism as a state system in these countries, without compromise opposed the reality of the human diversity. For illustration, in the previous century, thousands of people were imprisoned, interned, persecuted and executed because of their religious and ethnic identity in former Yugoslavia. The echo of this horrid past is converted in the current repulsion towards the multiculturalism. Unfortunately, in many countries (EU members and candidates for EU membership), the national, ethnic and religious oppositions and intolerance continue to be a source of constant threats and conflicts.

The biodiversity (Bride, 2005), as well as the human diversity, is a product of evolution, whereas the multicultural diversity is more of a variable phenomenon – sociologically determined. Hence, there is a need to objectively face the multiculturalism as a process and a reality, as opposed to its treatment as a taboo topic in our discussions. We are beings, who have it in our nature to communicate, with which we have overcome the time and space barriers through different ways of communication. The accumulated knowledge of a generation is available to the next one, regardless of the language or the physical presence.

2. Multiculturalism – a Hypothetical Construct or a Reality?

Multiculturalism is not a simple idea which may be easily implemented in the immediate reality. There is a need of legal and administrative measures for the carrying out of the principles of the cultural pluralism in a society. Of course, here we include the existence of stable economic and social conditions typical for a multicultural context. Apart from these, other pre-conditions are important for the implementation of a culture of multiculturalism, and in our analysis we will focus on those of psychological nature in the sphere of education. It is known that the state, through different channels including schools (with the implicit and explicit curricula), set the basis for the national consciousness. Thus, the question arises whether and how much effort is made for the spirit of multiculturalism to be incorporated in this consciousness.

The term multiculturalism is defined differently by various authors, sometimes overly general, sometimes overly simple. We use the definition of Bauman as a starting point (1999), according to whom “Multiculturalism is not the old concept of culture multiplied by the number of groups which exist, but new and internally pluralistic practices of the culture applied on oneself and the others” (p.7). Starting from this definition we consider that multiculturalism needs to be considered as a complex undertaking which suggests changed external conditions as well as changes of the internal (psychological cognitive) conditions in people. These internal suggestions which mediate in the process of change from theory to practice of the cultural pluralism in the school environment will be the object of analysis in this paper.

3. Change from Multicultural to Intercultural Education

The discussions for the symbolism of multiculturalism occur in different (pseudo) academic circles as a rich source of interpretations and polemics. According to our views multiculturalism represents acceptance of others who are different from us on any ground. But if real efforts are made for this idea to be implemented in real life: multiculturalism to be brought to interculturalism, then facing various obstacles, challenges and sacrifices – compromises are inevitable. Descartes' statement "I think therefore I am", brings the questions into light of the change from the declared (theoretical) to action (practical). We can accommodate our consciousness (and sub-consciousness) for the real existence of other cultures apart from ours where we live: We are educated, we socialize and work with people different from ourselves on racial, ethnical and religious grounds. However, this is not sufficient to say that we have fulfilled the conditions which are imposed by the rules of multiculturalism. In this direction, it is necessary to make profound changes in the understandings, convictions and rethinking (Bauman, 1999) of some of the already existing terms. In this line of thinking, other authors such as Erikson (1993) and Banks (1996) stand out.

3.1 Psychological premises of the multicultural education

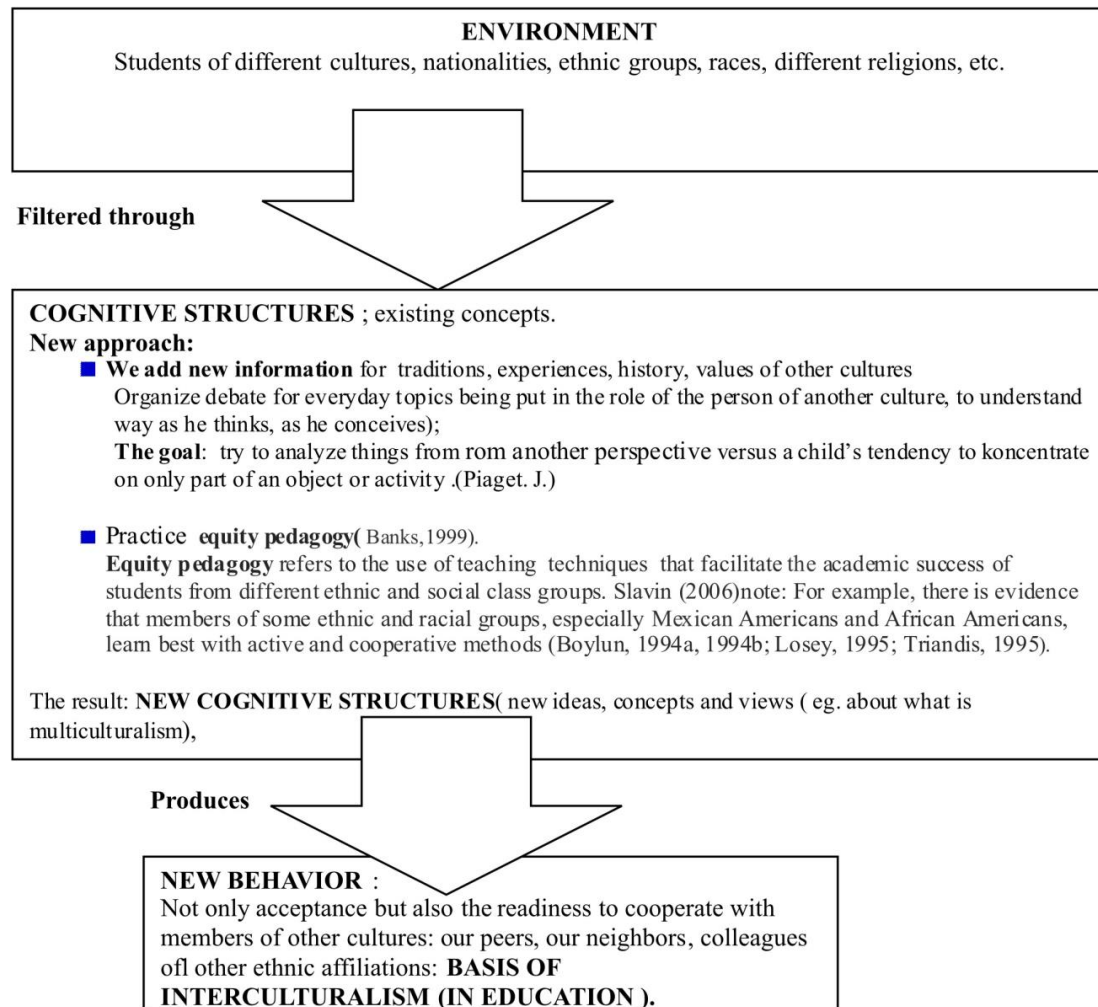
Analogously to the previously mentioned, there is a need to reconsider the attitudes in function of the humane and emphatic relations with our neighbors, colleges, and others who are of different religious, political, racial and ethnical background. An internal (psychological) revolution which will remove the existing prejudices and stereotypes towards the others which are not part of our group is required in order to create this readiness. One way which leads towards this desire is becoming conscious i.e. to be able to think from the perspective of the others.

Usually people interpret the surrounding occurrences and people through the prism of their own values (Myers, 2003) and the points of view of their ego. Everyone has personal expectations, values, convictions, concepts and many other subjective traits which determine whether the surrounding occurrences and people them will be valued as good or bad. Cognitive psychology elaborates this tendency, in whose frames the theory of the famous epistemologist Piaget (1971) suggests good strategies for getting to know oneself objectively and then to get to know the others. Namely, Piaget stresses the need for decentered thinking in the act of interpretation of the others, during which we are trained to see their perspective of things. If we succeed in this, we will know more about the others, their needs, attitudes, traditions and cultures, and thus, we will be able to better accept them and collaborate with them.

The decentered thinking will enable us to overcome the existing limitations in the interpretations of the behavior of other people. Most of all, this refers to overcoming the prejudices and stereotypes of ethnic, national, religious and other character. The result of this act will be a more open and tolerant relation with those with a culture different from ours. This thinking may be nurtured in the frames of a democratic society i.e. the school, where equal education for everyone is a top priority. These are most of all strategies which promote cooperation among the students, shared responsibility and goals, during which the cultural parallelisms among them will be minimized. With the goal to overcome the stressing of the differences among the students,

Figure 1: The transformation from multicultural to intercultural education

FROM MULTICULTURALISM TO INTERCULTURALISM



Banks (1993) stated the five such basic dimensions, from which we will mention in the paper the so called: Equity pedagogy – which promotes education for everyone in the same way regardless of the cultural differences. Through equity pedagogy, the importance of the development of positive interactions among the students from different ethnic groups in the function of creating tolerant and democratic attitudes towards the others is stressed (fig. 1). As we have mentioned previously, an important precondition to get to know those who do not belong to our culture is the readiness to take their point of view of things. Apart from this, it is not sufficient to think cognitively about the other cultures we live with, but first of all we need to get close to them emotionally. This will be achieved if the students try to perceive the things and traditions of the other cultures from their point of view as well, and not only from one's own. Only in this way, we may contribute for the creation of a stable social school climate (not only here), where we will have ethnic, language and religious diversity, in which the cultural barriers will be removed.

Summary

The cultural specifics are reality and as such they need to be respected in the communication of the children from different cultures. There is a need for change not only of the objective conditions but also of the cognitive ones in people (students) in order to change from multiculturalism to interculturalism. Together with the acceptance of the cultural diversity, the schools need to manage situations of sharing different cultural experiences among the students. Having in mind the theoretical postulates of Piaget's theory for decentered thinking, i.e. the ability to see through the perspective of others, the children, once introduced to their own culture, will be able to better understand the culture of the others.

The building of knowledge from the aspect of multiculturalism means that the ways to get certain cognitions do not have to be the same. In this process the children will be introduced to different notions about the world, which are the result of the history and the shared experience of a group of people, which creates different concepts and philosophies in its members.

An important condition for achieving the aspirations for a modern multicultural climate in schools is the materialization of equal pedagogy (Banks), which highlights values such as collaboration, equality, non-selectiveness, calling onto positive examples from history of how different cultures collaborated and faced reality in different times etc.

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THE LEARNING OF THE OTHER'S LANGUAGE AND CULTURAL CORPUS, A PREMISE FOR A SUCCESSFUL INTERETHNIC COMMUNICATION IN MACEDONIA

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Key Words: *language, culture, interethnic communication and dialogue*

Abstract

Macedonia is a distinctively multiethnic country, meaning that it is also a multilingual country, where different ethnicities live: Macedonians, Albanians, Turks, Serbs, Vlachs, Roma, Bulgarians and where also different languages are spoken: Macedonian, Albanian, Turkish, Serbian, Vlach, Bulgarian, and Romany.

Unfortunately, this linguistically and culturally diverse landscape is not used for the benefit of the internal interethnic communication and cohesion in Macedonia, but is often instrumentalized for low political purposes, leading to feelings of hostility between the ethnic communities in the country. The most recent cases, after the conflict in 2001, are the daily fights of young people in schools, urban buses, racist chants during football matches, the circulation of hateful songs about members of other ethnicities on the internet, and so on.

Although Macedonia is a multiethnic country, we find that its ethnicities within know very little or do not want to know about each other. If every third Albanian speaks Macedonian, on the other hand, one in ten Macedonians speak or speak only a little Albanian, which clearly shows the ignorance of others. To prove this, in this case, a survey was conducted with young Albanians and Macedonians from Kicevo, Gostivar and Tetovo, which has led to disastrous results in terms of inter-ethnic communication in Macedonia, results which will be presented during the conference.

We conclude that working towards the recognition of one another's language, culture, customs, traditions and history can help in overcoming the gaps between the different ethnicities.

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SOCIAL TRUST, DEMOCRACY, AND THE KURDISH ISSUE IN TURKEY**Faruk Ekmekci**

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Key Words: *social trust, Turkey, democratization, polarization, Kurdish issue*

Abstract

Despite the initial upsurge of hopes for a genuine solution to Turkey's century-old Kurdish issue after the Justice and Development Party's rise to power, since 2009 Turkey has rolled back to a cycle of securitization, violence, and polarization regarding the Kurdish issue. In this paper, I aim at providing a partial explanation to what it is that prevents Turkey from effectively addressing the Kurdish issue. I argue that low social trust among Turks is one of the major social factors that impede the solution of Kurdish issue.

I first outline the relationship between social trust and democracy. Social trust is one of the factors help build stronger and more effective democratic societies. Whether and how much people within a society trust other people in that society significantly shapes social and political relations within that society. First and foremost, social trust help develop social ties and social solidarity, which strengthen the foundations of a democratic system (Almond and Verba, 1965; Putnam, 1993; Fukuyama, 1995). Societies with higher social trust are also found to have a better functioning democracy (Putnam, 1993; Inglehart, 1997; Cusack, 1999), which increases citizens' satisfaction with the democratic system (Cusack, 1999).

Then, using recent surveys of Turkish public opinion, I demonstrate the widespread social distrust in Turkish society. Recent surveys reveal that Turkey is one the countries with lowest social trust in the world. Next, I provide specific examples of how low social trust impedes genuine steps that are required for democratization in general and solution of the Kurdish issue in particular. Lastly, using relevant findings in the literature and examples from comparable cases, I provide some suggestions as to how to improve social trust in Turkey.

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TURKEY'S KURDISH PARADOX UNDER AKP: EU PROCESSES VERSUS EMERGING SECURITY CHALLENGES

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Abstract

Ankara's unorthodox liberal attitude towards the Kurdish issue under the rule period of post – Islamist Justice and Development Party (AKP) displayed many paradoxes that aggravate Turkey's dilemmas and the challenges in terms of national security. Regardless of the fact that AK Party, in comparison to previous Turkish governments, adopted a more democratic discourse under the frames of its EU full membership agenda, Kurdish separatist movement, PKK, seriously challenged Turkey's national security concept as a whole due to provocative terror acts significantly by the time when hopes for a peace appeared in public view. Respectively, AKP as a political party trying to increase its vote percentage profoundly squeezed between conservative Kurdish voters residing in the East of Turkey and nationalists of Central Anatolia. Under the turmoil atmosphere of the region with the reflection of so-called Arab Spring and Syria AK Party decision makers restrained historical democratization process that ameliorated Turkish – EU relations while shifted to a more security based policy as its predecessors.

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EUROPEANISATION AS A TOOL OF BORDER CONFLICT RESOLUTION

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Conference sub-theme: Regional Security Issues

Key Words: *witness protection, EU security, Balkan conflict resolution, ICTY, international tribunals, rights of the accused*

Abstract

The witness is universally considered to be one the most instruments to ascertain the truth in criminal proceedings or as Bentham says "Witnesses are the eyes and the ears of justice." The witness protection remains a challenging issue with the potential to seriously jeopardize the efficiency of the transnational criminal proceedings as long as they are entitled to the protection not as a party but as in instrument to produce evidence.

Yet as the French Professor of International Criminal Law, Claude Lombois stated "Sur une base fragile, on n'édifie rien de solide". By identifying the problems and failures in post-conflict countries, national and international courts should take further measures against intimidation, coercion, corruption or bodily injuries.

This research aims to develop distinct perspectives on the present status of witness: its development in national, regional, European Law, the stress put on it in times of emergency, its problematic exercise in the case of violations of the law of war, its application to torture victims, its development in the case law of the UN Human Rights Committee and of the European Court of Human Rights, its application to the emerging field of environmental justice, and finally access to justice as part of fundamental rights in European law and international legal instruments. Protection of witnesses is a complex and demanding task for any criminal jurisdiction especially for the international jurisdictions. The question is: Which is the relation between witness protection and European Security? What are the main challenges of witness protection measures nowadays in the European Union agenda and further protective measures which will be taken in the future? Procedural equality, adversarial process and disclosure of evidence, thus the 'equality of arms' (égalité des armes) requires a fair balance between the parties in respect to the rights of the accused and keep it in a progressive development of human rights law especially toward the rights of the witness who is considered to be an instrument to achieve the truth but still not a party in the proceedings. However, when we talk about the accused rights and balance of rights to have a fair trial the question arises: Do the witnesses have rights? I fully support the argument that they should be a have the same rights that enjoy the parties in the Court on the bases of ECtHR and ICTY cases.

In the end recommendations aim at improving the fairness and effectiveness of operations regarding witness protection by establishing a fair balance between the rights of the accused and the rights of the witnesses, to strengthen further cooperation to support the fight against the serious crimes and terrorism at regional, European and international level.

* * *

HUNGARY'S ROLE IN THE WESTERN BALKAN SECURITY PROCESS

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Key Words: *Western Balkans, security, integration, NATO, EU*

Abstract

Hungary functions as a gate between Western Europe and the Balkans. As a respected member of the EU and the NATO, Hungary's role is considered to be wider than those entailed by the relationships, expectations and obligations ensuing from the "neighborhood". The reactions and answers furnished to the challenges regarding security policy, in a wider sense, is marked by the active presence on the ground (Kosovo, Bosnia and Herzegovina). Hungary's historic connections to the Balkans assert us to play roles that can only be fulfilled by close and mutual cooperation with the Balkan states, last but not least in regard the Hungarian minorities in the Balkans. All these necessitate the expansion of our relations with the Balkan states, as well as raising awareness of the Balkans in all of the spheres (economy, finance, education,) in the Hungarian society.

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Throughout the course of Hungarian history, the Balkan region has been a constant point of reference. László Makkai offers valuable historical insight: 'For a millennium Hungary played the role of a lock and the gate between the Balkans and Western Europe. There were times when the small states of the Balkans found their political chances of existence under the wing of the strong Hungarian power, but at no times was Hungary a negligible factor in their lives. During the first five centuries of Hungarian history it often seemed as if the Balkans would become Hungary, whereas the second half of the millennium saw the Balkans penetrating into the territory of Hungary.' (Makkai¹)

It is this very area that will remain the focus of our attention. It filters Balkan influences and lets through those coming from Hungary and the Central European region. It is evident that it should

¹ Makkai, L., 1942. A magyar Balkán kutatás szervezési kérdései. In: I. Gál, ed. 1942. *Magyarország és a Balkán*. Budapest, pp.71-78.

be high on our list of priorities in foreign policy.² However, insufficient public awareness constitutes a major barrier.

These days Hungary has to simultaneously deal with both integration and disintegration in the region. As member of a major political alliance, Hungary is interested in “Europeanizing” the Balkans. The process of Yugoslavia’s disintegration may not be completely over yet, but it is apparent that national integration efforts as well as transnational integration processes (NATO and EU) dominate the scene.

Hungary’s position continues to be strategically significant. During Hungary’s EU presidency our efforts played an important part in Croatia’s accession process. For Serbia, good relations with Hungary can be a decisive factor, as illustrated in the dispute over the property restitution act. We have also formed strong economic partnerships with the smaller Balkan states.

1. Geopolitical aspects of Hungary’s foreign policy and their impact on our relations with the Balkans

1.1. Hungarian particularities

There are recurring debates among our public intellectuals about what it means to be European and where is Hungary’s place in Europe. They are not so much about geographical distances but rather focus on Hungarian particularities as well as our relative position. Our ethnogenesis left us a Finno-Ugric linguistic and cultural heritage mixed with Turkic steppe influences. This has given Hungarians a sense of separateness in an Indo-European (predominantly Slavic) environment. In foreign relations this linguistic isolation has resulted in reluctance to be integrated into a globalised world as well as limited understanding of trends and events around the world.

From a Balkan perspective our uniqueness has both positive and negative connotations. Thanks to our shared history, we maintain positively cordial relations with Turkey and also find common ground with Bulgaria, Bosnia, and Albania just as we did in medieval times. However, our neighbourhood with Serbia and Croatia has not been free from confrontation, which is mostly a consequence of events of 19th and 20th century history.

1.2. Shared space and neighbourhood policy

The question of ‘place’ is that of shared space, i.e. which European nations Hungary ought to cultivate partnerships with and what roles to assume. While in the Socialist era this meant a higher quality category compared to poorer regions in the Eastern Bloc, after the collapse of the Soviet Union this differentiation lost its meaning. In the 1990s we turned our attention to the European Union, ultimately leading to our accession in 2004.

The issue of shared space remains a controversial one as a history of conflicts presents an obstacle to cooperation with the states in the region. Cross-border relationships are made

² It was for this reason that during the first Orban administration there were plans to set up a network of consulates from Timișoara to Lendava. Only two were completed eventually: in Subotica and Osijek, and the latter was closed in 2006. (N. P.)

difficult by recurring disputes concerning local Hungarian minorities (*e.g. Hungarians being assaulted in Serbia, property restitution issues, the so-called Hungarian card for transborder Hungarians, the question of dual citizenship, disagreements over language use, etc.*)

Meanwhile, in a broader perspective, clashes of interest over EU funding and grants began to emerge in addition to economic ambitions in the Central European region. Hungarian multinational companies such as MOL, Magyar Telecom, OTP, and Trigránit, all major players whose presence occasionally stirs resentment, operate primarily in the Balkans market.

Hungary's *near abroad* is the territory belonging to the former Hungarian Monarchy that is now outside its borders, where 2.5 million ethnic Hungarians live in remnants of post Monarchy state structures. 300,000 of them reside in the Western Balkans.

There were apparent (if controversial) national considerations in Hungary's political and social attitude during the 1968 invasion of Czechoslovakia and the 1980s village destruction campaign in Romania. There was even a tangible threat of a potential war between Romania and Hungary in 1989 as a last resort for the cornered Ceausescu regime. What member states of the Warsaw Pact and Comecon took home from that era was a system of self-regenerating tensions.

2. Recent security issues in the Balkans

It is safe to say that the time of major armed conflicts is over. However, a number of unresolved issues affect the stability of the region. These include Serbians and Albanians fighting over Kosovo, Serbia's domestic troubles, plans regarding a possible third – Croat – entity in Bosnia-Herzegovina, as well as futile efforts to build a unified and multi-ethnic Bosnian state. We must also consider the situation of Kosovo Serbs, Albanian demands in Macedonia, the Macedonia 'name' dispute with Greece, Croatia's border issues with Montenegro, Bosnia, and Slovenia, and so forth.

The next category of security challenges includes crime threats: transnational organised crime, facilitation of illegal immigration, drug trafficking, and trafficking in human beings.

The third potential security risk is the historically always present latent ethnic tension between Serbs and Albanians (Kosovo), Serbs and Bosniaks, Macedonians and Albanians, Serbs and Croats, Macedonians and Greeks, etc.

Although these challenges may potentially pose a security threat, an international presence and the lack of manifest hostilities mean there is now no danger of an armed conflict endangering the security of the region. The parties intend to settle their differences through bilateral negotiations or by involving an international court. International integration efforts, which involve striving to meet the key criteria for accession, further contribute to stability.³

³ Szilágyi, I., 2010. Biztonságpolitikai perspektívák a nyugat-balkáni régióban. In: *Biztonságpolitikai prognózis 2015-ig*. [pdf] BHKKA 2010. Available at <www.bhkk.hu/biztonsagpolitikai_tanulmanykotet.pdf> p.136.

3. Hungary's Balkans policy

Since the beginning of the transition, Hungarian public opinion has regarded the Balkans as a potential source of danger to the country and its population. At the same time, it shows little or no understanding of the complex processes affecting the region. Generally speaking, Hungarians do not seem to follow international news, save a very few particularly important events, and the Balkans as a region is simply not significant enough to register on their priority list.

The fact that the region began to attract business with some leading Hungarian companies expanding into the new market made hardly any social or economic impact. Small and medium-sized enterprises failed to utilise market opportunities, choosing to operate in the Hungarian-populated areas along the border. In addition, those interested in Balkan studies will find that higher education institutions are saddled with structural inefficiencies as well as a lack of resources and research facilities; furthermore, that courses tend to focus on history and bear little relevance to the present.

On the whole, we have recognised that problems can emerge from the Balkans and will need appropriate response, but in the past 20 years attempts to follow up this realisation have been unremarkable. Only a narrow, elite layer working in politics, economy, and public administration is concerned with the Balkans, and even for them it is not a priority. It is mostly the national security and defence sectors that take this issue seriously.

Following the change of regime, Hungary's governments have each been forced to deal with challenges from the Balkans, particularly regarding security concerns. Yet, to this day there has been no constructive, coherent strategy. The political left and right appear to have had markedly different attitudes towards the region, with the left-wing taking a more passive approach and merely keeping track of the events, which is understandable as it was under the conservative governments (1990–1994 and 1998–2002) that the wars in Bosnia and Croatia and later in Kosovo needed immediate action.⁴ At the same time, regardless of periods of conflict, the fact remains that conservatives tend to put a greater emphasis on promoting the interests of Hungarian communities in the region. This was most evident in the campaign for dual citizenship and the support of autonomy demands.

3.1. Fundamental documents of Hungary's Balkans policy

The present centre-right administration's foreign policy in the Balkans is based on three strategic documents: *Hungary's National Security Strategy* (2012), *Hungary's Foreign Policy after the Hungarian Presidency of the Council of the European Union* (2011), which summarises the strategic guidelines for Hungarian foreign policy, and the *National Military Strategy* (2012).

In the *National Security Strategy* the region is discussed in the chapter on Hungary's Eastern and Southern neighbourhood, in the context of democratization processes and the EU's Balkan policy. The document suggests that with international organizations paying eminent attention to

⁴ Operation Storm/Operacija Oluja, the last major battle of the Croatian War of Independence, took place in the summer of 1995, under the left-wing Horn administration. Montenegro and Kosovo gaining independence in 2006 and 2008 respectively did not involve acts of aggression to warrant a forceful response, which explains Hungary's attitude at the time – it corresponded to transatlantic commitment.

this region, the Balkan states are now heading towards self-sustaining stability. However, these states have strikingly different views on Euro-Atlantic values and, consequently, progress is hindered by inefficiency of reform measures, corruption at all levels of society and economy, and unresolved minority, ethnic, and religious issues. Such an environment fosters terrorism, as well as organised crime and smuggling. The document therefore concludes that it is vital for the stability of the region that the international community, particularly the EU, continue to pay close attention to non-member states.

The stability of neighbouring countries is of paramount importance for our national security. Hungary wishes to help enhance stability in the region through active foreign policy, at the levels of bilateral relations, regional cooperation, and alliance frameworks. It is a matter of priority in our neighbourhood policy that all our neighbours should have full membership in NATO and the EU, or the strongest possible partnerships with these two organizations. Arising from Hungary's responsibility towards the Hungarian communities in the neighbouring countries, this notion also coincides with Hungary's nation-policy interests. In accordance with its direct foreign policy and economic interests, Hungary takes an active part in promoting the stabilization of the Western Balkans. Strengthening economic and trade relations in Hungary's Eastern and Southern neighbourhood will also contribute to regional stability.

Hungary seeks to assert its security policy objectives through an active foreign policy in both bilateral and multilateral diplomatic frameworks and relationships. The other main means of implementing national security strategy objectives in the context of international engagement is The Hungarian Defence Forces, which participates in UN, NATO, EU, or OSCE-led international peacekeeping, stabilization, or humanitarian operations.

Hungary's foreign policy strategy specifically addresses the Western Balkans, naming all the states and the corresponding policy on Hungary's part, including security aspects. A separate section of the document deals with Hungary's contribution in launching the EU's Danube Strategy, followed by a discussion of Hungary's relations with Romania and Bulgaria, and the importance of the Black Sea region as well as our interests in the South Caucasus for energy transit. Yet another separate category in Hungary's foreign relations is the four states known as the Visegrad countries.

These documents appear to presuppose improving conditions and growing stability, though they concede that there still remain inter-state and other political problems. Those, however, can be managed with international monitoring, and there is no state-level threat today. In the future, the main challenges may be organised crime and terrorist organisations operating from the neighbourhood.

3.2. Hungary's contribution to peace operations and stabilization in the Western Balkans

According to the document *Hungary's Foreign Policy after the Hungarian Presidency of the Council of the European Union*, in the context of the enlargement process of the Western Balkans Hungary emphatically supports Serbia's EU accession (provided the membership criteria are fully met) as well as the possibility of Serbia's future NATO membership. Hungary acts along similar principles and with equal attention in promoting Montenegro's EU integration process. Hungary considers Macedonia's advancement in the integration process a matter of urgency, and will also

welcome Albania's successful EU integration. Hungary supports Montenegro's NATO accession, and remains committed to participating in military operations in the Western Balkans (KFOR, EUFOR/ALTHEA).

According to the new *National Military Strategy*, the Hungarian Defence Forces is responsible for carrying out Hungary's international obligations in the frameworks of our UN, NATO, EU, and OSCE commitments (collective defense, crisis management, humanitarian operations, confidence and security building measures). According to the document, Hungary has the military capability to deploy 1,000 troops at a time to carry out international tasks.

Hungary's engagement in the Balkans began after we joined NATO's Partnership for Peace Programme (PfP) in 1994. The first such mission followed the signing of the Dayton Peace Agreement in 1995: Hungary contributed troops for IFOR, and later for SFOR missions, initially to provide a peaceful settlement of the Bosnian crisis, then to support the stabilization process.⁵ Following NATO's decision to conclude its SFOR mission, Hungary went on to participate in Operation EUFOR-ALTHEA in BiH in 2004. This was also the first major mission for the European Union. In addition, from the very beginning (1999) we have played a significant role in NATO's operations in Kosovo, most notably taking over command of a joint battalion operating in the Pec area in Western Kosovo as well as playing an important role in EULEX. We have also participated in NATO missions in Albania and Macedonia.

Hungary continues to be actively present in the Balkan region. In 2011 Hungary was contributing 170 troops to Operation EUFOR-ALTHEA; currently this number is 161. Troop contributing nations with military capabilities similar to ours – Slovakia, the Czech Republic, Slovenia, Romania – but even the more powerful Poland have only participated in smaller numbers. Austria deploys 315 troops. In Kosovo, 261 Hungarian troops serve in KFOR Tactical Reserve Manoeuvre Battalion, a Portuguese Battalion level unit.⁶

With regard to the defense budget for the year 2013, HUF 13 billion is allocated for international engagement – HUF 8.2 billion for NATO ISAF in Afghanistan, 2.8 billion for KFOR in Kosovo, and HUF 908 million for Operation EUFOR-ALTHEA in Bosnia.⁷

All of the above is proof that even amid the current financial-economic crisis Hungary fulfils its alliance obligations. It goes beyond outlining its Balkans policy and neighbourhood strategy in official documents and strives to implement them in practice. It deploys military capabilities to advance the stabilization process in the region and contributes resources both in bilateral relations and at multilateral levels to promote long-term stability in the Balkans as well as facilitating political, economic, and cultural relations.

President János Áder, during his Brussels meeting with NATO Secretary General Anders Fogh Rasmussen (2013), stressed the importance of the integration of Balkan countries and strengthening the transatlantic link. The Secretary General appreciated the importance Hungary

⁵ Gen. Szenes, Z. (Ret), 2006. *A békefenntartás hatása a magyar haderőre*. [online] Available at: <www.zmne.hu/kulso/mhht/.../2006/3/2006_3_1.htm>

⁶ Jane's, 16 January 2013.

⁷ Minister of Defence Csaba Hende's written answer to the question: Exactly how much do Hungary's missions abroad cost? 2012. [pdf] Available at: <www.parlament.hu/irom39/07835/07835-0001.pdf>

attaches to stability and security in the Western Balkans, a 'region which we all want to see anchored in Euro-Atlantic structures'. This is confirmation that Hungary is on the right track and its political objectives regarding the Balkans are in compliance with the long-term goals of international organisations.

4. Conclusion

Hungary is a gate between Western Europe and the Balkans – a role that historically used to be extremely challenging partly due to the fact that it saw its state borders radically redrawn following the Treaty of Trianon. Our attitudes show remnants of the times of the empire, without the comfort of an empire. Now we are merely one of the transit regions, a bridge to Europe.

Hungarian public opinion and our political elite appear to be largely ignorant of the Balkans, and yet the region must not be ignored considering all the security challenges Hungary faces (security environment, water and migration policy, foreign economic policy issues). The latest governmental documents acknowledge the region's significance. Our task now is to learn to utilize the frameworks of multilateral politics in order to promote our interests.

**THE COST FOR PEACE:
MILITARY EXPENDITURE AND
ECONOMIC GROWTH IN WESTERN BALKANS**

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Conference sub-theme: Regional Security Issues

Key Words: *military expenditure, economic growth, long run, panel data, Western Balkans, cointegration*

Abstract

This paper re-examines the long run effects of military expenditure on the growth path of Western Balkans for the period 1990–2011 within a panel cointegration framework. Western Balkans embrace a combined inheritance of controlled economies and armed conflicts. This bequest was characterised by a poor public sector with non-transparent budget processes, a significant external funding, fiscal deficits and a crutch of debts. Additionally, ‘...their armed forces are over-developed for peace time conditions’ (Sipri, 2004, p.251). The study first establishes whether there is a long-run relationship between military expenditure and economic growth in the seven countries by using a panel unit root and panel cointegration framework and then proceeds to estimate the long-run and short-run effects of military expenditure on income. Results report the presence of a positive relationship between the variables on the long run and a positive impact on the short run.

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A SUMMARY ABOUT THE CURRENT SITUATION OF THE EULEX MISSION

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Conference sub-theme: Regional Security Issues

Key Words: *EULEX Kosovo, civil crisis management, EU's foreign policy*

Abstract

The EU is a community of values. In my opinion, it was a community of values from the very beginning, but after the amendments reached in Amsterdam, Nice and even more in Lisbon, there is no doubt about that. Moreover, as time passed, it has got the ability and intention to protect its values outside its borders too in order to achieve a peaceful environment outside the EU.

After the failure of the common foreign and security policy on the Balkans in the 90s, the EU became the most important actor in maintaining peace and rule of law in countries of the former Yugoslavia.

The EU launched its largest civil crisis management mission in 2008 in Kosovo by taking over the competences and tasks of the United Nation Mission in Kosovo (UNMIK). The European Union Law Mission in Kosovo (EULEX Kosovo) began fully operational in December 2008 and has a many times extended mandate till 14 June 2014.

There are many attributes which make the EULEX a unique mission of the EU, especially the number of the staff, its evaluation system and the competences of the international judges and prosecutors working in the mission. In addition, it has to be mentioned that the EULEX Kosovo can proceed even if many EU Member States did not recognized Kosovo as an independent state.

Nevertheless, the work of the EU in Kosovo seems to be much more difficult as it was expected before. The European Court of Auditors claimed in its Special report No 18/2012 that the efforts of the EULEX in Kosovo related to the rule of law proved to have been less efficient. On the other hand, more and more opinion are coming from the staff side complaining about the high level of the organised crime and corruption in Kosovo no matter what the EULEX does.

What is going on in Kosovo recently? What are the reasons of the EU deployment in Kosovo? Do the Kosovar authorities contribute to the success of the work of the international community? Do we have a real chance to build up the rule of law in Kosovo at all?

This essay gives a brief overview of the recent aspects and consequences of the work of the EU in Kosovo.

* * *

Introduction

The European Security and Defence Policy (ESDP) of the European Union – currently known as Common Security and Defence Policy (CSDP) – is linked to Kosovo in many ways. The war in Kosovo (1999) can be seen as a final push towards the genesis of the EU civil and military crisis management.

On the other hand, the EU had been vindicating more and more power in Kosovo, which culminated in the launch of the European Union Rule of Law Mission in Kosovo (“EULEX”) in 2008. The EULEX differs from the civil crisis management missions of the EU introduced so far in several aspects. Indeed, having started the EULEX seems to be a decisive success, bearing in mind that this joint action was adopted by the Council in spite of the strong denial of a future independence of Kosovo by many EU member states.¹

EULEX was a unique adventure from other aspects, too. It was the biggest ESDP crisis management mission ever, consisting of about 2,250 persons. It is worth mentioning that it is the first EU crisis management missions to which the USA has delegated staff.² It makes EULEX also singular of having an integrated police, custom and civil-criminal justice conception for the first time.³ Moreover, it is the first mission with a custom component at all. Additionally, EULEX has both executive and non-executive competences.

Highlighting the programmatic approach developed to EULEX, the level of the progress achieved in the different areas of the rule of law is determined yearly in the EULEX programme reports, which contain targets to enable the assessment of the work of the mission next year.

This essay aims at presenting how the EULEX has been started. Furthermore, it would like to take a photo of the recent situation and problems the EULEX is facing. While shooting the imaginary photograph, the author is concentrating on the European Court of Auditors’ special report, the EULEX Programme Report 2012⁴ and the report of the Secretary-General of the United Nations dated on 8 November 2012,⁵ finally, Dick Marty’s report⁶. The EULEX Programme Report 2012 assesses as a “mission-intern” document the effectiveness of the work

¹ The absence of a common EU position in this issue has serious disadvantages. It hinders the Europol from entering into operational and/or strategic agreements with the Kosovo authorities. It also affects the incentive of potential EU accession. European Court of Auditors. *European Union Assistance to Kosovo Related To The Rule Of Law*. Special Report No 18. [report] 2012, para. 32, 99. Available at: <<http://eca.europa.eu/portal/pls/portal/docs/1/17766744.PDF>> [Accessed on 3 February 2013] See further:

Giovanni Grevi: *The EU rule-of-law mission in Kosovo (EULEX)*. In: G. Grevi, D. Helly and D. Keohane, eds. *European Security and Defence Policy*, [pdf] p.366. Available at: <http://www.iss.europa.eu/uploads/media/ESDP_10-web.pdf> [Accessed on 3 February 2013],

Chivvis, C. S., 2010. *EU Civilian Crisis Management. The Record So Far*. EULEX, [pdf] pp.39-40. Available at: <http://www.rand.org/content/dam/rand/pubs/monographs/2010/RAND_MG945.pdf> [Accessed on 3 February 2013].

² Grevi, p.360. The presence of the USA is not a coincidence of course, see *EU Civilian Crisis Management*, p.34.

³ Grevi, p.360.

⁴ EULEX programme report 2012. [report] Available at: <http://www.eulex-kosovo.eu/docs/Accountability/2012/EULEX_Programme_Report_2012-HighQuality.pdf> [Accessed on 3 February 2013].

⁵ Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo. S/2012/818. [report] 8 November 2012. Available at: <http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/818> [Accessed on 3 February 2013].

⁶ Council of Europe. Parliamentary Assembly. *Committee on Legal Affairs and Human Rights. Inhuman treatment of people and illicit trafficking in human organs in Kosovo*. (“MR”) [report] Available at: <<http://assembly.coe.int/asp/apfeaturesmanager/defaultartsiteview.asp?ID=964>> [Accessed on 3 February 2013].

of the EULEX by describing the development of the rule of law in Kosovo. The report of the Secretary-General of the UN outlines in a broader context the work of the EULEX from July to October 2012. It seems to be necessary to refer briefly to the European Court of Auditors' special report and Dick Marty's report, since the activity of the EULEX and the cooperation of the Kosovar authorities have been criticized in these documents.

This essay does not target the evaluation of the whole EU activity in Kosovo,⁷ including the financial aid provided for Kosovo under CARDS (Community Assistance for Reconstruction, Development, and Stabilisation), IPA (Instrument for Pre-Accession Assistance), or EIDHR (European Instrument for Democracy and Human Rights). The actions of the European Commission under the Stabilisation and Association Process (SAP) will not be addressed, either. This essay is not comparing the EULEX with other crisis management missions of the EU launched in the Balkans.

1. The background of the EULEX: the UN Security Council Resolution 1244 (1999), the United Nation Mission in Kosovo (UNMIK) and the Ahtisaari Plan

The predecessor to EULEX was UNMIK based on Resolution 1244 (1999) of the UN Security Council.⁸ I refer to article 13 and 17 authorizing the UN member states and international organizations to take part in the social and economic reconstruction of Kosovo. Furthermore, this resolution stressed and appreciated the EU's work in the field of the economic development and stabilization in Kosovo as well. Speaking about the UNMIK administration, it should be highlighted that the EU made a crucial part there of (1999–2008) being responsible for reconstruction and economic development.⁹

Just to mention the Ahtisaari Plan,¹⁰ which tried to settle the status question unsuccessfully meaning it was not supported by the Security Council, i.e. it lacks the binding force from international law point of view. Special role was granted the EU by the Ahtisaari Plan too, by regulating many competences in respect of the police and justice system and customs for the ESDP mission and for EUSR (European Union Special Representative).¹¹

2. Preparing the EULEX: the European Union Planning Team (EUPT)

The launch of EUPT was decided by the Council Joint Action 2006/304 on 10 April 2006.¹² The proposal of starting the mission came from the side of Mr. CFSP and the European Commission

⁷ Anyway, a short remark on the work of the European Commission: 680 million euros has been spent between 2007–2011 in the area of the rule of law in Kosovo. Special Report, p.11.

⁸ See article 10 of the UN resolution. [online] Available at: <http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1244%281999%29> [Accessed on 3 February 2013].

⁹ Reichel, S., 2010. *Anspruch und Wirklichkeit der EU-Krisenbewältigung: Testfall Balkan*. Nomos Verlagsges, p.169.

¹⁰ Letter dated 26 March 2007 from the Secretary-General addressed to the President of the Security Council. S/2007/168/Add.1 [pdf] Available at: <http://www.unosek.org/docref/Comprehensive_proposal-english.pdf> [Accessed on 3 February 2013].

¹¹ See article 2.3 of the Annex IX and X of the Ahtisaari Proposal.

¹² Available at: <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:112:0019:0023:EN:PDF>> [Accessed on 3 February 2013].

by its report submitted to the Council on 6 December 2005.¹³ Prior to the EUPT the Commission and the Council led jointly a fact-finding mission in January 2006 in order to determine the competences of a future ESDP mission. The launch of the EUPT was recommended by this fact-finding mission.¹⁴

The EUPT aimed at preparing the EULEX.¹⁵ The intention of launching the EUPT was supported by the UNMIK, which administrated Kosovo back then.¹⁶ The planning team was mandated to ensure a thorough decision making at a later date concerning the EULEX. First of all, among the tasks of the EUPT the following should be mentioned: preparing the handover of the authority between UNMIK and EULEX; to make a proposal with regard to this purpose; supporting the planning process regarding the tasks, aims, personnel strength and budget of the EULEX; besides supporting EULEX logistically: meaning from most of all securing the warehouse capacity and delivering equipments to EULEX taken over from other crises management missions.¹⁷ The daily activity of EUPT was managed by the head of the mission, the political and strategical control was executed by PSC (Political and Security Committee). EUPT had a police, a justice and an administration team. Its budget was determined at EUR 3 005 000.¹⁸ Its mandate took from April 2006 to 31 December 2006. EUPT had approximately 80 internationals and 55 locals.¹⁹

3. The circumstances of acceptance of EULEX mission, its aims and tasks

The Council Joint Action 2008/124/CFSP was adopted on 4th February 2008.²⁰ UNMIK was changed by the EULEX, which reconfiguration was accepted by all parties.²¹ After accepting the above Council decision about Kosovo, it proclaimed its independence (17 February 2008) not acknowledged by five EU member states. Anyway, EULEX respects resolution 1244 (1999) and operates under the overall authority and within the status neutral framework of the United Nations.²² So the legal base of the Kosovar presence of EULEX is also the UN Security Council resolution 1244 (1999).

The handover between UNMIK and EULEX was not smooth, needed more time than expected and had negative consequences on EULEX, too.²³ Other serious problem of EULEX was the

¹³ 'The Future EU Role and Contribution in Kosovo'.

¹⁴ Grevi, p.356. [pdf] Available at <http://www.iss.europa.eu/uploads/media/ESDP_10-web.pdf> [Accessed on 3 February 2013].

¹⁵ Article 7 of the preamble of the joint action.

¹⁶ Article 11 of the preamble of the joint action.

¹⁷ Article 2.3, 2.4, 2.6 of the joint action.

¹⁸ Article 9.1. of the joint action.

¹⁹ Available at <<http://www.eulex-kosovo.eu/en/info/EUPT.php>> [Accessed on 3 February 2013].

²⁰ Available at <http://www.eulex-kosovo.eu/en/info/docs/JointActionEULEX_EN.pdf> [Accessed on 3 February 2013].

²¹ Grevi, p.356.

²² UN Security Council, Report of the Secretary-General on the United Nation Interim Administration Mission in Kosovo, S/2008/692, [report] 24 November 2008, para 21-29, 48-51.

²³ Grevi, p.362.

EU Civilian Crisis Management. Para 41.

Németh, Cs. (n.d.) Az Európai Unió szerepvállalása Koszovóban. In: *Phd tanulmányok* 8. Pécsi Tudományegyetem Állam és Jogtudományi Karának Doktori Iskolája, pp.427-431.

recruitment of personnel, both in quantity and quality sense.²⁴ The mandate of EULEX was prolonged lately on 5th June 2012 by the Council, the mission is expected to stay in Kosovo until 14 June 2014.²⁵ Temporarily it is not influenced by the wish of Kosovar authorities regarding the termination of international control over Kosovo at the end of 2012.²⁶

The GDP generated in Kosovo is the lowest in Europe, 2383 EUR per capita in 2010.²⁷ However, the precondition of the economic upswing of Kosovo is exactly to strengthen the rule of law.²⁸ The EU has a stake in a secure and stable Kosovo as well, considering the crossborder feature of the organized crime.

The EULEX has been supported by EUR 614,000,000 since its start till June 2012.²⁹ EULEX became operational on 9th December 2008. In April 2009 EULEX became fully operational. EULEX has recently a total of around 2,250 international and local staff.³⁰ Mentionable that the planned total capacity of the mission was 1,900 international staff and 1,100 locals.

The mandate of the mission is to support Kosovo's institutions, judicial authorities and law enforcement agencies in order to become more suitable and accountable. The support is mostly needed in case of police, justice and custom institutions, ensuring the independence from the politics, the multi-ethnic services and that their work will comply with the European best practices and internationally recognised standards.³¹ Basically the tasks of EULEX are monitoring, mentoring and advising the Kosovar authorities and the protection and support of rule of law.³² Exceptionally it has some executive competences if the decisions issued by Kosovar authorities have to be abolished in order to defend the rule of law, public order and public security. Other branch of the executive competences of EULEX is related to one of the most extraordinary character of EULEX. In frame of EULEX judges and prosecutors work possessing substantive rights in the Kosovar justice system. The reason for it: in case of war crimes, terrorism, organised crime, corruption, inter-ethnic crimes, financial/economic crimes and other serious crimes it has to be assured that these will be properly investigated, prosecuted, adjudicated and enforced, according to the applicable law.³³

²³ Dzihic, V. and Kramer, H., 2009. Kosovo after independence. Is the EU's EULEX Mission Delivering on its promises? *International Policy Analysis*. Friedrich Ebert Stiftung, p.19. Available at: <<http://issat.dcaf.ch/content/download/2134/18522/file/Kosovo%20after%20Independence.%20Is%20the%20EU%E2%80%99s%20EULEX%20Mission%20Delivering%20on%20its%20Promises%20%E2%80%93%20Friedrich%20Ebert%20Stiftung.%20D%C5%BEi%20%C4%87%20%20%282009%29.pdf>> [Accessed on 3 February 2013].

²⁴ Grevi, p.362., EU Civilian Crisis Management, para 40-41.

²⁵ Decisions. Council Decision 2012/291/CFSP of 5 June 2012. amending and extending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo. Available at <<http://www.eulex-kosovo.eu/docs/LexUriServ-2012.pdf>> [Accessed on 4 February 2013].

²⁶ Special report, p.11.

²⁷ Special report, pp.10-11.

²⁸ Special report, p.11.

²⁹ Special report, p.12.

³⁰ Available at: <<http://www.eulex-kosovo.eu/en/info/whatisEulex.php>> [Accessed on 3 February 2013].

³¹ EULEX joint action. Article 2.

³² EULEX joint action. Article 3.

³³ Further information in: Böröcz, M. and Németh, Cs., 2010. Az Európai Unió jelenléte a koszovói igazságszolgáltatásban és rendőrségben. In: *Közjogi Szemle*. December 2010, p.42-49. Németh, Cs., 2011. The institutional system of positive discrimination and the prohibition of discrimination in Kosovo. The role of the EU concerning equality before the law in Kosovo. Essay of Faculty of Law. In: *Yearbook of 2011*. Pécs: University of Pécs, pp.192-194.

On strategical level the Operation Commander leads and controls the operation of EULEX, under the authority of the PSC and Mr. CFSP.³⁴ The mission consists of three components, a police, a judicial and a custom one. The biggest from them is the police which alone is composed of three subcomponents (1. monitoring-mentoring-advising, 2. executive, 3. special forces).³⁵ As for the justice component, in April 2009 there was 400 judges in the Kosovar justice system of which 70 was seconded by the EULEX. The simultaneously applicable legal systems (Kosovar, Serb, UNMIK law) turned out to be one of the main obstacles in the work of the EULEX judges and prosecutors.³⁶ During their daily work to the impartiality of justice system shall be paid attention, in relation to the leadership of the missing as well and to the limits of investigating and adjudicating in organized crime cases (preserve stability in Kosovo).³⁷ Despite being the smallest in size, the importance of the custom component may not be ignored since custom revenues make up a relevant size of Kosovo's budget.³⁸ The mission leader has command and control functions at theatre level, he takes responsibility for disciplinary cases over the mission's staff and for the implementation of the budget. He represents the mission and he take care of ensuring the cooperation between the EULEX and the other EU actors, Kosovar authorities and international organizations, and finally, of the security of the mission.³⁹ The PSC shall exercise, under the responsibility of the Council, political control and strategic direction over EULEX. The PSC shall report to the Council at regular intervals.⁴⁰

The costs of the mission shall be borne by the EU budget.⁴¹ However, funding is only for operational cost but does not cover basic staff salaries, which are paid by contributing states.⁴² The majority of the staff is seconded from national civil services, but there are contracted employees, too.⁴³ Third states may delegate personnel to the EULEX, which has already occurred: among the sending states are Turkey, Norway, the US, Croatia and Switzerland.

4. The balance of the EULEX activity in EULEX Programme Report 2012

By EULEX a definitive step has been made in progressing the evaluation and monitoring the EU's crisis management: how to reach the respective aims and thus how to assess continuously the effectivity of the mission's work. The aim of the mission was defined in article 2 of the joint action, so in the end these should be realized in order to EULEX become successful. To achieve the aim stated in the EULEX joint action, a move from the current state to the desirable state is necessary.⁴⁴ The starting point in case of EULEX was the EULEX PROGRAMME REPORT July 2009, in which the EULEX surveyed the situation – the weak and strong areas of the Kosovar rule of law – in Kosovo for the first time and made recommendations to correct the

³⁴ EULEX joint action. Article 7.2.

³⁵ EU Civilian Crisis Management, pp.35-36.

³⁶ EU Civilian Crisis Management, p.37.

³⁷ EU Civilian Crisis Management, pp.37-38.

³⁸ EU Civilian Crisis Management, p.38.

³⁹ EULEX joint action. Article 8 and 14.2.

⁴⁰ EULEX joint action. Article 12.

⁴¹ EULEX joint action. Article 16.2.

⁴² EU Civilian Crisis Management, p.33. EULEX joint action. Article 9.2.

⁴³ EU Civilian Crisis Management, p.34.

⁴⁴ Available at: <<http://www.eulex-kosovo.eu/en/tracking>> [Accessed on 3 February 2013]. However, current state is not equivalent with zero state. See EULEX Programme Report, 2009, p.7.

deficiencies. Practically these recommendations become Monitoring Mentoring and Advising Actions (briefly: MMA Action). According to the EULEX programmatic approach the substantive works need to be done by the Kosovar authorities based on the MMA action (principle of local ownership). The work of EULEX is to provide assistance, mentoring and monitoring the Kosovar authorities by preparing detailed and informative reports indicating the progress achieved under the given MMA action.⁴⁵

Examining the EULEX Programme Report 2012 it is interesting that – at least comparing it with the Special Report and the content of Dick Martin's report – none of the analysed areas are declared to have serious problems or downturn.⁴⁶ The slowest development and the lack of progress are recognized only on field of Department of Forensic Medicine. On police field it classes activities like tackling crime effectively, ensuring public orders and providing secure borders as the best. However, regarding the judges, public prosecutors and Ministry for Justice it states only a slow development as well as in the custom field. According to the programme report the Kosovar police improved a lot since the beginning of the mission and 18 MMA actions, which is 58% of the total number of active areas of development, were closed successfully.⁴⁷ It is important to emphasize that this development does not mean more and more effective becoming actions of the Kosovar police on field of criminal investigation, such as in fight against organized crime, but the establishment of systems and strategies for criminal investigation and preventing crime (for instance Crime Reduction Strategy, Victim Ethnicity Statistics, proactive drug strategy, enhancing the role of the Directorate of Crime Analysis).⁴⁸ Indeed, it is an outstanding performance that the Kosovar authorities succeeded in restructuring the police and creating a sustainable organisation instead of the UNMIK structure.⁴⁹

Regarding the Kosovar justice system the programme report 2012 speak about improvement. Bearing in mind its situation in 2009 the report declares that it was necessary to put the independence of the judiciary provided by law into practice during the daily activity.⁵⁰ Serious development to be reported are that due to the appointment and vetting process⁵¹ the nomination of the judges according to the new requirement system started in 2011–2012. The disciplinary responsibility system against judges became more operable compared with 2009 and the Regulation on the Evaluation of Performance of Judges was accepted on 24th February 2012.⁵² The small number of judges, their situation to be underpaid and the backlog of cases are further serious problems in Kosovo, as well as the lack of transparent case allocation system.⁵³ Unfortunately, the Kosovar justice system has several other problems, too (for example data protection, lack of place to hold a public hearing, insufficient reasoning in legal decisions,

⁴⁵ See the catalogue of the MMA actions in Kosovo. [pdf] Available at <<http://www.eulex-kosovo.eu/docs/tracking/2011-08-ACTION-FICHES-PUBLIC-new.pdf>> [Accessed on 3 February 2013].

⁴⁶ EULEX Programme Report 2012, p.7.

⁴⁷ EULEX Programme Report 2012, p.10. According to MR, Kosovo Police is second after KFOR which enjoys the biggest public trust in Kosovo. MR B.10.

⁴⁸ EULEX Programme Report 2012, p.11.

⁴⁹ EULEX Programme Report 2012, p.16.

⁵⁰ EULEX Programme Report 2012, p.20.

⁵¹ A procedure started by the UNMIK to reallocate the judicial and prosecutorial posts for applicants being high-qualified.

⁵² EULEX Programme Report 2012, p.20.

⁵³ EULEX Programme Report 2012, pp.21-22.

shortcomings in witness protection).⁵⁴ In case of prosecution the lack of institutionalized relationship between the police and the prosecution is the biggest problem.⁵⁵ The KCS (Kosovo Corrections Service) Prisoner Escort Unit could strengthen its capacity in 2011 thus the request for EULEX Prisoner Escort Group are continuously decreasing.⁵⁶

In customs field the improvement is substantial compared with 2009 but it has been reducing in some areas since July 2011. The legislation related to customs, the backlog of cases and the internal communication also have problems according to the latest EULEX programme report.⁵⁷

The programme report 2012 also refers to the EULEX reconfiguration process, which derives from the intensifying Kosovar dissatisfaction in connection with the effectivity of the mission. The changed mission are going to decrease its presence in Kosovo by 950 persons in the period between 2012–2014 and try to complement other EU activities to avoid overlappings.⁵⁸ Briefly worded, the mission will be in the future a complementary rule of law capacity builder. Its emphasized tasks will be mentoring the host rule of law institutions and to monitor and advise them beside the executive functions (in the fight against organized crime, corruption, war crimes and in legal disputes related to property and privatisation), besides supporting the dialogue between Belgrade and Pristina and the re-establishment of the rule-of law in North Kosovo.⁵⁹

5. The actual picture about the EULEX in the report of the UN Secretary-General. Dick Marty's report

The UN Secretary-General submits a report pursuant to Security Council resolution 1244 (1999) on the situation in Kosovo. The latest report made on 8 November 2012 ("Report") examines the UNMIK activity from 16 July 2012 to 15 October 2012. By virtue of the report on 10 September 2012, the Kosovar authorities and the International Steering Group, composed of States recognizing Kosovo, declared the end of the "supervised independence" of Kosovo and affirmed the Constitution of Kosovo as the sole legal framework.⁶⁰ It will not affect the mandate of the EULEX, bearing in mind the international agreement confirmed by the National Assembly of Kosovo extended the invitation of the EULEX by 14 June 2014.⁶¹ By virtue of the Report on 5 June 2012 the EULEX started its reconfiguration not affecting its tasks but its institutional structure and efficiency in its key areas, including the justice sector and its activity in Northern Kosovo.⁶² As having consequences on the EULEX,⁶³ it must be highlighted that on 14 September 2012 assemblies of the Belgrade-supported northern municipal structures declared that the northern municipalities and their residents would not recognize the independence of Kosovo in any form.⁶⁴ Speaking about the situation in Northern Kosovo, it can be illustrated for

⁵⁴ EULEX Programme Report 2012, p.22.

⁵⁵ EULEX Programme Report 2012, p.24.

⁵⁶ EULEX Programme Report 2012, p.26.

⁵⁷ EULEX Programme Report 2012, pp.30-32.

⁵⁸ EULEX Programme Report 2012, p.43.

⁵⁹ EULEX Programme Report 2012, p.44.

⁶⁰ Report, Para 6.

⁶¹ Report, Para 9.

⁶² Report, Para 8.

⁶³ Report, pp.12-13.

⁶⁴ Report, Para 10.

example by the event happened on 7 September 2012 in Zubin Potok when a police escort vehicle came under automatic gunfire.⁶⁵ It is important to mention that as of 12 August 2012 the EULEX replaced UNMIK in mediating between Kosovar Ministry of Justice and countries not recognising Kosovo in mutual legal assistance.⁶⁶

The Report contains the Report of the High Representative of the European Union for Foreign Affairs and Security Policy to the Secretary-General on the activities of the European Union Rule of Law Mission in Kosovo, too.⁶⁷ It reports that EULEX remained actively committed to support the European Union-facilitated Belgrade-Pristina dialogue.⁶⁸ The EULEX judges carry on with its activity to adjudicate cases related to war crimes.⁶⁹ Corruption is still said to be a severe problem in Kosovo. Let me refer to the latest scandals. On 31 July 2012, an EULEX prosecutor from the Kosovo Special Prosecution Office filed an indictment against 10 defendants, including the former president and four former judges of the Municipal Court of Pristina, three former District Court judges, a lawyer and a representative of a socially owned enterprise. The defendants are suspected of having been involved in 15 civil cases relating to property ownership claims against socially owned enterprises. On 20 September 2012, an indictment had been filed against the former prosecutor of the Special Prosecution Office of Kosovo of abusing of official position or authority.⁷⁰

One relatively new group inside the EULEX is the EU Special Investigative Task Force started forming in September 2011 and consisting of international staff only. Its task is to carry out a fair and independent criminal investigation into the war crime and organised crime allegations contained in Dick Marty's report.⁷¹ The MR stresses the connection between the Kosovar political elite and the organized crime.⁷² The statements made in MR are based on authentic sources.⁷³ The Kosovar authorities and the international community has been sharply criticised in MR saying such as tortures and organ trafficking carried out by the Kosovo Liberation Army (KLA) had not been investigated,⁷⁴ and crimes like these can still happen in Kosovo (see Medicus clinic case⁷⁵). The reason for the negligence in the performance concerning the above mentioned crimes was according to MR the longing of the international community in 1999 for peace and stability.⁷⁶ The international community failed to achieve any tangible results in the area of the organized crimes and corruption, claims the MR. A good example for it: a driver or cleaner worker for an international organisation or a foreign Embassy earns appreciably more than a police officer or a judge in Kosovo.⁷⁷ The MR acknowledges the results of the EULEX in investigating the above mentioned crimes as by now the detention places in Northern Kosovo

⁶⁵ Report, Para 16.

⁶⁶ Report, Para 26.

⁶⁷ At the first time in: Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo. S/2009/149. [report] 17 March 2009, Para 37. Available at: <http://www.un.org/ga/search/view_doc.asp?symbol=S/2009/149> [Accessed on 3 February 2013].

⁶⁸ Report, p.12.

⁶⁹ Report, p.14.

⁷⁰ Report, p.15.

⁷¹ Available at: <<http://www.sitf.eu/index.php/en/about-sitf>> [Accessed on 3 February 2013].

⁷² MR.B.176.

⁷³ MR B.23.

⁷⁴ MR A.6., 8.,B.71., 148.

⁷⁵ MR.B.168.

⁷⁶ MR A.10., B.5., 7.

⁷⁷ MR B.11.

turned out to be true where detainees had been tortured and killed.⁷⁸ However, the expectations towards EULEX are high in Kosovo requiring that it has to go after the “untouchables”. In this respect, EULEX is deemed a debtor.⁷⁹ This shortage is in connection with the fact that the ability to trace the missing persons fail as a consequence of the lack of cooperation between the Kosovar authorities – and Albania – and the EULEX. Therefore the working group headed by EULEX cannot be successful.⁸⁰ The MR called up EULEX to continue its task to investigate the above mentioned crimes.⁸¹

In the second part of the report called explanatory memorandum, Dick Marty reveals the observations of their investigations in details. This part of the MR specifically names one in the former leaders of KLA, Hashim Thaqi,⁸² who as the leader of “Drenice Group” took part in crimes described in MR, inter alia trade in heroin and other narcotics, moreover he had the first-rate responsibility for that.⁸³ The committed crimes and detention facilities were not rare cases but part of a crime network planned systematically and on purpose.⁸⁴ In the report discovered infringements came up firstly against the supposed collaborators during the detentions operated by KLA,⁸⁵ afterwards in the second term of detentions in connection with organized crime and international organ trade. In the second part of restraints the kidneys of prisoners were removed against their will after being killed.⁸⁶

6. The criticism of EULEX in the report of European Court of Auditors

The Special Report dated on 16 October 2012 contains that EULEX did not prove to be effective so far, met a great response in the media.⁸⁷ It has to be highlighted that critics in connection with the efficiency of the work of EULEX had already appeared before.⁸⁸

The Special Report examined whether the assistance from EU side was effective with regard to the rule of law, i.e. the EU has achieved its aim defined above and what was the impact of EU aid on police, justice, customs an anti-corruption policy in Kosovo.⁸⁹ The grounds of the Special

⁷⁸ MR A.11.,12., B.9.

⁷⁹ MR B. 8.

⁸⁰ MR A.17., 18. B.14.

⁸¹ MR A.19.2.1., B.19.

⁸² The current Prime Minister of Kosovo.

⁸³ MR 58. 66. 67.

⁸⁴ MR A.89., 98.

⁸⁵ MR B.103.

⁸⁶ MR B.136., 156., 162.

⁸⁷ Auditors say EU mission in Kosovo ineffective. By Vogel, T., 30 October 2012, 13:43 CET. Available at: <www.europeanvoice.com/article/2012/october/auditors-say-eu-mission-in-kosovo-ineffective/75543.aspx> [Accessed on 3 February 2013].

EU auditors says Kosovo aid ‘not sufficiently effective’. 30 October 2012, 19:15 CET. Available at: <<http://www.eubusiness.com/news-eu/kosovo-aid.kdb>> [Accessed on 3 February 2013].

Kosovo: EU aid for law and order criticised by auditors. 30 October 2012, 14:58 GMT. Available at: <<http://www.bbc.co.uk/news/world-europe-20138687>> [Accessed on 3 February 2013].

⁸⁸ ‘We Have Achieved Almost Nothing’ An Insider’s View of EU Efforts in Kosovo. [online] Available at: <<http://www.spiegel.de/international/europe/veteran-insider-provides-grim-account-of-eulex-efforts-in-kosovo-a-865650.html>> [Accessed on 3 February 2013].

⁸⁹ Special Report, p.5. II. p.14.

Report were documentary review, interviews and three on the spot survey.⁹⁰ The Special Report declared the EU assistance not effective enough in the area of the rule of law. Even in cases where results have been achieved, it could be done with delay and its durability is fragile. The progress in the field of the rule of law is slow, especially in the struggle against the corruption and organized crime.⁹¹ However, the Special Report admits that the European unsuccessfulness has been caused by the special circumstances in Kosovo, too.⁹² The European Court of Auditors drafted recommendations,⁹³ which did not pertain first of all the EULEX, but aimed at making the CSDP missions more effective in general (to name some of that: future CSPD missions should have legal personality;⁹⁴ European External Action Service should work with Member States to ensure that future CSDP missions operate with the full authorised number of staff and they are deployed for the necessary time period and have the appropriate skills to be effective). There are recommendations concerning concretely Kosovo and the EU activity in Kosovo in a broader sense (e.g.: the Council and Commission should ensure rule of law objectives for Kosovo are linked to concrete benchmarks against which progress can be assessed; the European External Action Service and Commission to improve their coordination, it should review Commission programming and procurement procedures to ensure they are responsive to EULEX's operational needs and prepare the exit strategy for EULEX).

As a matter of fact, in the struggle against the organized crime no relevant progress has been accomplished since the international community arrived to Kosovo. Investigating serious crimes cannot show results due to lack of experience of the staff and the political influence on the staff. In case of the fight against financial and economic crimes the Kosovar authorities proved to be also not effective.⁹⁵ The weak cooperation between the Council and the Commission, as in other EU crisis management missions, constitutes another problem in Kosovo.⁹⁶ Also regarding the justice system only gentle success has been achieved by the EULEX. The above mentioned vetting and re-appointment process did not proved to be a successful process, as 28 per cent of the judicial and prosecutorial posts remained vacant.⁹⁷ Furthermore, the Kosovar judiciary is still not capable of fulfilling its competences in cases such as organized crime, economic crimes, corruption and war crimes, because the staff is lacking in experience and is afraid of being threatened.⁹⁸ Additionally, the judicial system still cannot be deemed to be independent from politics.⁹⁹ This situation became even worse as the Kosovar National Assembly in August 2011 amended the respective law eliminating the majority of the EULEX judges in the special chamber of the Supreme Court.¹⁰⁰ The backlog of cases and the ambiguous case allocation system are also hampering the operation of an accountable justice system.¹⁰¹ On the other hand, the Special

⁹⁰ Special report, Para 18.

⁹¹ Special Report 5.p. III. Para 21., 30.

⁹² Special Report, p.5. IV. See also Grevi, p.361.

⁹³ Special Report, p.5.VI.

⁹⁴ In case of EULEX having no legal personality made EULEX not being capable of concluding a cooperation agreements. Special report, Para 32., 93.

⁹⁵ Special report, Para 30.

⁹⁶ Special report, Para 23-24. See the problems with regard to the new Border and Boundary Police intelligence system.

⁹⁷ Special report, Para 35.

⁹⁸ Special report, Para 37.

⁹⁹ Special report, Para 38.

¹⁰⁰ Special report, Para 38.

¹⁰¹ Special report, Para 39-40.

Report acknowledges the results of the EULEX in custom affairs in Kosovo.¹⁰² The Special Report assumes the corruption as one of the most serious problems in Kosovo where only limited performance had been rendered,¹⁰³ in the eyes of the Kosovar public as well.¹⁰⁴ This statement can be confirmed by the information provided by Transparency International and OECD.¹⁰⁵ Nevertheless, the Kosovar authorities made a huge contribution to the lack of results of the EULEX.¹⁰⁶ The Special Report is particularly embarrassed with regard to Northern Kosovo where almost no result has been achieved in the field of the rule of law due to the activity of EULEX. However, the Kosovar state can be also blamed in this regard for not being able to expand its sovereignty on the north part of Kosovo.¹⁰⁷ The work of EULEX judges and prosecutors is hindered by road blockades and by the Serbian law applied beside or instead of the Kosovar law in North Kosovo.¹⁰⁸

However, without the help of EULEX the Kosovar authorities currently would be unable to achieve any substantive steps in the field of rule of law because of lack of adequate financial resources, too.¹⁰⁹ In the Special Report's opinion the lack of effectivity of EULEX derives from the mandate of the mission to have not been clearly defined.¹¹⁰ There are also deficiencies in the coordination on the one hand between EU players and on the other hand between EU players and Kosovar authorities. In this regard the Joint Rule of Law Coordination Board and the EUSR (special representative of the EU) do not mean any significant improvement.¹¹¹ In recruiting staff, problems similar to the former crises management missions showed up, in 2010–2011 less applicants applied for six Calls for contributions from seconded positions than the vacancies to be fulfilled. Therefore at the time of finishing the Special Report the mission was operating at 75% capacity.¹¹² Regarding the staff problems came up not only related to its qualifications but to the frequency of the rotation thus in certain components of the mission labour force supply troubles could be observed.¹¹³ Finally the Special Report accepted six recommendations: objectives should be linked to more exact benchmarks by which progress can be evaluated, preparing an exit strategy of the EULEX by which the Commission can take over its tasks. Staff problems (qualification, rotation) has to be solved, legal personality has to be granted to crises management missions, the importance of rule of law has to be reflected in the staff allocation, finally the Council, the Commission and the European External Service (EEAS) have to ensure the cooperation with Kosovo will focus on the field of rule of law.¹¹⁴

¹⁰² Special report, Para 42.,44. Custom revenues increased from 527 million euro (2007) to 700 million euro (2010).

¹⁰³ Special report, Para 46., 50.

¹⁰⁴ Special report, Para 49.

¹⁰⁵ Special report, Para 51.

¹⁰⁶ Special report, Para 52-55.

¹⁰⁷ Special report, Para 56-57.

¹⁰⁸ Special report, Para 60.

¹⁰⁹ Special report, Para 55., 63.

¹¹⁰ Special report, Para 68., 73. I fully agree with this statement, it is a general deficiency of the EU crisis management missions. For further information see: Németh, Cs., 2013. Internationalization of democratic values and crisis management actions of the EU. *International conference on the occasion of 20th anniversary of the signing of the Treaty of European Union and 15th anniversary of the Constitution of the Republic of Poland*. Warsaw.

¹¹¹ Special report, Para 75-77., 83. Notwithstanding the positions of the EUSR and the head of the European Union Office has been unified which made the cooperation more smoothly.

¹¹² Special report, Para 87.

¹¹³ Special report, Para 88-90.

¹¹⁴ Special report, Para 45.

The EEAS and the Commission reacted to the criticism of Special Report, which can be found in its appendix of the Special Report (“Replies”). The Replies emphasize that the EULEX faces such a situation in Kosovo where neither the police nor the prosecutors are willing to fight against ministers, politicians, other high-positioned officials, former wartime commanders, prominent businessmen and intelligence services.¹¹⁵ Reflecting on the Special Report’s recommendations, the Replies states that the benchmarking system and the EULEX’s exit strategy has been already handled in the respective documents.¹¹⁶ The Replies agree that the concrete application of procurement procedures should be re-assessed. The Replies accepts the recommendation that CSDP missions should have legal personality and operational staff should be mobilised in an effective and efficient manner in order to adequately reflect its priorities and the workload involved in addressing them. The Reply acknowledges that the organized crime is a serious problem but the achievements should be stressed as well: between 2009–2011 the amount of the seized narcotics has been increased by 300 per cent.¹¹⁷ Kosovar authorities cannot fulfil its tasks concerning the witness protection. Instead of these authorities witnesses are protected by the EULEX Witness Protection Unit.¹¹⁸ The vetting and reappointment process has been a cornerstone event, the Replies say, even if all of the post had not been filled.¹¹⁹ The Replies highlights that despite having abolished the majority of the EULEX judges in the above mentioned special chamber of the Supreme Court, the EULEX judges are still in majority on its appeal level.¹²⁰ Backlog of cases is rather outside the mandate of the EULEX, so it does not concern the work of the EULEX judges.¹²¹ The case allocation system is an existing problem according to the Replies, too but it emphasizes the activity “Introduction of a transparent Case Allocation System” introduced by the EULEX addresses this problem.¹²² The Replies acknowledges the corruption being a ruling disease in Kosovo in many areas.¹²³ The Replies stipulates that the EULEX judges and prosecutors restarted their work in Mitrovica (North Kosovo) in February 2012.¹²⁴ According to the Replies the Joint Rule of Law Coordination Board and the fusion of the EUSR and the head of EU Office strengthened the coherence of the EU activity.¹²⁵ Launching the Structured Dialogue on rule of law started on 20 May 2012 serves also the cooperation with the Kosovar authorities. In sum, the Replies agrees the Special Report’s recommendations, but it emphasizes the special circumstances in Kosovo and the results having achieved so far by the EU. It adds also that many recommendations has been already implemented or are still in progress.

¹¹⁵ Replies of the Commission/EEAS to the special report of the European Courts of Auditors. “European Union Assistance to Kosovo related to the rule of law”. III. The Replies adds that no pardons had been granted in 2012 in cases of terrorism or inciting national or racial hatred. Replies, Para 65.

¹¹⁶ Replies, VI. Additionally, both EULEX 2012 CONOCPS and 2012 OPLAN point to a phasing out strategy. Replies, Para 81.

¹¹⁷ 96 kg of heroin and marijuana versus 276 kg. Replies, Para 30.

¹¹⁸ Replies, Para 33.

¹¹⁹ Replies, Para 35.

¹²⁰ Replies, Para 38.

¹²¹ Replies, Para 39.

¹²² Replies, Para 40.

¹²³ Replies, Para 51.

¹²⁴ Replies, Para 60.

¹²⁵ Replies, p.12.

Conclusions

I fully agree with the statement stipulated in Dick Mary's report: *"Truth and accountability are absolute necessities if there is to be genuine reconciliation and lasting stability in the region."*¹²⁶ The rule of law and stability are not definitions which exclude each other. To understand it will take a lot of time in Kosovo.

¹²⁶ MR.B.176.

EULEX DAMOCLES' SWORD IN NORTH KOSOVO: *DIS-EMBEDDEDNESS*

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Abstract

The European Union Rule of Law (EULEX) mission in Kosovo is the ever largest civilian operation deployed so far. It remains, however, that after almost four years of EU presence on the ground neither rule of law nor multi-ethnicity, as per EULEX's mandate, has been achieved in the north of Kosovo. The issue is not something marginal to the extent that a failure to bring about rule of law and multi-ethnicity there would imply heavy consequences for the stability not only of Kosovo but for the whole region. The current scenario is not encouraging at all. De facto the north of Kosovo keeps escaping Prishtinë/Priština's control and it is a proof of EULEX's fallacious in theatre commitment. This latter is to be attributed to various reasons. Firstly EULEX underestimated its embedded deployment into a context of de facto opposing nationalistic views between Albanians and Serbs; secondly it neglected that it does exist an intertwined relationship between rule of law and multi-ethnicity in Kosovo; thirdly it did not develop a strategy for the north. On the whole EULEX lacked of a holistic approach.

If its predecessor, the United Nations Administration Mission (UNMIK), ruling Kosovo for almost ten years was incapable of integrating the north expectations that the European Union (also) via its ever largest civilian operation would reach this goal were high. Unfortunately they have not been met so far. EULEX's main charge lies in that it missed the opportunity to remedy this situation with the consequence that Kosovo is still divided and far from a positive peace. EULEX has been merely equipped as a technical mission while the context, its mandate and the EU's overall responsibility in the youngest Balkan State are (were) indicative of the need over a holistic approach.

Are there any lessons learned? The assumption that exporting rule of law is a question of a rule-book simply to be reproduced elsewhere does not work into a high-ethno politicized environment like Kosovo. To be said in other words, it is highly improbable to achieve rule of law by solely co-locating lawyers, customs' officials and policemen who dictate how to rule. In the same way multi-ethnicity only if framed in official documents does not guarantee per se that it is to be achieved in the practise at the very hand. The holistic approach, briefly aforementioned, requires taking into account of three dimensions to be listed as follows: historical; geopolitical and common position. By failing to consider these three perspectives, EULEX's performance did not bring about the desired results because it did not develop a unitary strategy for the north.

* * *

Introduction

The European Union Rule of Law (EULEX¹) mission in Kosovo² is the ever largest civilian operation deployed so far. It remains, however, that after almost four years of EU presence on the ground neither rule of law nor multi-ethnicity, as per EULEX's own mandate, have been achieved in the north of Kosovo. The issue is not something marginal to the extent that a failure to reach this goal in this part of the country would imply heavy consequences for the stability not only of Kosovo but for the whole Western Balkan region. The current scenario is not encouraging at all. *De facto* the north of Kosovo keeps escaping Prishtinë/Priština's control and it is a proof of EULEX's fallacious *in theatre* commitment. This latter is to be partly attributed to EULEX's underestimation of its *embedded* role. On the whole EULEX lacked of a *holistic* approach. If its predecessor, the United Nations Administration Mission (UNMIK) ruling Kosovo for almost ten years, was incapable of integrating the north expectations that the European Union (also) *via* its ever largest civilian operation would (have) reach(ed) this goal were high. Unfortunately, they have not been met so far. EULEX's main charge lies in that it missed the opportunity to remedy this situation with the consequence that Kosovo is still divided and far from a *positive* peace. EULEX has been merely equipped as a *technical mission* while the context, its mandate and the EU's overall responsibility in the youngest Balkan State are (were) indicative of the need over an encompassing-oriented method. The assumption that *exporting* rule of law is a question of a rule-book simply to be reproduced elsewhere does not work into a high-ethno politicized environment like Kosovo. To be said in other words, it is highly improbable to achieve rule of law by *solely* co-locating lawyers, customs' officials and policemen who dictate *how to rule*. In the same way multi-ethnicity *only* if framed in official documents does not guarantee *per se* that it is to be achieved in the practise at the very hand. EULEX is (was) in need of a re-structure.

¹ EULEX has been deployed in December 2008. See Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law in Kosovo, EULEX KOSOVO L 42/92. *Official Journal of the European Union*, 16.2.2008.

² The term Kosovo means "blackbird" and it derives from the Serbian *Kos* which is blackbird, while – *ovo* is an adjectival ending. The western part of Kosovo is known to the Serbs as *Metohija* which derives from *metochia*, a Bizantine Greek word used for monastic estates, and which symbolizes the fact that many Orthodox monasteries were granted rich endowment here (i.e. farmland, vineyards and so forth) by Serb medieval rulers. Albanians by their side refused this term in consideration of a direct identification of the territory with Serbian Orthodox land-ownership. They referred to this part as *Rrafsh i Dukagjinit*, the "Dukagjin plateau". Dukagjin was a medieval Albanian ruling family which also gave its name to a large part of territory in northern Albania. The eastern part was referred to as Kosovo. The official name for the administrative unit of Kosovo under Tito was "Kosovo and Metohija" or simply "Kosmet". Over the different terminology used to refer to Kosovo, see Malcolm, N., 1993. Orientation: places, names and peoples. In: *Kosovo: A Short History*. London: Macmillan, p.3. In 1913, and after 500 years of Ottoman domination on the Balkans, Kosovo returned back to Serbia. It is part of that South-East Europe whose nowadays political situation's understanding necessarily passes through an acknowledgment of the 1912/13 Balkan wars. At that time Turks have been expelled from Europe and the gains had been split between Serbia, Bulgaria and Greece. In fact, only those populations who had already a State of their own were freed at the very end. Albanians, Macedonians, Slav Muslims and Balkan Turks were not taken into account from the "solution". The 1912/13 Balkan wars did not only bring to an end the Ottoman domination in Europe but they were also herald of a new kind of war. Namely, the war of those who were stocked by the idea of nation while avenging old injustices. Within this context, Serbs and Bulgarians inspired by their medieval kingdoms freed from the Ottoman occupier, stood by the idea that they should rise as nation states. Early in 1912 both populations, with the help of Russians, formed an alliance. Later Greeks and Montenegrins adhered to it as well. The strategic goal of Russians was not only the withdrawal of Turks rather the restriction of the Austria-Hungary's influence in the region (in 1908 Vienna annexed Bosnia).as well. In May 1913 the London Treaty marked the defeat of Istanbul and the end of the war. But for a short time. In fact, the agreement between the states of the Balkan League over the division of the war gains were kept deliberately unclear.

1. EULEX Three Rules of (UN-)Laws in North Kosovo: Un-Justice, Un-Police and Un-Customs. *Embeddedness* omitted.

The European Union Rule of Law (EULEX) mission in Kosovo is the ever largest civilian operation deployed so far and of the most expensive amounting to € 818 800 000³. EULEX is distinct from past CSDP⁴ operations in many ways. In the literature⁵ four main characteristics have been detected: first of all its size⁶ and the composition of its staff⁷; secondly, its mandate which is very large and it is the first fully integrated rule-of-law mission encompassing civil and criminal justice, police and customs⁸; thirdly EULEX is the first CSDP mission to be endowed not only with traditional tasks but with executive powers as well; fourthly, it is different from past CSDP missions because of its thorough programmatic⁹ approach.

Since August 2009 EULEX has been working with its local counterpart in the field of the rule of law with a view at making its own recommendations, contained in its 1st Programme Report, a reality on the ground. EULEX personnel together with its local counterpart follow(ed) a five-step process so that each recommendation can (could) become a concrete action¹⁰. As inherent part of this approach EULEX has released four Programme Reports so far¹¹ which assess the areas of strengths and weaknesses in its three main field of activities namely, police, justice and customs while making recommendations to the Kosovo local authorities on the possible corrective actions to be undertaken. The first EULEX Programme Report has been issued in July 2009 that is

³ For an overview on EULEX's financial reference amount to date, see Annex I EULEX Kosovo budget at the end of the paper.

⁴ The acronym CSDP stands for Common Security and Defence Policy, as it has been renamed in these terms by the Lisbon Treaty entered into force in December 2009. It is sufficient here to say that the CSDP is an integral part of the Common Foreign and Security Policy (CFSP) of the European Union.

⁵ See Grevi, G. et al. 2009. Chapter 21. EULEX Kosovo. The EU rule-of-law mission in Kosovo (EULEX Kosovo). Unique mission: distinctive challenges. In: G. Grevi, D. Helly and D. Keohane, eds. 2009. *European Union Security and Defence Policy. The first ten years (1999–2009)*. Paris: European Institute for Security Studies, October 2009, pp.360–361. It is a multi-authored publication issued almost one year after EULEX's deployment in Kosovo to serve as a *guide-book* for future CSDP operations while highlighting both their strengths and weaknesses. It examines the last ten years of the European Security and Defence Policy (ESDP), renamed by the Lisbon Treaty Common Security and Defence Policy (CSDP), while providing a detailed analysis of each CSDP mission, namely twenty-three, from the first operation in Bosnia to the naval operation off coast of Somalia.

⁶ With reference to its size, a wide range of horizontal tasks have been centralized in Prishtinë/Prishtina. They include programming, procurement, personnel, training and best practices, human rights and gender policies, anti-corruption, communication and outreach to civil society and NGOs. EULEX staff as of 15 June 2012 comprises an international staff of 1178 and a local staff of 975 for a total of 2153 personnel. Figures are also provided in terms of gender (international staff/male = 950; local staff/male = 661, for a total of 2,175; international staff/female = 228; local staff/female = 314, for a total of 542). No specification is made to the various ethnicities. See EULEX Kosovo [online] Available at <<http://www.eulex-kosovo.eu/en/info/StaffInfo.php>>

⁷ EULEX is the first CSDP mission comprising US personnel.

⁸ Concerning the custom component, it is to be pointed out that it is the first time for an EU CSDP operation to deal with this specific field.

⁹ The concept of programmatic approach is strictly linked to that the purpose of the mission is built around a set of aims and strategic objectives. In the specific, EULEX's mission statement refers to six main aims: assistance to the Kosovo authorities, judicial authorities and law enforcement agencies in their progress towards sustainability, accountability, multi-ethnicity, freedom from political interference, and compliance with internationally recognized standards and European best practices. EULEX's mission statement contains reference to Kosovo's process of reform to the extent that its goal is to move Kosovo's police, justice and customs from their "current state" to a more "desirable state". Furthermore, it is to be pointed out that EULEX's programmatic approach aims at enabling the concerned relevant Kosovo authorities to make changes themselves rather than relying on an international presence doing their job.

¹⁰ For an overview of this five-step approach see Annex II at the end of the Chapter.

¹¹ Time of writing end of January 2013.

almost two months after EULEX's full operational capacity¹² on the ground. A cross-sectional analysis of its data¹³ reveals that among various indicators¹⁴, the gender/ethnic¹⁵ mix was the poorest one in 18 Kosovo Police departments¹⁶, good in 4 police departments¹⁷ and satisfactory in one sole police department¹⁸. In brief, the starting point of EULEX's work clearly showed how fragile was the ethnicity component. The same mandate of EULEX makes explicit that the mission is also committed with the task of *further strengthening and developing multi-ethnicity*¹⁹, while contributing to the rule of law, although limited to its three areas of intervention²⁰. However, no direct mention to the situation in the north of Kosovo is to be met in the 2009 EULEX's Programme Report notwithstanding its peculiar status which would (have) ask(ed) for targeted priority policies. An analysis of EULEX's activity, carried out on the basis of an assessment of the situation on the ground²¹, clearly portrays that after almost four years since its deployment neither rule of law nor multi-ethnicity have been *de facto* achieved Kosovo-wide. In the specific, they have been both missed in the north of the country. This is not something marginal because in so far the situation in the north of Kosovo will not be settled the stability of the whole country and the entire region will be undermined.

In July 2010²² EULEX published its second Programme Report which contains some reference to the north of Kosovo by stating that the situation in Mitrovicë/Mitrovica is not satisfying. As a matter of fact Kosovo-Albanian judges for security reasons are, as per the reporting period, located in the premises of the municipal court Vushtri/Vučitrn where they deal with pre-trial issues exclusively. In addition, it was not possible to get two Serbian judges assigned to the district court Mitrovicë/Mitrovica in order to reach balance amongst the judges. EULEX considered as a solution the appointment of two Serbian judges, who are still under UNMIK contract but do not work anymore in Kosovo. However, the same two judges were in the meanwhile also under contract as judges in Serbia. In addition, although Serbia was willing to discuss over the possibility to grant them special leave and sending them to work in

¹² EULEX achieved its fully operational capacity on April 2009.

¹³ See EULEX Programme Report, July 2009.

¹⁴ I.e. staffing structure, role definition and training; facilities and equipment; Law/Policy Procedure Manual (PPM)/Standard Operating Procedures (SOPs); managing abstractions; managing compliance; managing performance/work quality; planning activities; use of intelligence/statistics; capacity and willingness to proactively detect crime; relations with the Public Information Office (PPO).

¹⁵ For the purpose of this paper the focus will be on the ethnicity indicator only.

¹⁶ Namely in the Directorate Crime Analysis; Directorate Organized Crime/Crime; Directorate Major Crime (Crime); Economic Crime and Corruption Investigation Section (ECCI) Crime; Trafficking Humans Crime; Regional Crime Squad Crime; Station level operations; Specialised Units Department Operations; Improvised/Explosive Ordinance and Devices Unit (I/EOD); Regional Operations Support Units (ROSU Ops); Boundary Crossing Points (BCP) & Mobile Teams (MT) East Border; KP BRQN; BCPs & MT North Border; Airport Border; personnel and training; Budget and Financing Directorate; Support Service; Logistics (Support services); IT & Comms Dir. (Support Services); Regional Administrative Units Support Services.

¹⁷ I. e. the Forensic Directorate Crime; Department Community policing (Ops); Traffic Directorate (Ops.); Regional HQ East Border.

¹⁸ In the Regional HQ West Border.

¹⁹ The definition *further strengthening and developing multi-ethnicity* is broadly defined under the mission's mandate, thus leaving an ample margin of *manoeuvre* on *how* (in terms of tools and actions) this is (was) to be carried out in practice.

²⁰ Namely police, justice and customs.

²¹ For the purpose of this paper, the author has deliberately decided to omit the detailed description of the events, she carefully followed via the media starting from the escalation of violence in summer 2011, over the developments in the north of Kosovo. The intention is to refer to the precarious circumstances in this part of the country while highlighting EULEX's in-action to effectively address them.

²² See EULEX, European Union Rule of Law Mission Kosovo. *Building Sustainable Change Together*. July 2010.

Mitrovicë/Mitrovica, this solution was not accepted neither by the President of Kosovo nor by the Kosovo Judicial Council (KJC). These examples clearly show the challenges local judges, prosecutors and defence counsellors working in the judiciary are facing in a high-ethno politicized environment. In the same Mitrovicë/Mitrovica the justice system does not properly work because of the specific situation. This is a clear demonstration that from one hand this concept of rule of law, as narrowly developed by EULEX, does not work in a distinguishing context like Kosovo, as does the *multi-ethnicity* notion limited to its three main areas of intervention namely police, justice and customs. All these factors, as briefly aforementioned, shed light over the need from one hand of a re-conceptualization of both rule of law and multi-ethnicity, and from the other hand of a new operational practice to be set up when a civilian mission, EULEX-like, is deemed to be deployed into a high-ethno politicized environment, with a rule of law mandate, while committed to further develop and strengthen multi-ethnicity. Both the re-conceptualization and the operational practice issues refer two different levels of intervention. The former asks for looking at rule of law not solely in terms of intervention to be carried out in the field of police, justice and customs but to broaden the perspective society-wide. The European Union should become aware that rule of law and multi-ethnicity *are not exportable items* to be easily applied anywhere. Neither is rule of law to be conceived as a kind of rule-book which dictates on *how* to rule, nor is multi-ethnicity to be confined to the three areas of EULEX intervention namely police, justice and customs by erroneously assuming that this would be *per se* contribute to a multi-ethnic society. Once the re-conceptualization of both rule of law and multi-ethnicity has taken place, one would realize that a civilian mission EULEX – like lacks of the necessary equipment for properly addressing both aspects into a high ethno-politicized environment. This said what is required is a different structure of future civilian missions endowed with similar characteristics, in terms of mandate and place of deployment, as EULEX. Is 12% ethnic minority representation in Kosovo Customs Human Resources, as referred to in the July 2010 EULEX Programme Report, a proof that multi-ethnicity has been achieved? Is the re-integration of Kosovo Serbs in the rule of law system and their increasing participation in the work of Municipal Community Safety Councils (MCSCs²³) an indication of ethnic reconciliation? As for the 2009 Report, the 2010 and 2nd EULEX Programme Report does not contain reference to the north Kosovo issue as well.

In 2011 EULEX disclosed its third Programme Report²⁴, whereas it is referred to that the Kosovo Police Crime²⁵ has improved the desired state of accountability and *multi-ethnicity via* the draft and implementation of a Standard Operating Procedure (SOP)²⁶ for the recording, the collection, and the collating of data on the ethnicity of victims of crimes and instances of crime which are likely to be ethnically motivated. However, multi-ethnicity is here intended to as clear detection, collection and recording of ethnically motivated crime. Is this *further strengthening and developing multi-ethnicity* while contributing to the rule of law? The argument is that this approach to

²³ In the reporting period, time of the July 2010 EULEX Programme Report, the opening of a MCSC in the municipality of Klllokot-Vërboc/Klokot Vrbovac, a majority Kosovo Serb area, took place. The set-up of MCSCs in all Kosovo municipalities is required by law and they should hold discussions among municipal authorities, Kosovo Police and civil society stakeholders on security issues. They foresee the inclusion of representatives of all ethnic communities living in a municipal territory.

²⁴ See EULEX Programme Report 2011, *Boistering the Rule of Law in Kosovo: A Stoke Take*.

²⁵ However, the Department of Organized Crime still lacked a viable witness protection system, as well as the necessary legal and institutional infrastructure.

²⁶ The SOP defines the categories of victim ethnicity in all forms of recorded crime across Kosovo.

multi-ethnicity is one aspect but is not enough for achieving a truly multi-ethnic society. This is even truer if we agree that *multi-ethnicity* and *rule of law* in Kosovo are two strictly inter-related concepts. In the same 2011 EULEX Programme Report, and with reference to the minority issue in the judicial field, it is stated that only one-third of the judicial positions²⁷ for non-majority communities have been filled. During the reporting period, Kosovo Police's restructuring²⁸ process has been registered at the central level but not in the north of Kosovo. However, because of still weak contacts between KP investigators and Public Prosecutors Officials (PPO), with inadequate channels of communication and lack of joint databases, EULEX worked for instilling a sense of common belonging²⁹ to Kosovo's common justice system in police investigators and prosecutors. A positive step detected by the 2011 EULEX Programme Report concerns the development and introduction of a strategy for downsizing the overall level of crime and of certain key crimes together with the adoption of Standard Operating Procedures (SOPs) for defining categories of crime and record victim ethnicity in Kosovo Police³⁰ crime reports. With reference to the border and boundary management cooperation with neighbouring countries, EULEX 2011 Programme Report evidenced that this was assessed in an *ad hoc* manner and lacked clear structures. At this purpose, the European Commission³¹ equipped the boundary and border Kosovo police with adequate IT equipment. However, at the border with Serbia the situation is still not satisfying so far. Such poor performance should guide the EU and EULEX to re-consider the way they attempt at addressing rule of law (and multi-ethnicity) in sensitive scenarios such as Kosovo. EULEX 2011 Programme Report, evidenced an enhanced patrol management *via* the inclusion of local community's consultations *fora* (Municipal Councils for Safety Communities), as well as the improvement of border and boundary management through the deployment at all Border Crossing Points (BCPs) and Regional Command Centres (RCCs) of hardware and software system. Kosovo Police's network connection with reference to databases (i.e. passports, ID cards and vehicle registration) has been successfully transferred from the Central Registry Agency (CRA) to the KP and consequently tested and implemented but this did not occurred in the north of the country. In July 2011 the whole Kosovo Police's structure was ready. Following EULEX's recommendations, the Kosovo government adopted the Strategy and

²⁷ As of the EULEX Programme Report 2009, an insufficient integration of minority communities (and female staff) in the Kosovo judiciary had been detected.

²⁸ The merging of the Border Surveillance and Border Control departments into a single department, as well as the establishment of a Department for Integrated Border Management (IBM) has taken place.

²⁹ No description of the detailed actions undertaken thereof are provided by the EULEX Programme Report 2011.

³⁰ Shortcomings in the Kosovo Police have been identified as well, such as the lack of a criminal intelligence throughout the Kosovo police and the lack of adequate SOPs for gathering information and for handling the use of intelligence in all KP sectors, departments, regions and units. In terms of restructuring of the KP, the Directorate for Economic Crime and Corruption (DEECI) lacked proper equipment and needed further improvement. Concerning the former, as per the reporting period, six regional anti-corruption offices had been set up and they comprised 13 prosecutors and 20 police officials committed to investigate both old and new cases. With reference to the latter, advanced training was required in the following fields, namely public procurement, financial investigation techniques, investigating criminal assets and money laundering.

³¹ In fact, the European Commission Liaison Office (ECLO) launched, under the Instrument for Pre-Assistance (IPA) 2010, a supply contract for the upgrading of the KP infrastructure, mainly with reference to the KP Information System containing modules of incidents, lost documents, traffic accidents, wanted persons, weapons, property and modules of advanced searching and digital mapping. The same contract foresaw the upgrading of the Criminal Intelligence System which is used to support the inter-sector cooperation in the collection, collation, evaluation, analysis and discrimination of criminal intelligence data, as well as the training of KP staff for the use of the upgraded systems. The project was expected to start at the end of 2011.

Action Plan against organized crime 2009–2012.³² EULEX monitoring, mentoring and advising activities were also addressed to the KP department of public services which was required to complete the training curriculum for KP financial managers; to set up and distribute new standardized forms to regions so as to manage cash flow, capital projects, and other goods and services expenditure, together with formats for monthly, quarterly, six-month and annual reporting of expenditures. On the basis of EULEX's recommendations the KP also set up and developed a vehicle fleet management system comprising budget management, procurement, life-cycle management, maintenance and repair. In the same period the Kosovo Judicial Council³³ (KJC) had been set up and was developing a system, for the appointment of judges, in conformity with the Independent Judicial and Prosecutorial Council³⁴ (IJPC)'s guidelines and procedures. EULEX was committed with monitoring compliance of the KJC with European best practices. EULEX also monitored the first Kosovo-wide elections, held as of July 2011, and on which occasion the judges of the first instance court elected directly and by secret ballot two members to become their representatives to the KJC. In the same year a set of new laws (i.e. law on courts, law on Kosovo Judicial Council and law on Kosovo Prosecutorial Council) has been adopted. As a positive step it is to be mentioned the opening of court information points³⁵, where local citizens can address their requests without discussing cases directly with Kosovo judges³⁶. The KJC set up an Audit Committee for overseeing and providing strategic guidance to the finance, budget and procurement offices with the goal of guaranteeing compliance with the law, enhancing transparency and accountability. As per the reporting period, the Case Management Information System (CMIS)³⁷ within the KJC is still carried out unequally in courts and the judiciary, as a whole, met budget limitations and it was reliant on international donors³⁸.

³² The strategy and action plan here referred to provide for the draft strategy for enhancement of the Directorate against Organized Crime (DOC) which should guide the DOC at more proactively investigating organized crime.

³³ The Kosovo Judicial Council is the highest body of the Kosovo judicial system. It is a fully independent institution which shall guarantee the independence and impartiality of the judicial system of Kosovo. While carrying out its functions, the KJC shall ensure that the Kosovo courts are independent, professional and impartial and fully reflect the multi-ethnic character of the Kosovo society and follow the principles of gender equality. For more information about the Kosovo Judicial Council and its functions visit the official website. Available at: <<http://www.kgjk-ks.org/?cid=2,2>>

³⁴ As of 2009 the recruitment of judges and prosecutors was conferred upon an independent Judicial and Prosecutorial Council (IJPC), funded by the EU and the US government. The appointment procedure comprised three main steps: (1) selection of judges for the Supreme Court, and prosecutors for the offices of the State Prosecutor and Special Prosecutor; (2) selection of judges for the District Courts, the Commercial Court, the High Court for Minor Offences, and District prosecutors, and (3) selection of municipal judges and prosecutors.

³⁵ Public information offices have been established in Gjakovë/Dakovica, Viti/Vitina, Ferizaj/Urosevac and Lipjan/Liplja, Rahovec/Orahovac, Malishevë/Malisevo and Skenderaj/Srbica.

³⁶ As of 2009 EULEX noticed the habit of the members of the public to discuss ongoing cases with the President of the Court or other judges which, in fact, is in conflict with the notion of independent and impartial proceedings. It also acknowledged that the Official gazette was largely missing in courts and the access to the Official Gazette online was hindered because of internet connection problems. Furthermore, practices of asking public interested for attending a trial to submit a so-called "request for main trial attendance" several days before the hearing and subject to approval before the court president neither conforms with Kosovo legislation, nor to EU best practices and international human rights. EULEX also realized of missing or wrong stamps being used in judgments, name of the judge in charge missing in the main registry book and systematic non-summoning of the parties.

³⁷ As of 2009 the CMIS was not integrated into the daily operations of Kosovo Courts and Prosecution Offices and it was not in use also because the computers were incompatible with the software.

³⁸ I.e. for the funding of capital investments such as court renovations supported by USAID and key supplies such as computers supported by the Royal Norwegian embassy. The KJC undertook a number of projects so as to build and renovate courts, which have been included in the budget projections 2012–2014.

Furthermore, Kosovo judges and prosecutors were targets of threat within and outside court buildings and on the whole the Kosovo judicial system is not functioning in the north. Such outcome was something to be expected in so far the Kosovo Judicial Council has been established in conformity with UNMIK Regulation No. 2005/52³⁹ on the establishment of the Kosovo Judicial Council. At the time of the UNMIK administration, the KJC was under the supreme authority of the Special Representative of the Secretary General. By following UNMIK's reconfiguration process as of June 2008, and its progressive withdrawal Kosovo-wide, with EULEX taking over its past functions and endowed with an enhanced role, the KJC is under the monitoring, mentoring and advising powers of EULEX judges and prosecutors. In consideration of the analysis and the following *via* the media of the situation in the north⁴⁰, it is a fact that the judicial system is not operating in the north of Kosovo⁴¹.

Without doubts one of EULEX's main incongruences, namely its absurd status-neutrality as well as its deployment in conformity with UNMIK resolution 1244 (1999), had (and is still having) tangible negative effects on its daily activities in this part of the country, where Kosovo-Serbs look at UNMIK has the only legitimate interlocutor, while they oppose EULEX's presence on the ground. The assumption that by deploying EULEX judges and prosecutors tasked to monitor, mentor and advice the local counterpart, namely in the north, would have enabled the justice system to step up proved completely wrong. Had EULEX, since the very beginning, duly considered the peculiar context of its deployment, namely what I label its *embeddedness*, it may have re-conceptualized rule of law and multi-ethnicity and established a new operational practice, as suggested in the previous pages.

In 2011 the Kosovo Customs Service (KCS) became an autonomous entity able to train its own staff, which resulted in an increase of detection and confiscation of smuggled goods. EULEX by its side organized a foral mentoring programme for the KCS, so as to help improving the management of human resources, as well as the administration of detention centres and prisons. In the north, however, the KCS is not properly functioning. It is a young administration endowed with a department already collecting 70% of government revenue. EULEX Customs Component (CC)⁴² is committed, since its deployment in December 2008, to monitor, mentor and advice its local counterpart while contributing to the establishment of an efficient customs service which plays a key role in a country's own economy.

³⁹ See United Nations Regulation No. 2005/52 on the establishment of the Kosovo Judicial Council, UNMIK/REG/2005/52, 20 December 2005.

⁴⁰ Field interviews to EULEX personnel in Kosovo, and mainly in the north, are foreseen to be carried out in summer 2013.

⁴¹ On the official web-site of the Kosovo Judicial Council is not possible to get information on the location of court buildings in Kosova, time of writing end of January 2013. Available at: <<http://www.kgjk-ks.org/?cid=2,2>>

⁴² At the time of writing, end of January 2013, EULEX CC has 76 international and 30 national staff. EULEX disposes of a number of mobile teams working with the Kosovo Customs Flexible Anti-Smuggling Teams (FATs) at Kosovo's Border Crossing Points (BCPs). Important changes took place in November 2010 when mobile teams have been decentralized from Prishtinë/Priština and two new bases have been established in Prizren and Pejë/Peć and a third opening in Mitrovicë/a. Concerning the north of Kosovo, it is to be pointed out that EULEX is present there via its Customs component since the launch of the mission at Gates 1 and 31. But the turbulent events erupted in the summer 2011, and still going on, clearly show the much troubled EULEX's position in this area.

As for the two rule of law institutions aforementioned, the Kosovo Police⁴³ is not working in the north of Kosovo as well. This is not a question of coincidence but it is an issue strictly linked to the concept of *embeddedness omitted* referred to in the previous pages. Since its launch in December 2008 EULEX police officers assist their local counterpart while working towards a multi-ethnic police which is free from political interference. By sticking to the ownership concept, EULEX mainly acts in a supportive role, while being endowed with some corrective powers. The north of Kosovo remains isolated from the rest of the country so far, where neither a Kosovo Police, nor a Kosovo Justice and a Kosovo Customs system are fully operative. The argument is that *technical issues* are not *per se* conducive either to rule of law or to multi-ethnicity. If it is to be agreed with that EULEX is distinct from past EU CSDP operations, as it has been clearly pinpointed in the literature mentioned above, it is also to be stressed that due to its distinctiveness this civilian mission should have been differently equipped, in terms of personnel and tools, because of its *embedded* role. Furthermore, whether the north of Kosovo is the relict of an unsettled UNMIK's issue, was not EULEX, in force of its enhanced role, entrusted with the task of contributing to rule of law and multi-ethnicity Kosovo-wide? After almost four years of deployment and in consideration of the existence of a *de facto* no man's land in this part of the country, it is to be questioned what is (has been) EULEX added value?

The fourth, and so far⁴⁴ last, EULEX Programme Report has been issued on 5th of July 2012. It portrays the work done by EULEX and its local counterpart since the launch of the mission in December 2008, while also pinpointing the strategic areas the mission should focus on in the near future. In the foreword to the 2012 report, the then Head of Mission Xavier Bout de Marnhac mentions one core issue by arguing that "*Rule of Law is not solely responsibility of those, who work in police, justice and customs. Rule of Law is something that all of us can have a positive impact on.*"⁴⁵ The situation in the north of Kosovo clearly reflects from one hand this concept of rule of law, and from the other hand the in-ability of EULEX, as it structured, to effectively address it. The EULEX Programme Report 2012 portrays the developments achieved in the rule of law area (police, justice and customs) by comparing years 2010 versus 2009, 2011 versus 2012 and 2012 versus 2011. The picture reflects a situation whereas considerable improvements have been met in the police field, while the justice and customs sectors are still affected by shortcomings. Concerning the police area the sole positive reference to (multi-)ethnicity refers to the so-called victim ethnicity statistics, namely the possible identification of crime based on ethnicity. There is no mention to north Kosovo.

⁴³ The Kosovo police is divided into the following departments' areas: Prizren, Ferizaj/Urosevac, Gjilan/Gnjilane, Prishtinë/Priština, Pejë/Peć and Mitrovicë/a. In specific, its departments are the following: department of public order; department against crime; department of border; department of support services; department of administration and personnel; crime laboratory centre. At the time of writing, end of January 2013, EULEX Police component is made up of approximately 1,400 international police officers deployed Kosovo-wide. EULEX Component comprises three departments: Strengthening Department, Executive Police Department and Special Police Department. For more details on Kosovo Police visit the official web-site. Available at: <<http://www.kosovopolice.com/?page=2,19>>

⁴⁴ Time of writing end of January 2013.

⁴⁵ See *Foreword by the Head of Mission*. In: EULEX Programme Report 2012. Rule of Law beyond the Headlines: 5. [report] Available at <http://www.eulex-kosovo.eu/docs/Accountability/2012/EULEX_Programme_Report_2012-LowQuality.pdf> [Accessed on 18 September 2012] (Emphasis added).

2. EULEX in North Kosovo: *Dis-embedded technician*

EULEX's poor performance in the north of Kosovo is strictly linked to the *embeddedness* concept referred to in the previous pages and lies on the consideration that the EU's ever largest civilian mission suffers from its own contradictions. An additional hindrance to its smooth functioning is linked to its hierarchical and purely technical structure as well.

Under the letter of its mandate⁴⁶ "EULEX KOSOVO shall assist the Kosovo institutions, judicial authorities and law enforcement agencies in their progress towards sustainability and accountability and in further developing and strengthening an independent multi-ethnic justice system and multi-ethnic police and customs service, ensuring that these institutions are free from political interference and adhering to internationally recognized standards and European best practices."⁴⁷ While carrying out its tasks, EULEX Kosovo is deemed to "monitor, mentor and advice the competent Kosovo institutions on all areas related to the wider rule of law (including a customs service), whilst retaining certain executive responsibilities."⁴⁸ After almost four years of its deployment neither a multi-ethnic justice system, nor a multi-ethnic police and customs service have been achieved in the north of Kosovo. This is not something marginal to the extent that in so far the *northern issue* will not be settled the stability of the whole country and the region is going to be undermined.

In terms of structure⁴⁹ EULEX presents a far complex hierarchy. At strategic level the Civilian Operation Commander⁵⁰ COC), acting under the political control and strategic direction of the Political and Security Committee (PSC⁵¹), exercises command and control of EULEX Kosovo at strategic level and he shall ensure proper and effective implementation of the Council's decisions, together with the PSC's decisions, while issuing, when it is deemed necessary, instructions to the Head of Mission and providing him with advice and technical support. He shall also consult with

⁴⁶ For EULEX's mandate, see Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX Kosovo, L 42/92 *Official Journal of the European Union*, 16.2.2008.

⁴⁷ See Article 2 *Mission Statement*, Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX Kosovo, L 42/92 *Official Journal of the European Union*, 16.2.2008.

⁴⁸ See Article 3 *Tasks* (para. a), Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX Kosovo, L 42/92 *Official Journal of the European Union*, 16.2.2008.

⁴⁹ For a map on EULEX's structure, see Annex III at the end of the paper.

⁵⁰ The Civilian Planning and Conduct Capability Director (CPCC) is (to be) the Civilian Operation Commander for EULEX Kosovo. For the duties and tasks of the Civilian Operation Commander, see Article 7 Civilian Operation Commander, CJA/124/CFSP, *in ibidem*. While carrying out his duties, the Civilian Operation Commander shall report to the Council through the HR/SG, renamed High Representative of the Union for Foreign Affairs and Security Policy with the entry into force of the Lisbon Treaty in December 2009. The Civilian Planning and Conduct Capability (CPCC) is mandated to plan and carry out civilian Common Security and Defence Policy operations; to provide assistance and advice to the High Representative of the Union for Foreign and Security Policy, the Presidency and the relevant EU Council bodies and to direct, coordinate, advise, support, supervise and review civilian CSDP operations. The CPCC closely works with the other crisis management structures within the European External Action Service and the European Commission. At the time of writing, end of January 2013, the Director of the Civilian Planning and Conduct Capability is the German Hansjörg Haber. The CPCC was established in August 2007 in the General Secretariat of the Council and it reached its full operational capability in November 2008. For more information on the CPCC visit the web-site. Available at: <<http://www.consilium.europa.eu/eeas/security-defence/csdp-structures-and-instruments/cpcc?lang=en>>

⁵¹ The Political and Security Committee (PSC) acts under the authority of the Council and it shall report to the Council at regular intervals, see Article 12 *Political control and strategic direction* (para. 3) CJA 124/CFSP/2008, *in ibidem*. In addition, it is to be pointed out that the PSC is to receive, on a regular basis, and when it is deemed so necessary, reports by the Civilian Operation Commander and the Head of Mission. See Article 12 (para. 4) *in ibidem*.

the European Union Special Representative⁵² as required. An additional task of the Civilian Operation Commander which deserves attention is that he contributes to the identification of EU best practices in the field of rule of law⁵³. Since the launch of EULEX Kosovo⁵⁴ until now⁵⁵ two Civilian Operations Commanders⁵⁶ have succeeded in this role while being in charge of command and control at strategic level of EULEX Kosovo, three Head of Mission⁵⁷ and two EUSR⁵⁸. This aspect relates to the turn-over issue very usual in any peace operation, either military or civilian, the EU should properly address while establishing a minimum of five (or six)-years term for enabling a certain continuity of action.

If the CoC is responsible of command and control at strategic level, the Head of Mission (HoM) is responsible of EULEX Kosovo at theatre level and in the course of his activities, “[he] shall exercise command and control over personnel, teams and units from contributing States as assigned by the Civilian Operation Commander together with administrative and logistic responsibility over assets, resources and information placed at disposal of EULEX KOSOVO. [...]”⁵⁹ In addition, “The Head of Mission shall issue instructions to all EULEX KOSOVO staff, including in this case the support element in Brussels, for the effective conduct of EULEX KOSOVO in theatre, assuming its coordination and day-to-day management, and following the instructions at strategic level of the Civilian Operation Commander.”⁶⁰ One important task is that “The Head of Mission shall represent EULEX KOSOVO in the operations area and shall ensure appropriate visibility of EULEX KOSOVO.”⁶¹ In fact, such goal has been missed in the north so far. While carrying out his duties, the HoM is assisted by a Senior Mission Security Officer (SMSO)⁶² who is deemed to report to the HoM, as well as to keep close relationship with the Security Office of the General Secretariat of the Council. In addition, the HoM is deemed to appoint Area Security Officers⁶³ in the regional and local EULEX Kosovo locations, who acting under the authority of the SMSO, are responsible for the daily management of all security aspects concerning EULEX Kosovo.

⁵² Pieter Feith has been the first EUSR in Kosovo and he was also the International Civilian Representative chairing the International Civilian Office (ICO). On 10th September 2012 the ICO has been closed down. At the time of writing, end of January 2013, the EUSR is Samuel Žbogar. The legal basis for appointment of the European Union Special Representative is Council Joint Action 2008/123/CFSP of 4 February 2008 appointing a European Union Special Representative in Kosovo, L 42/88 *Official Journal of the European Union*, 16.2.2008.

⁵³ However, it is not specified in his own mandate what this exactly means.

⁵⁴ EULEX Kosovo has been deployed in conformity with CJA 124/2008/CFSP on 9 December 2008.

⁵⁵ Time of writing end of January 2013.

⁵⁶ Kees Klompenhouwer (Dutch) was working as EULEX CoC from 1st May 2008 until March 2011, and Hansjörg Haber (Germany) taking over his duties on March 2011. See Council of the European Union, Javier Solana, EU High Representative for the CFSP, welcomes the appointment of Kees Klompenhouwer as EU Civilian Operations Commander, S 167/08, Brussels, 14 May 2008. [pdf] Available at: <http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/EN/declarations/100361.pdf> [Accessed on 28 January 2013] European Union. *High Representative Catherine Ashton makes three senior appointments in European External Action Service*, A 128/11, Brussels, 28 March 2011.

⁵⁷ EULEX has had three HoMs so far: Yves de Kermabon (France), Xavier Bout de Marnhac (France) and on the 1st of February 2013 the new Head of Mission of EULEX Kosovo is Bernd Borchardt (Germany).

⁵⁸ The first EUSR was the Dutch diplomat Pieter Feith who has been succeeded by Samuel Žbogar.

⁵⁹ See Article 8 *Head of Mission* (para.2), Council Joint Action 124/CFSP/2008, *in ibidem*.

⁶⁰ See Article 8 *Head of Mission* (para.3), Council Joint Action 124/CFSP/2008, *in ibidem*.

⁶¹ Article 8 *Head of Mission* (para. 7), Council Joint Action 124/CFSP/2008, *in ibidem*.

⁶² Article 14 *Security* (para. 3) Council Joint Action 124/CFSP/2008, *in ibidem*.

⁶³ See Article 14 *Security* (para. 4) Council Joint Action 124/CFSP/2008, *in ibidem*.

In terms of personnel, EULEX Kosovo comprises seconded staff⁶⁴ whose cost are borne by the sending Member State or institutions, including travel expenses to and from the place of deployment, salaries, medical coverage, and allowances other than daily ones⁶⁵. It “[...] (may) also recruit(s), as required, international and local staff on a contractual basis”⁶⁶. In addition, third states may participate in the mission as well. It is to be pointed out that EULEX Kosovo staff shall receive security training before being deployed in conformity with the OPLAN. In addition, it also gets in-theatre training organized by the SMSO and the Area Security Officers.

The structure of EULEX Kosovo, as briefly described above, is indicative of the complexity of top-down relations and flows of communications and feedbacks⁶⁷ from the theatre level to the strategic-Brussels level, and it also reflects that “[...] launching EULEX as a quick technical fix of an unresolved political problem could only create tensions at both the political and operational level, and potentially, undermine the mission for good.”⁶⁸

EULEX Kosovo has been deployed in December 2008 and achieved its fully operational capability in April 2009. It is a fact, however, that almost four years of EU presence on the ground⁶⁹ a question is still a living matter: “Le Kosovo est-il serbe ou albanais? [...] Aux droits ‘démographique’ de la majorité albanaise, on oppose les droits ‘historiques’ des Serbes [...]”⁷⁰

⁶⁴ It is to note that seconded staff is subject to the national authorities of the seconding State or EU institution concerned. National authorities are deemed to transfer Operational Control (OPCON) of their personnel, teams and units to the Civilian Operation Commander. See Article 7 *Civilian Operation Commander* (para. 4), CJA/124/CFSP, *in ibidem*.

⁶⁵ See Article 9 *Staff* (para. 2), CJA/124/CFSP 2008, *in ibidem*.

⁶⁶ See Article 9 *Staff* (para. 3), CJA/124/CFSP 2008, *in ibidem*.

⁶⁷ At this purpose, it should be pointed out that it is highly improbable to have a detailed picture of all the information flows occurring between Prishtinë/Priština and Brussels since the majority of these types of information may not be disclosed for security reasons. The only possible information are those published on the official web-site of EULEX Kosovo as well as on the official web-site of the European External Action Service for the purposes of EULEX Kosovo. The author addressed various requests for access to documents to the General Secretariat of the Council of the European Union. For a list see attachment as Annex IV at the end of the paper.

⁶⁸ See Grevi, G., 2009. Chapter 21. EULEX Kosovo. The EU rule-of-law mission in Kosovo (EULEX Kosovo). Conclusion. In: G. Grevi, D. Helly and D. Keohane, eds. 2009. *European Union Security and Defence Policy. The first ten years (1999–2009)*. Paris: European Institute for Security Studies, October 2009, p.366.

⁶⁹ EULEX's presence in Kosovo has been preceded by almost ten years of United Nations Mission Administration (UNMIK). In fact, it is to be acknowledged that the European Union is present in Kosovo since the UNMIK administration, right after the 1999 war, when it was committed with the economic reconstruction and development (UNMIK IV Pillar) of the country. The United Nations Interim Administration Mission in Kosovo (UNMIK) administered the *country* since the end of the war in June 1999. It was committed with civilian and administrative pillars (one and two), while the Organization for Security and Cooperation in Europe (OSCE) was given responsibility for supervising, guaranteeing and respecting human rights. The European Union, as briefly aforementioned, was the fourth pillar of the UNMIK's structure in charge of the economic reconstruction and development. UNMIK's legal basis was the UN Security Council Resolution 1244 on the situation relating to Kosovo. In fact, this resolution is, at the time of writing end of January 2013, still in force. See United Nations Security Council Resolution 1244, S/RES/1244, 10 June 1999. Available at: <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/172/89/PDF/N9917289.pdf?OpenElement>>. It is, however, to be acknowledged that the first tool of a massive presence of the international community in Kosovo was the Kosovo Verification Mission (KVM) foreseeing the deployment of 2000 observers under the mandate of the OSCE. It was part of the agreement reached in Belgrade under the presence of the American envoy, and creator of the Dayton Accords which brought to an end the war in Bosnia and Herzegovina, Richard Holbrooke. Together with the KVM, the concerned agreement, signed on the 13 October 1998, established the end of the ceasefire, the downsizing of the Serbian-Yugoslav forces at 12 500 soldiers and 6 500 special policemen, the unconditional return of the refugees and the IDPs.

⁷⁰ Dérens, J.-A., 2008. Introduction: Les Paradoxes du Kosovo. In: *Le Piège du Kosovo*, Paris: Éditions Non Lieu, p.16.

Without doubts Kosovo⁷¹ constitutes the EU security issue of major concern in the Balkans⁷² with a view at stabilizing and integrating the region⁷³. A success there means for the EU to regain that credibility as crisis management actor it lost in Bosnia and Herzegovina in the 1990s. As a matter of fact, the Dayton Agreement⁷⁴, which brought to an end the war in Bosnia and Herzegovina, ignored *de facto* Kosovo. Whether the international community's main mistake at the end of the 1980s and the beginning of the 1990s⁷⁵ when Milošević⁷⁶'s nationalist politics

⁷¹ In terms of territorial composition Kosovo comprises thirty-seven municipalities and its capital is Priština/Priştinë. Other large towns include Prizren/Prizren in the south-west, Pejë/Peć in the west and Mitrovicë/Mitrovica in the north. The municipality of Mitrovicë/Mitrovica is divided by the Ibër/Ibar river into a southern district where mostly Albanians live, while its northern district is mainly inhabited by Serbs. For a list of Kosovo's municipalities, see municipalities' web-sites of the Republic of Kosovo. Available at: <<http://kk.rks-gov.net>> [Accessed on 20 April 2009].

⁷² Borders in the Balkans were redressed by the Congress of Berlin in 1878 from which Serbia gained territorial extension. In the specific, it got the central areas of Niš, Leskovac and Vranje and full independence by international law. In 1882 Serbia was proclaimed Kingdom. See Bayerl, A. *et al.* Chapter 1. Serbia and the Albanian Question in the Context of European History (3. Serbia 1804–1918). In: D. Mahnecke, ed., 2001. *Old frontiers New Frontiers. The Challenge of Kosovo and its implications for the European Union*, Bern: Peter Lang AG, European Academic Publishers, p.50.

⁷³ See Rupnik, J. *et al.* The Balkans as a European question. Regional dimensions of state-building and EU integration. In: The Western Balkans and the EU: 'the hour of Europe'. *Chaillot Paper*, N. 126, Paris: European Institute for Security Studies, 6 June 2011, p.23.

⁷⁴ The Dayton Accords of 1995 confirmed the end of the war in Bosnia and Herzegovina (BiH) and the country was, according to the will of Serb and Croatian nationalists, territorially divided on ethnic-religious lines.

⁷⁵ At that time, and precisely in May 1992, Ibrahim Rugova was elected President of Kosovo. He was the head of the Democratic League of Kosovo (LDK) founded in December 1989 as a peaceful resistance movement against the Serbian rule. Once the dismantling of Kosovo's autonomy was completed (September 1990), to the extent that Kosovo lost its autonomy and it had been redefined a region within the Serbian republic, the Albanian community responded with the declaration of the Kosovo republic. The organization of parallel political structures began. In October 1991 the Parliament officially declared Kosovo an independent republic. The LDK of Ibrahim Rugova set up a parallel government providing education and health services to the Albanian population. It is here to be briefly referred to that once the LDK was formed, on 23 December 1989, with Rugova as President and Bujar Bukoshi as Prime Minister, although the parallel structures had been tolerated by Belgrade, this was not the case for the government itself which *de facto* could exist only in exile. At this purpose, it is to be said that, as reported by the same Bujar Bukoshi in an interview with Erich Rathfelder (Erich Rathfelder is journalist for the German-link newspaper "die Tageszeitung"). He has been for the first time in Kosovo in 1987. In his book *Kosovo. Geschichte eines Konflikts*, he tries to draw the dramatic development the new Balkan country has undergone in the period 1987–2009) carried out in February 2009 in Priştinë/Priština, an LDK office existed, for example in Stuttgart and in Bonn an information office of the LDK was set up. In the former German capital Bujar Bukoshi tried to build contacts with Parliamentarians. Over this issue see interview with Bukoshi, B., Rathfelder, E., 2010. Chapter 7. Apartheid und Schattenstaat (Die albanische Frage). In: *Kosovo. Geschichte eines Konflikts*. Berlin: Suhrkamp, p.148. It is also to be said that over time and under the consideration of poor concrete results, Ibrahim Rugova was attacked by Albanian radicals arguing that his pacifism was only passivity and it did not bring about the desired results. In this scenario, and starting from 1997, the Kosovo Liberation Army (KLA – in Albanian, Ushtria Çlirimtare e Kosovës, UÇK) was set up so as to lead an armed resistance. In the early 1998 attacks against Serb police stations and police officers begun. The situation escalated when in February 1998 innocent civilians, mainly women and children, have been killed by Serbian forces in the KLA stronghold of Drenica. At this moment the KLA started a guerrilla war against the Serb Yugoslav authority. Mass exodus of Albanians stepped up. It was the time when the international community started to pay attention to Kosovo. See Schleicher, E., 2012. Chapter 3. Kosovo (3.2.1 The Serbian-Albanian dispute over Kosovo). In: *Positive Peace in Kosovo. A Dream Unfulfilled*. Frankfurt am Main: Peter Lang, Internationaler Verlag der Wissenschaften, Universität Wien, Politik und Demokratie, Band 25, p.55.

⁷⁶ It is on the Kosovo's issue that Milošević mobilized the Serbian national sentiment. Whether other factors were in place, Kosovo has considerably contributed to destabilize the already precarious national equilibrium existing in the Yugoslav space. Nationalism moved from the south of Kosovo to the north, towards Croatia and Slovenia. War took the opposite direction. It widespread from the north to the south. It broke out first in Slovenia, then in Croatia and later in Bosnia. Between the war in BiH and Kosovo it does not exist a direct link but the Serbian issue represents the first main common element among the two conflicts. See Laignel-Lavastine, A. and Tardy, T., 1998. Entretien avec Jean-Louis Dufour et Jacques Rupnik. Regards Croisés. Kosovo: retour sur un conflit. *La revue internationale et stratégique*, 33 printemps, Paris, December 1998, p.23.

evidently stepped up, was of neglecting⁷⁷ *tout court* Kosovo, the European Union's engagement *via* its largest civilian mission may have learned from past omissions. In fact, things have taken the opposite direction. The still current delicate situation above all in the north of the country sheds light on EULEX's fallacious *in theatre* commitment. Its own reputation has been put at a hard test in the field of the rule of law and multi-ethnicity above all in the north of K where it failed to achieve both so far. This occurred above of all for under-estimating the peculiar context of its deployment, namely what I labelled its *embeddedness*. EULEX has ignored that it is *de facto* deployed into a specific context: Kosovo⁷⁸. Its main challenge is provided by the northern part of the country.

Without doubts the European Union is the most successful peace project ever which brought together twenty-seven countries⁷⁹, with their own culture, traditions and languages, under one single roof on the background of the slogan "no more war". Its enlarging potentialities have contributed to believe that its peace project could be exported beyond its borders not solely for altruistic purposes but more importantly for a guarantee of its own inner security. The EU commitment in Kosovo today is indicative of this strategic design. It remains, however, that its security and defence component, EULEX, in the north of Kosovo has been encountering difficulties since almost four years. This is also to be attributed by the incoherence between the EU Common Foreign and Security Policy and its defence component, namely the Common Security and Defence Policy. In these terms, it has been argued that "In many cases [...] the link between CFSP and ESDP has been rather loose, which has entailed serious problems for relevant ESDP operations. This has been the case, for example, [...] for EULEX Kosovo. [...] [This] mission [has] been facing considerable obstacles in implementing [its] mandate [...]. This has been partly due to the ambiguity of the EU's foreign policy stance on the controversial political issues surrounding the intervention."⁸⁰ But this aspect is only one side of the coin.

It may also be agreed with M. Arbër Zaimi⁸¹ when he says "Notre peuple, comme tous les peuples de la région, est infantilisé par ses soi-disant 'amis' internationaux, qui cherchent en permanence à dicter le modèle de développement [...] Il n'y a pas que du mauvais dans les fameux 'acquis communautaire', mais il est absurde de vouloir imposer ce cadre normatif au Kosovo. Les lois et la Constitution d'un pays ne peuvent être imposées de l'extérieur. Elles sont le fruit de l'évolution d'une société. La démocratie imposée ne sera jamais qu'une fausse

⁷⁷ The first sign of the international community's concern over Kosovo occurred *via* the adoption by the UNSC of Resolution 1160 in March 1998. See United Nations Security Council resolution 1160, S/RES/1160, 31 March 1998. Available at: <<http://www.un.org/peace/kosovo/98sc1160.htm>>

⁷⁸ Kosovo proclaimed its unilateral independence on the 17th February 2008.

⁷⁹ On July 2013 Croatia will join the European Union as well becoming its 28th Member State.

⁸⁰ See Grevi, G., Helly, D., and Keohane, D. eds., 2009. *Conclusion: the next steps for ESDP, in European Union Security and Defence Policy. The first ten years (1999–2009)*. Paris: European Institute for Security Studies, October 2009, p.405. [pdf] Available at: <http://www.iss.europa.eu/uploads/media/ESDP_10-web.pdf> (Contributors: Esra Bulut, Caty Clément, George Dura, Sabine Fischer, Benedikt Franke, Richard Gowan, Giovanni Grevi, Eva Gross, Damien Helly, Isabelle Ioannides, Daniel Keohane, Daniel Korski, Xymena Kurowska, Dov Lynch, Claudia Mayor, Michael Merlingen, Luis Peral, Kirsten E. Schulze, Thierry Vircoulon.)

⁸¹ M. Arbër Zaimi is native of Albania and is one of the main exponent of the movement "Mjaft" (Assez).

démocratie, une façade.”⁸² In the same way, EULEX attempt at imposing its own model of rule of law and multi-ethnicity has proved to be fallacious. The same M. Arbër Zaimi states that “Dans la logique européenne, il n’est plus possible de discuter du type de société dans lequel nous voulons vivre, des modèles économiques et sociaux que nous souhaitons. La seule question qui reste ouverte est de savoir si nos dirigeants sont ou non de bons élèves, qui appliquent correctement les solutions et les modèles définis à Bruxelles [...]. Non seulement tout projet alternatif est impossible, mais le débat technique sur la meilleure manière de mettre en oeuvre les fameux critères de l’Union, qu’il est impossible de contester.”⁸³

In the north of Kosovo, rule of law and multi-ethnicity⁸⁴, being part of EULEX’s own mandate, remain an ideal. First of all, EULEX failed by considering these two components as separate parts, while erroneously assuming that the promotion (or its attempt to do so) of rule of law would have *per se* enabled the development of multi-ethnicity. But in Kosovo these two elements are strictly inter-related because of the country’s own *ethno-biography*⁸⁵. Such poor performance is indicative of that EULEX, being equipped as a purely *technical mission*, has simply tried to impose its own concept of rule-law and multi-ethnicity without considering the specificities of the country of deployment. The result is that both rule of law and multi-ethnicity still remain a target to be accomplished in the north of Kosovo. But EULEX may have learned from past mistakes and from the consideration that written provisions⁸⁶ are not an automatic solution to problems.

⁸² See M. Arbër Zaimi, as quoted in Dérens, J-A., 2013. Balkans, la fin du rêve européen, *Manière de voir*, 127. *Le Monde diplomatique*, February–March 2013, p.72. Translation “Our people, as all the people of the region are made childish by the so-called ‘international friends’ who try on a permanent basis to dictate their own model of development. There is nothing wrong in the famous ‘acquis communautaire’, but it is absurd to impose this normative framework on Kosovo. Laws and the Constitution of a given country cannot be imposed from the outside. They are the result of the evolution of a society. An imposed democracy will not be more than a façade democracy.” (The translation is of the author.)

⁸³ See M. Arbër Zaimi, as quoted in Dérens, J-A., 2013. Balkans, la fin du rêve européen, *Manière de voir*, 127. *Le Monde diplomatique*, February–March 2013, p.73. Translation “In the European logic, it is not possible to discuss about the type of society in which one would like to live in, or about the desired economic and social models. The only open question is to know whether our responsables are good or not students who correctly apply the solutions and models as they have been set forth in Brussels. [...] Any other alternative project is impossible as well as the technical debate on the better way to put in place the famous criteria of the European Union which is not feasible to contest.” (Translation of the author.)

⁸⁴ Multi-ethnicity is here to be referred to the three fields of EULEX intervention, namely police, justice and customs.

⁸⁵ With the term *ethno-biography* the author aims at referring to the peculiar historical context of Kosovo where ethnic-identity has been so instrumentalized over time that the belonging to one part brings with it the potentials of both “inclusion” and “exclusion”.

⁸⁶ For instance, the fact that the multi-ethnicity concept is proclaimed in the 2008 Constitution of Kosovo does not (and has not done so) make Kosovo *per se* a multi-ethnic society in practice. First of all, it is to be said that the Kosovo Constitution is mainly the product of international *engineering* thus implying low local input. The 2008 Constitution reiterates the multi-ethnicity component various time and makes it the basis of its own *statehood*, see Article 3 (1) Equity Before the Law, Constitution of the Republic of Kosovo, which expressly states that “[t]he Republic of Kosovo is a multi-ethnic society consisting of Albanian and other Communities, governed democratically with full respect for the rule of law through its legislative, executive and judicial institutions.” Article 5 (1) *Languages* states that “[t]he official languages in the Republic of Kosovo are Albanian and Serbian” while as laid down under Article 5(2) “Turkish, Bosnian and Roma languages have the status of official languages at municipal level or will be in official use at all levels as provided by law”. The multi-ethnic character also derives from the flag, the seal and the anthem which are the symbols of the Republic of Kosovo, as clearly set forth under Article 6 (1) *Symbols* of the Constitution. A careful reading of the Kosovo’s Constitution underlines the *multi-ethnicity* concept as being one of the building blocks for the set-up of a democratic state. It remains, however, that notwithstanding normative provisions, the situation on the ground is far from reflecting such perspective in practice. In fact, already the 1990 Constitution adopted in Kaçanik on the 9th September made explicit reference to multi-ethnicity, whereas it stated that “Die Republic Kosova ist ein demokratischer Staat der albanischen Nation sowie der Nationalitäten,

In addition, it is to be pointed out that EULEX visibility in the north of Kosovo is marginal with the consequence that the only credible interlocutor for Kosovo-Serbs living there remains UNMIK. This situation contributed to the emergence of an ambiguous scenario where two different actors UNMIK from one hand and EULEX, which was to take over UNMIK's duties Kosovo-wide, from the other hand came to be the guardian of one or the other part of Kosovo's society: namely EULEX for the Kosovo-Albanians and UNMIK for the Kosovo-Serbs. The result is a *de facto* partition of the country. Had EULEX conceived its *embedded* role, it may have realized that its current structure is (was) unable to accomplish either rule of law or multi-ethnicity in the north of the country.

*"[...] Since wars begin in the minds of men,
it is in the minds of men that the defences
of peace must be constructed."*⁸⁷

Various suggestions are raised for any EULEX like CSDP operation. Firstly, the (was) is the need to adopt a different structure. In a previous conference paper, the author suggested the inclusion of a *Common Peace Educational Policy* (CPEP)⁸⁸ to be intended not to substitute but to complement the mission's own mandate. Within this framework the set-up of a CPEP is to be considered as a *new operational practice* to be applied not only to EULEX-Kosovo but to other civilian missions, with EULEX mandate and context of deployment's similarities, as well. In terms of its operational fulfilment a CPEP would not require a change of the Lisbon Treaty but it will be enough to reach an agreement at the Committee for Civilian Aspects of Crisis Management (CivCom)⁸⁹ level between all Member States, and possibly endorsed by the Political and Security Committee (PSC). In terms of structure, the CPEP will be under Brussels's guidance and financial support. A specific roster of educators and mediators familiar with the culture and mastering the language(s) of the place of deployment, as well as a maximum of five-years on the ground engagement is required. Further research is necessary to better articulate and develop this concept. However, by carrying out further research over the EULEX's involvement in the field of rule of law in Kosovo, the author came to the consideration that the establishment of a CPEP may have reminded of the narrow concept of education, while the set-up of a Common Peace

Minderheiten und Bürger der Serben, Muslime, Montenegriner, Kroaten, Türken, Roma und anderer, die im Kosovo leben." As quoted in Rathfelder, E., 2010. Chapter 6. Kosovo und Großserbien. In: *Kosovo. Geschichte eines Konflikts*. Berlin: Suhrkamp, p.110. The translation in English is the following: "The Republic of Kosovo is a democratic State of the Albanian nation as well as of nationalities, minorities and citizens as Serbs, Muslims, Montenegrins, Croats, Turks, Roma and others, who live in Kosovo". (The translation is of the author).

⁸⁷ See the Preamble of UNESCO. [pdf] Available at <http://www.unesco.org/education/nfsunesco/pdf/UNESCO_E.PDF>

⁸⁸ The author presented this proposal on the occasion of a paper conference. The European Union Common Security and Defence Policy Re-visited. EULEX-Kosovo a Test for a Common Peace Educational Policy, presented for the *Second Euroacademia Global Conference Europe Inside-Out: Europe and Europeaness Exposed to Plural Observers*, Paris, 27 April 2012. The paper is going to be published as Picciano, N., 2013. The European Union Common Security and Defence Policy Re-visited. EULEX-Kosovo a Test for a Common Peace Educational Policy. In: E. Crudu and D. Bradanini, eds. 2013. *Europe Inside-Out. Europe and Europeaness Exposed to Plural Observers*. Paris: Euroacademia Publishing. ISBN 978-2-9543146-0-0.

⁸⁹ The CivCom advises the Political and Security Committee (PSC) by providing information, draft recommendations and its opinion on civilian aspects of crisis management. See CSDP structures and instruments. Available at: <<http://www.consilium.europa.eu/eeas/security-defence/csdp-structures-and-instruments>>

Human Security Policy (CPHSP)⁹⁰ would be more appropriate and provide the ground for a holistic approach. The establishment of this policy may have enabled EULEX to duly consider that there exists an intertwined relationship between multi-ethnicity and rule of law in the north of Kosovo thus *differently approaching*, in terms of tools, both of them. Secondly, it should have prioritized the north of Kosovo which for anyone who is familiar with its *ethno-biography* is well aware of “it comes first”.

On the contrary, EULEX acted as a *dis-embedded technician* while underestimating that its actions were deemed to take place in a specific context with its own history and complex *social humus*: Kosovo. In the youngest Balkan⁹¹ *State*, where old traditions⁹² co-habit with modernity, it exists *de facto* an antithetical relationship between Serbs and Albanians⁹³ and their mutual incomprehension is mostly evident in the north of the country where places themselves are object of contention⁹⁴. *De facto* opposing nationalistic views⁹⁵ exist between Serbs and Albanians. The arrival of Milošević

⁹⁰ Further research is needed in this field. It is enough here to state that the author aims at referring, with the term “Common Peace Human Security Policy”, to the human security concept as this emerged in the post-Cold war period in the 1990s.

⁹¹ With reference to the term “Balkans” it is to be said that it came in use in the West from the second half of the XIX century while earlier the term “Turkey of Europe”, in order to refer to the Ottoman possessions, was used. Later on the term “Balkans” has been substituted with that of “Balkanization” which, in fact, has a negative connotation because it refers to a process of explosion and scattering. The pejorative meaning has been widely accepted also under the consideration that the Balkan Mountain is in nowadays’ Bulgaria. See Dérens, J-A., 2008. Introduction: Les Paradoxes du Kosovo. In: *Le Piège du Kosovo*. Paris: Éditions Non Lieu, p.16.

⁹² An example is the so-called “vendetta” which is foreseen by the customary code the “Kanûn”. The use of this tradition takes place when all the possibilities of mediation or negotiations have vanished. It is practised in the clan-regions and whether it almost disappeared during the Stalinist regime in Albania between 1945 and 1990, it is still practised today in Kosovo. See Dérens, J-A., 2008. Le Kosovo entre Milošević et l’OTAN. In: *Le Piège du Kosovo*. Paris: Éditions Non Lieu, p.103.

⁹³ For the purpose of this paper the author has intentionally decided not to refer to an overview on the mutual incomprehension between Serbs and Albanians. It is enough to remind that their relationships have been negatively instrumentalized consistently under Milošević at the end of the 1980s and the beginning of the 1990s. Even though no ancient hatreds but individuals and personalities were responsible for the triumph of authoritarianism which, by its turn, necessitated a nationalist discourse for surviving, it remains that mutual animosities have sediment over time among Serbs and Albanians. See Popolo, D., 2011. Chapter 6. Ancient Ethnic Hatreds. Living in the Past, in the Present: Apprehensions of Time in Nationalist Discourse. In: *A New Science of International Relations. Modernity, Complexity and the Kosovo Conflict*. Farnham-Surrey, UK and Burlington, USA: Ashgate Publishing, p.184.

⁹⁴ Albanians name Kosovo, as this term is used internationally, Kosovë. The city names are contested as well: Prishtinë for the Albanians and Priština for Serbs; Peja for the Albanians and Peć for the Serbs; Gjakovë for the Albanians and Djakovica for the Serbs; Ferizaj for the Albanians and Uroševac for the Serbs; Skendëraj for the Albanians and Srbica for the Serbs and so on.

⁹⁵ These dichotomic positions started to emerge at the end of the 1980s and the beginning of the 1990s following Milošević’s nationalist politics and campaign in then former province of Yugoslavia. Historically the battle of 28 June 1389 near today Fushë Kosovo/Kosovo Polje, the field of blackbirds, outside Priština/Priştinë is considered as the most decisive one. The famous battle of Kosovo of 1389 is depicted on the basis of two popular assumptions, as being the starting point for the destruction of the Serbian empire and the Turkish victory, and the fact that Serbs were immediately placed under Ottoman rule. Both assumptions, however, are considered as false by Noel Malcolm, who, in fact, argues that the Serbian empire had disintegrated earlier soon after the death of Tsar Dušan in 1355, and that the Serbian statehood survived for other seventy years with a limited degree of Ottoman interference. See Malcolm, N., 1998. Chapter 4. The Battle and the Myth. In: *Kosovo: A Short History*. London: Macmillan, p.58. In fact, it is the battle of Marica (1371), in Bulgaria, to be determinant for opening the Balkans the Turks and in weakening the Serbs. See Schleicher, E., 2012. Chapter 3. Kosovo (3.2 Key historical events). In: *Positive Peace in Kosovo. A Dream Unfulfilled*. Frankfurt am Main: Peter Lang, Internationaler Verlag der Wissenschaften, Universität Wien, Politik und Demokratie, Band 25, p.49. See also Malcolm, N., 1998. Chapter 4. The Battle and the Myth. In *Kosovo: A Short History*. London: Macmillan, p.58. Notwithstanding this specification, in fact, the battle of 28 June 1389 was the one which helped forming Serbian mythology and identity. Serbian classic history argues that the Serbian Prince Lazar was defeated by the Ottoman Turks. One of the most lasting effects of Ottoman rule on the Balkans has been the geographical and demographical shift of Serbia from the south to the north. To be precise it implied a movement of

to power in Belgrade has further widened the gap between the two populations. Had EULEX taken duly into account this aspect it may have well realized that it was (is) highly improbable to achieve rule of law by *solely* co-locating lawyers, customs' officials and policemen who dictate *how to rule*.

The main accusation to be made against EULEX is that it has been equipped as a merely *technical mission* while the context, its mandate and the EU overall responsibility in the youngest Balkan State are (were) indicative of the need over a *holistic* approach. This latter requires to take into account of three main dimensions, namely: historical context, geo-political context and common positioning (or CFSP vs CSDP coherence). Their consideration may have enabled EULEX for the set-up of a unitary strategy for the north. A *holistic approach* is to be looked at as the paradigm of reference for the study and analysis of a complex scenario such as Kosovo. The importance of being aware of both the historical and geo-political context from one hand and to enable a CFSP/CSDP coherence from the other hand, constitute the necessary *ingredients* for the set-up of a unitary strategy. The current uncertain scenario in the north of Kosovo leads to the *conclusion* that this latter has been missed so far.

3. EULEX's legal *conundrum*: UNMIK Res. 1244, status-neutrality, mandate

*"Kosovo shares the European perspective of the rest of the Western Balkans region. In carrying out its mandate EULEX will contribute to facilitating Kosovo's progress towards further integration with the EU"*⁹⁶ (High Representative of the Union for Foreign Affairs and Security Policy and Vice-President for the Commission, Baroness Catherine Ashton)

The reality on the ground and mainly in the north of Kosovo is far from reflecting the good intentions as outlined above where EULEX poor performance is to be attributed, together with an under-estimation of its embedded enhanced role as stated in the previous pages, to legal aspects as well which a direct reflection of its own *dis-embeddedness* are.

It is to be acknowledged that whether EULEX's mandate is based on Council Joint Action 124/CFSP, its *legitimacy* lies on UNSC resolution 1244 (1999)⁹⁷ which recognizes the sovereignty and the territorial integrity of Serbia. This latter aspect, however, collimates *de jure* and, for those

some 200–300 kilometres. In addition, it is to be acknowledged that the medieval Serbs' states were all situated around today's Kosovo, Montenegro (Zeta), Rascia (Southern Serbia) and Macedonia. Serbia's expansion in the Middle Ages moved to the south in the direction of Thessaloniki and Constantinople. After 1389 the process inverted from the south to the north and it lasted several hundred years. See Bayerl, A., 2001. Chapter 1. Serbia and the Albanian Question in the Context of European History (2. The Ottoman period 1389–1804). In: D. Mahncke, ed. 2001. *Old frontiers New Frontiers. The Challenge of Kosovo and its implications for the European Union*. Bern: Peter Lang AG, European Academic Publishers, pp.39-40. The domination of Ottoman rule over the Balkans signed the end of the medieval Serbia's fate. But in fact the last capital of medieval Serbia, Smederevo, has fallen in the hands of the Ottoman Turks in 1459. This was the date which signed the end of medieval Serbia. See Malcom, N., 1998. *Kosovo. A short history*. New York: New York University Press, p.92, as quoted in Schleicher, E. 2012. Chapter 3. Kosovo (3.2 Key historical events). In: *Positive Peace in Kosovo. A Dream Unfulfilled*. Frankfurt am Main: Peter Lang, Internationaler Verlag der Wissenschaften, Universität Wien, Politik und Demokratie, Band 25, p.49.

⁹⁶ The High Representative of the Union for Foreign Affairs and Security Policy, Baroness Catherine Ashton, released this statement in her letter of acceptance of invitation by the President of Kosovo Atifete Jahjaga on EULEX's continuation to implement its mandate until 14 June 2012. See Law No. 04/L-148 on ratification of the international agreement between the Republic of Kosovo and the European Union Rule of Law Mission in Kosovo.

⁹⁷ United Nations Security Council resolution 1244, S/RES/1244, 10 June 1999.

countries who recognized it, *de facto* with Kosovo statehood. One EULEX's main absurdity is that it is operating on a status-neutral basis, while twenty-two out of twenty-seven EU Member States⁹⁸ have recognized Kosovo as an independent State. In such a poor clear-cut position, it was (is) highly improbable for EULEX to do more than it did (does), namely reiterate its predecessor's incapability of a rule of law-based and multi-ethnic society. It lacked that *comprehensive approach* as mentioned by the UNSC resolution 1244 (10 June 1999) welcoming the work in hand in the European Union⁹⁹.

As a result of this ambiguity an unclear scenario emerged in Kosovo, whereas various legal and conflicting levels superimpose one upon the other: UNSC resolution 1244 (1999) recognizing the territorial integrity and sovereignty of Serbia; CJA 2008/124/CFSP based on UNSC resolution 1244 (1999) although putting in place the ever largest civilian operation deployed by the EU so far endowed with, for the first time in the history of a CSDP operation, some executive powers and with the task of contributing to the rule of law while further developing and strengthening multi-ethnicity in its three areas of operations (police, justice and customs); the Kosovo Constitution which does not recognize any role upon UNMIK.

One of EULEX's incoherence lies in that it states from one hand that the Kosovo institutions it is deemed to interact with are those created on the basis of UNSC resolution 1244 (1999), and from the other hand 22 EU MS (out of 27) have recognized Kosovo, which indirectly implies the acceptance of those institutions as they are set forth under the Constitution of Kosovo. EULEX's lack of clarity over its position on Kosovo statehood has *de facto* undermined its performance in the north, where the validity of UNSC resolution, mainly with reference to the preservation of the territorial integrity and sovereignty of Serbia, may have not *per se* enabled the mission to develop and implement the rule of law in the police, justice and customs field. First of all, *what kind of rule of law is it possible to establish if there is not a clear-cut position on those legitimate institutions to closely work with?* Are the institutions as set forth under UNSC resolution 1244? Are those established by the Kosovo Constitution? For the former, it is clear that EULEX activity was to meet some practical difficulties, in so far whether the mission itself is assumed to be status-neutral, it is also a fact that at least 22 EU MS have recognized Kosovo's independence and of these all, at the exception of Cyprus actively participate in the mission. If the legitimate interlocutors are the institutions established by the Kosovo Constitution, it is to be *concluded* that EULEX's mandate based on UNSC resolution 1244 (1999) *de facto* represented a Damocles' word for the north of Kosovo.

Under the light of the briefly aforementioned events, the argument is that EULEX's mandate should have been framed with a view at acknowledging the changed circumstances on the ground which from one hand implied UNMIK's re-configuration process and from the other hand the recognition of Kosovo upon twenty-two – out of twenty-seven – EU member States and with it of the Constitution¹⁰⁰ which does not mention any role upon UNMIK. But whether the

⁹⁸ At the EU level five countries keep rejecting Kosovo independence on the consideration that by having minorities within their own borders they fear a sort of *domino effect* on their territories. They are Spain, Greece, Cyprus, Slovakia and Romania.

⁹⁹ See paragraph 17 of UNSC resolution 1244 of 10 June 1999.

¹⁰⁰ See Constitution of the Republic of Kosovo. [pdf] Available at: <<http://www.kushtetutakosoves.info/repository/docs/Constitution.of.the.Republic.of.Kosovo.pdf>> [Accessed on 19 April 2012].

Constitution of Kosovo does not recognize any role upon UNMIK and UNSC res. 1244 (1999), the declaration of independence¹⁰¹ pledged Kosovo would adhere to resolution 1244 (1999) and would commit itself to work constructively with the United Nations. Had EULEX *differently framed* its own mandate, it may have achieved a certain degree of visibility in the north. It is not just a question of pure labeling but more importantly it is an issue of setting clarity of roles and functions. EULEX implicitly enabled the reiteration of the *status quo* in the north of Kosovo namely its social, political and economic division from the rest of the country by founding its legitimacy on UNSC resolution 1244 and without acknowledging the new circumstances on the ground. By adopting a status-neutral position and indirectly reminding to resolution 1244, briefly aforementioned, *de jure* EULEX (assumed to) operate(s) in a *de facto* divided context and not “[...] in an independent, sovereign, democratic, unique and *indivisible* state.”¹⁰²

Furthermore, and paradoxically, EULEX took over the duties of UNMIK and it was (is) assumed to do so Kosovo-wide. In the north it has failed so far. The truth is that it has been victim of its own contradictions. The signing of an international agreement with the Republic of Kosovo over its deployment on the ground¹⁰³ is one example. The High Representative of the Union for Foreign Affairs and Security Policy, Baroness Catherine Ashton explicitly accepts the invitation to continue implementing EULEX KOSOVO by saying “I would like to take this opportunity to express you our most sincere gratitude for your commitment to facilitate all necessary assistance to EULEX KOSOVO for the efficient and effective discharge of its duties *all over Kosovo*”.¹⁰⁴

EULEX’s self-proclaimed *status-neutrality* is also contradicted by the delegated authority¹⁰⁵ for nominating and appointing international judges¹⁰⁶ in conformity with the Constitution of the

¹⁰¹ For the full text of the Kosovo’s declaration of independence, see Kosovo Declaration of independence. [online] Available at: <<http://www.assembly-kosova.org/?cid=2,128,1635>>

¹⁰² Chapter I Basic Provisions, Article 1 *Definition of State*, Constitution of the Republic of Kosovo, *in ibidem*.

¹⁰³ From one hand EULEX has been deployed in conformity with UNSC resolution 1244 (1999) and it is assumed to be status-neutral, while from the other hand it ratified an international agreement over its deployment with the Republic of Kosovo, thus indirectly recognizing it. The Constitution of the Republic of Kosovo foresees the possibility to delegate state powers for specific matters to international organizations on the basis of ratified international agreements. See Chapter I Basic Provisions, Article 20 (1) of the Constitution of the Republic of Kosovo. In the specific the agreement here under consideration has been signed, on behalf of the European Union, by Baroness and High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the Commission, Catherine Ashton and on behalf of the Republic of Kosovo by its President Atifete Jahjaga. President Atifete Jahjaga welcomes the presence of the European Union Rule of Law Mission in Kosovo in conformity with Article 17 (1), 18(1) and 20(1) of the Constitution of the Republic of Kosovo with a view to end the supervised independence of Kosovo as set forth under the Comprehensive Proposal. Over the international agreement briefly aforementioned, see Law No. 04/L-148 on ratification of the international agreement between the Republic of Kosovo and the European Union Rule of Law Mission in Kosovo, Official Gazette of the Republic of Kosova, No. 25, 7 September 2012, Pristina.

¹⁰⁴ Annex I, Law No. 04/L-148 on ratification of the international agreement between the Republic of Kosovo and the European Union Rule of Law Mission in Kosovo, *in ibidem*. (Emphasis added.)

¹⁰⁵ Article 20 of the Constitution enables the Republic to delegate certain powers for specific matters to international organizations. It is the duty of the President of the Republic of Kosovo to enumerate the delegated powers.

¹⁰⁶ Concerning EULEX judges and prosecutors, they have been appointed pursuant to Annex IX, Article 2.3 of the Comprehensive Proposal for the Kosovo Status Settlement. Under the letter of Article 84 of the Constitution of Kosovo, the President is empowered to appoint or dismiss prosecutors and judges upon the proposal of nominating bodies. EULEX Kosovo has been authorized by the President of the Republic of Kosovo, pursuant to Article 20 of the Constitution, with the following delegated powers: to nominate and appoint judges under Articles 108 and 84 of the Constitution, and to nominate and appoint prosecutors under Article 110 and 84 of the Constitution respectively. See Law No. 04/L-148 on ratification of the international agreement between the Republic of Kosovo and the European Union Rule of Law Mission in Kosovo, Official Gazette of the Republic of Kosova, No. 25, 7 September 2012, Pristina.

Republic of Kosovo (article 20). This power enables EULEX with state-capacities which go beyond the duties of any Common Security and Defence Policy mission *tout court*.

EULEX contradictions over its *status-neutrality* are never ending. A further demonstration thereof is that once appointed EULEX judges and prosecutors and police officers have to carry out their duties in accordance with *Kosovo law* and as it was previously stated under the letter of Annex IX, Article 2.3 of the Comprehensive Proposal for the Kosovo Status Settlement of Martti Ahtisaari. This implies, *per se*, that *de facto* EULEX considers Kosovo as an independent State and it is not status-neutral over its statehood. In addition, the EU's ever largest civilian mission showed all its weakness by not endorsing a united front over Kosovo while contributing to the emergence of a situation of Kosovo half-statehood¹⁰⁷. Rather it clearly showed that there is a plurality of thinking and that the EU is not a homogenous bloc. *Last but not least* EULEX's ambiguous behaviour is in part guilty for missing to bring about rule of law and multi-ethnicity in the north of Kosovo. By quoting Saint-Antoine Exupéry it may be concluded that “*Si tu veux construire un bateaux, ne rassemble pas tes hommes et tes femmes pour leur donner des ordres, pour expliquer chaque détail, pour leur dire où trouver chaque chose ... Si tu veux construire un bateaux fais naître dans le cœur de tes hommes et tes femmes le désir de la mer.*” EULEX's lesson learned should be less to dictate on *how* to rule while contributing to increasing the desire to rule.

4. EU-(LEX), Pristina and Belgrade: More than a facilitate dialogue

The (dis-)embeddedness discourse highlighted in the previous pages is closely linked to an additional aspect EULEX missed to consider since the very beginning: northern Kosovo's geopolitical context. Had it promptly caught its priority, EULEX may have been able to look for concrete solutions in the Pristina-Belgrade dialogue¹⁰⁸ since its deployment in December 2008 and not after three years, as it happened in practice. A fourth¹⁰⁹ recent Brussels-led meeting on north Kosovo took place on 17th January 2013. On that occasion Serbia seemed to take a pragmatic attitude while admitting the loss of control over Kosovo. In fact, Serbia participation and collaboration is closely linked with the hope of a quick deadline for the start of the negotiation process with the European Union. But it is to be acknowledged that the Serbian Parliament, in mid-January 2013, passed a new resolution which once again states that Belgrade would never recognize the independence of its southern province. However, the Serbian Prime Minister Dačić admitted simultaneously that Serbia's sovereignty over Kosovo is “virtually non-existent”. The fourth meeting, briefly aforementioned, is an integral part of the EU facilitated dialogue between

¹⁰⁷ First of all, it lacks the two main constitutive elements of a proper State under international law: a uniform external sovereignty or independence, considering that its northern part remains *de facto* subjugated to Serbian law, and a uniform internal sovereignty because the rebel north keeps rejecting Prishtinë/Priština's control. However, with reference to those countries which keep rejecting Kosovo independence, it is to be pointed out that the recognition is not a prerequisite for the constitution of a State. It has purely declaratory effects and it is discretionary upon the will of the State itself. However, the recognition may be invoked as an alleged proof (*iuris tantum*) both of the existence of the constitutive elements of the international judicial personality of a State and of the will to establish significant judicial relations with the concerned State. Over the two concepts of external and internal sovereignty and the international recognition, see Carbone, S. M. *et al.* 2006. Capitolo I, I Soggetti e gli attori nella comunità internazionale. In: G. Giappichelli, ed. 2006. *Istituzioni di Diritto Internazionale*. Torino, third edition, pp.5, 14-15.

¹⁰⁸ The Pristina-Belgrade dialogue has been established under the EU umbrella only in March 2011.

¹⁰⁹ So far, and starting from the launch of the EU-facilitated dialogue in March 2011, four meetings have taken place.

Prishtinë/Priština and Belgrade launched in March 2011. On the occasion of the fourth meeting, here under consideration, the EU Chief diplomat Catherine Ashton intervened with a statement¹¹⁰ whereas she recognized the commitment of both Thaçi¹¹¹ and Dačić to arrive to provisional understanding on the collection of custom duties, levies and VAT, building on the agreement on IBM held on the occasion of a meeting on 4 December 2012. Together with Ashton, the President of the European Council, Herman van Rompuy released a press statement following his meeting with Dačić as well¹¹². He welcomed his government efforts in the Prishtinë/Priština-Belgrade dialogue, while asking for full cooperation with EULEX and looking for solutions to the northern Kosovo issue. Concerning northern Kosovo the main topic on the table was the implementation of the joint border management launched in December 2012, as well as the distribution of taxes and tariffs being still a reason of conflict among the concerned parties. Furthermore, Kosovar authorities seemed to espouse the idea of a new fund for northern Kosovo. To this fund, which is entrusted with the task of promoting the development of the north of the country, may participate Serbia and/or international organizations in the future as well. No specific reference is to be met over a possible (and to what extent) EULEX's involvement at this regard.

The Prishtinë/Priština-Belgrade dialogue, briefly aforementioned, has been launched in March 2011 and it could be looked at as the first attempt, led under the EU's initiative¹¹³, for Belgrade and Prishtinë/Priština to come to solve their problems together. So far agreements have been reached on various issues such as the return of civil registries and cadastre records, on the freedom of movement of persons and cars, on the mutual recognition of diplomas, on customs stamps and on the integrated management of the border crossings and on Kosovo's regional representation. In fact, as it has been argued in the literature¹¹⁴, the dialogue was (is) not much technical as political, as well as far from bringing the two concerned parts to a common understanding. Furthermore, as it is structured the EU facilitated dialogue is unlikely deemed to bring about concrete positive results, unless a comprehensive approach dealing with north Kosovo is adopted. The suggestion is that EULEX may have (can) been anchored to it since its *incipit* while endorsing a more pro-active attitude.

The methodology used by the EU via the facilitated dialogue, briefly aforementioned, whether contributing to consistent steps ahead in technical fields, is unlikely to address the most contentious issue, namely the tense relation among Serbs and Albanians in the north of Kosovo. It could counterargued that, in fact, this is not the task of such a dialogue-format but the end-goal is a normalisation of the relations between the two parties. This target is unlikely to be achieved by intervening on purely technical issues. This aspect is of utmost importance to the extent that in so far the two communities will not come to a common sense of sharing a *positive*

¹¹⁰ See European Union, Statement by the EU High Representative Catherine Ashton after the fourth meeting in the framework of the EU-facilitated dialogue, A 25/13, Brussels, 17 January 2013.

¹¹¹ Prime Minister of Kosovo Thaçi does not want to consider the possibility of a special status or a kind of autonomy for the north.

¹¹² See European Council The President – Press statement by the President of the European Council Herman van Rompuy, following his meeting with the Prime Minister of Serbia Iвица Dačić, Brussels, 18 January 2013.

¹¹³ In the specific, this technical dialogue has been facilitated by Catherine Ashton's counselor, Robert Cooper.

¹¹⁴ See Lehne, S., 2012. The Belgrade-Priština Technical Dialogue. In: Kosovo and Serbia: Toward a Normal Relationship, Carnegie Endowment for International Peace, *Policy Outlook*, March 2012, pp.4-5.

peace in this part of the country will be just a meteor. Albanians¹¹⁵ and Serbs¹¹⁶ are *de facto* contending their own destiny over a piece of land where the two dimensions of democratization, namely of state-building and nation-building, co-exist¹¹⁷.

The argument is that EULEX, as it has been structured, is unlikely to bring about rule of law and multi-ethnicity in the north of Kosovo. EULEX has under-estimated that Kosovo, as other countries of the region, is characterized by that sort of mental irredentism¹¹⁸ which cannot be swept away via the sending of *sole* policemen, customers and lawyers who dictate *how to rule*. By quoting Kraft Ekkehard it can be agreed with “*Hinzu kommt ein zwar nicht mehr realer, aber mentaler Irredentismus. Es gibt eine geistige Lankarte, die mit der realen Geographie nicht übereinstimmt. Das eigene Land muss eigentlich grösser sein, als es tatsächlich der Fall ist*”¹¹⁹. The suggestion is that EULEX should

¹¹⁵ International research agrees more or less on that Albanians, far before the Slavic immigration, settled down in the 7th century. Following the Slavic immigration and the development of the Serbian culture, during the 13th century Nemanjid-dinasty, the then Catholic Albanians population withdrew in the surrounding mountains. See Rathfelder, E., 2010. Kap. 3. Serben und Albaner 1987 (Die Spirale der Gewalt). In: *Kosovo. Geschichte eines Konflikts*. Berlin: Suhrkamp, p.61.

¹¹⁶ Not only Albanians have been victims of the nationalistic propaganda. Serbs also suffered under the Kosovo Liberation Army (KLA). The KLA (in Albanian Ushtria Çlirimtare e Kosovës UÇK or Serbian Ослободилачка Бојска Косова) was an Albanian insurgent organization which sought the separation of Kosovo from the former Yugoslavia in the 1990s. Kosovo-Serbs are concentrated in the northern municipalities of Leposaviq/Leposavić, Zubin Potok/Zubin Potok, Zvečan/Zvečane and the northern part of Mitrovicë/Mitrovica, as well as in the southern municipality of Shtërpce/Štrpce.

¹¹⁷ See Schoch, B., 2010. Kap. 3. Ungünstige Ausgangslage. In: *Demokratisierung im ungeklärten Staat? Das UN-Protectorat im Kosovo – eine Bilanz*, HSFK. Frankfurt am Main: Hessische Stiftung Friedens- und Konfliktforschung, Report N.13/2010, pp.7-8.

¹¹⁸ This term has been coined by the historian of East and Southern Europe and freelance for the Neue Zürcher Zeitung, Dr. Kraft, Ekkehard. See Kraft, E., 2009. Mentale Abschottung auf dem westlichen Balkan. *Neue Zürcher Zeitung*, 6 October 2009. The author has also carried out a semi-structured interview, of fifty minutes, with Dr. Ekkehard Kraft, Heidelberg, Germany 31 March 2012. For the reason of being a paper, the author has decided to report only some extracts of it. On the occasion of the semi-structured interview with Dr. Ekkehard Kraft, he explains that *mental irredentism* is a cultural concept and it is part of the fixation to the national identity which is in all the countries in South-eastern Europe, and not only in Kosovo and Serbia but also in Greece. He says to believe that this aspect of mental irredentism was not perceived by the European Union. This, however, is something strange in his view because at the beginning the then European Community was not only an economic and political concept but a project aimed at bringing to an end the former problems in Europe, namely nationalism. But it was concentrated on Western Europe, while South-eastern Europe becomes part of the European Union very belated. An additional issue is that the European Union, when it deals with the problems in the Balkans, is stucked at looking for a solution for the day, for the present and for the future. It remains, however, that Brussels should also deal with the past. And the problem is that every nation perceives the past differently and considers only its own national past. Therefore it would be very important to show them that they have not only and exclusively a national past but also a common past of all the region. At this purpose, he welcomes initiatives such as the *Joint History Project* of the Centre for Democracy and Reconciliation in South-east Europe, a non-governmental organization located in Saloniki, Greece. For an overview of the project's philosophy and structure, see Kraft, E., 2012. Neuer Blick auf eine umstrittene Vergangenheit. Ein ambitioniertes Schulbuch-Projekt mit alternativem Material für den Geschichtsunterricht in Südosteuropa. *Neue Zürcher Zeitung* (International), 9 Februar 2012, p.9. The four volumes of the project clearly depicts the complexity of the Western Balkans history and the books do also contain photos, caricatures, tables and maps which are often absent in the official history books. A further characteristic is that these volumes leave no room for subjectivity as it is the case for official history books. The project has also included workshops and simulation lessons, so that teachers could get used with it. It is to note that the presentation of the project, referred above, under the title *Reconciliation through Education: Presentation of South Eastern European History Workbooks*, took place in Brussels, on the 8th of March 2006 at the EU-Office of the Ebert Friedrich Stiftung in cooperation with the Stability Pact for South-eastern Europe.

¹¹⁹ Translation: “There is not more a real but mental irredentism. There is a spiritual map which does not match with the geographical one. One own's country must actually be bigger than it is in practise.” (Translation of the author). See Kraft, E., 2009. Mentale Abschottung auf dem westlichen Balkan. *Neue Zürcher Zeitung*, 6 October 2009.

have simultaneously addressed the societal component while dealing with more technical issues. *How?* Via the establishment of a sort of *Common Peace Human Security Policy*¹²⁰ (CPHSP). This, of course, would have implied the presence together with lawyers, policemen and customers of additional professional expertise, with due knowledge of the country of deployment, such as conciliators and mediators who may have established contacts with the civil society¹²¹ while contributing to build bridges among the two communities.

The situation in the north of Kosovo is far from being settled down and various events¹²² are indicative of this grey scenario. Nationalism and ethnic-identities are fixed items here and they bring with them all the negative potentialities of dichotomous positions, as well as of the binomial antagonist relationship inclusion *versus* exclusion. This is not only the case of north Kosovo¹²³. But it is an important aspect to be duly taken into account when a CSDP with the characteristics of EULEX is deployed *in theatre*. North Kosovo is the relict of NATO's incoherent strategy¹²⁴, UNMIK has been unable to solve over time and whose *status quo* EULEX has contributed to reiterate. The situation of northern Kosovo is strictly linked to the Priština/Priştinë-Belgrade relations. Whether the circumstances were already complicated at the time of Tadić's government, things have become more problematic because of the new guard of Nikolić whose nationalism covered by a democratic mark remains a reality¹²⁵.

¹²⁰ In a previous paper, mentioned in the preceding pages, the author suggested that a possible solution would be the set-up of what I labelled *Common Peace Educational Policy*. However, later on and by carrying out further research, the author came to the *conclusion* the term "Educational" was too narrow and likely to be understood from the outside as only referring to education. On the contrary the term "Human Security" is more encompassing as EULEX suggested re-structure should look like.

¹²¹ Whether it is true that there exist NGOs which deal, among other things (i.e. transparency, civil rights, community development, disability, economic development, education, good governance, health, humanitarian aid, social welfare, youth and women.) with judicial reform and ethnic reconciliation, it is also true that the majority of times they hardly cooperate with each other with the risk of duplication of efforts and sometimes even of competition. Over this issue see Zerka, E., 2013. Lessons Learned: challenges to building a gendered human security through civil society in post-war Kosovo. *Transconflict*. January 2013, p.8.

¹²² For the purpose of being a paper there is no enough space to be devoted to a detailed description of all these events. It is enough here to mention that the situation in this part of the country escalated in summer 2011, because of a trade dispute, is still "boiling" under the surface.

¹²³ In the dominated Albanian southern-Serbia a monument honoring Albanian rebels has been erected and provoked the strong reaction of Belgrade which asked for its immediate removal. The stumbling block has been erected, in November 2012, at the center of the southern Serbian town of Presevo, in a prominent position, in front of the town hall. Belgrade considers the monument a provocation. On the marble stone the names of 27 Albanian rebels of the KLA (UCK) of Presevo, Medvedja and in the dominated Albanian southern-Serbia Bujanovac are reported (UCPMB). These rebels were killed in the fight against Serbian security forces in the years 2000 and 2001. The Serbian Minister Ivica Dačić asked for the immediate removal of the monument and he gave a deadline until the 17 January 2013 and if not removed the authorities in Belgrade will take their action. By their side Albanians threatened also with the use of force over a possible dismantling of the monument. This event is an example of that any side wants to read its own history, without listening to the other. See Fuster, T., 2013. Ein Denkmal als Provokation. *Neue Zürcher Zeitung* (International), 8 January 2013, p.5.

¹²⁴ NATO-KFOR French troops stooped irreasonably to the south of Ibër/Ibar river.

¹²⁵ For instance on the occasion of his visit to Italy Nikolić banalized the Srebrenica genocide. He acted in this way in an interview with *Il Corriere della Sera*, as reported by Robelli, E., 2012. Vorwärts in die Vergangenheit. Auf dem Balkan wächst der Nationalismus, die einstigen Kriegsgegner belauern einander, der EU-Beitritt rückt für Staaten wie Serbien oder Bosnien in immer weitere Ferne. Die Abkehr der Region von Europa machen sich nun andere Mächte zunutze. *Süddeutsche Zeitung* (Politik), 31 October /1 November 2012, p.9.

One of the main hindrances to the northern Kosovo issue is Belgrade's position over its *un*-statehood, namely the rejection of Kosovo independence¹²⁶. On this aspect not only the European Union as a whole but EULEX should have more actively intervened since the very beginning. It is not the perspective of Serbia's EU integration *per se* to help solving the most inner problems of northern Kosovo. Over decades this part of the country keeps being financed by Belgrade¹²⁷ and a sort of no man's land has emerged whereas no rule of law *de facto* exists.

¹²⁶ In an interview with the Serbian Deputy Prime Minister and Minister of trade and telecommunications Rasim Ljajić explicitly said that his government will not recognize Kosovo and there is the need to look for a solution that is viable. See Maleš, M., 2012. Nema prečice do Evrope (Intervju sa Rasim Ljajić). *Blic* (Politika), 4 November 2012, p.2.

¹²⁷ The Serbian government spends half billion a year of its budget for Kosovo. See the article: I danas na Kosovo bez kontrole idu milijarde, *Blic* (Politika), 9 November 2012, p.4.

Annexes

Annex I – EULEX Kosovo budget

Financial Arrangements* – EULEX KOSOVO		
PERIOD	AMOUNT	LEGAL BASIS
4 February 2008 – 14 June 2009	€ 205 000 000	Council Joint Action 2008/124//CFSP
9 June 2009 – 14 June 2010	€ 265 000 000	Council Joint Action 2009/445/CFSP
14 June 2010 - 14 October 2010	=	Council Decision 2010/322/CFSP
15 October 2010 – 14 December 2011	€ 165 000 000	Council Decision 2012/291/CFSP
15 December 2011 – 14 June 2012	€ 72 800 000	Council Decision 2012/291/CFSP
15 June 2012 – 14 June 2013	€ 111 000 000	Council Decision 2012/291/CFSP
From 14 June 2013 onwards*	Total	
To be decide by the Council	€ 818 800 000	

* All the expenditures related to EULEX KOSOVO is to be managed in conformity with the Community rules and procedures applicable to the general budget of the EU, with the exception that any pre-financing is not property of the Community. See Article 16 Financial arrangements (para.2) Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX Kosovo, L 42/92 Official Journal of the European Union 16.2.2008.

Annex II – EULEX five step approach

(1) MMA Action

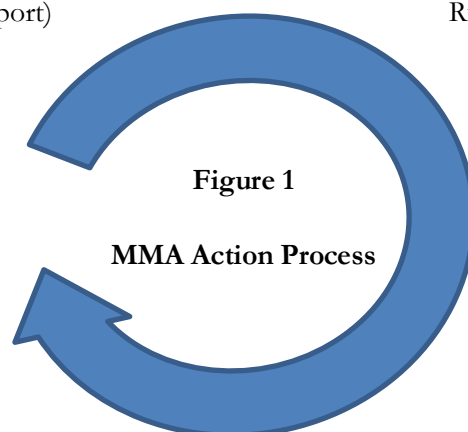
Proposal*

Based on assessment of performance weaknesses in the Rule of Law (first EULEX Programme Report)

(2) MMA Action

Specification

Based on the MMA Action Proposal agreed by EULEX teams and their Rule of Law counterparts



(3) MMA Action

Implementation

Implementation teams prepare a detailed plan to guide implementation process and monthly reports on progress

(5) MMA Evaluation Report

EULEX PO prepares a final evaluation report on combined impact of the MMA Actions

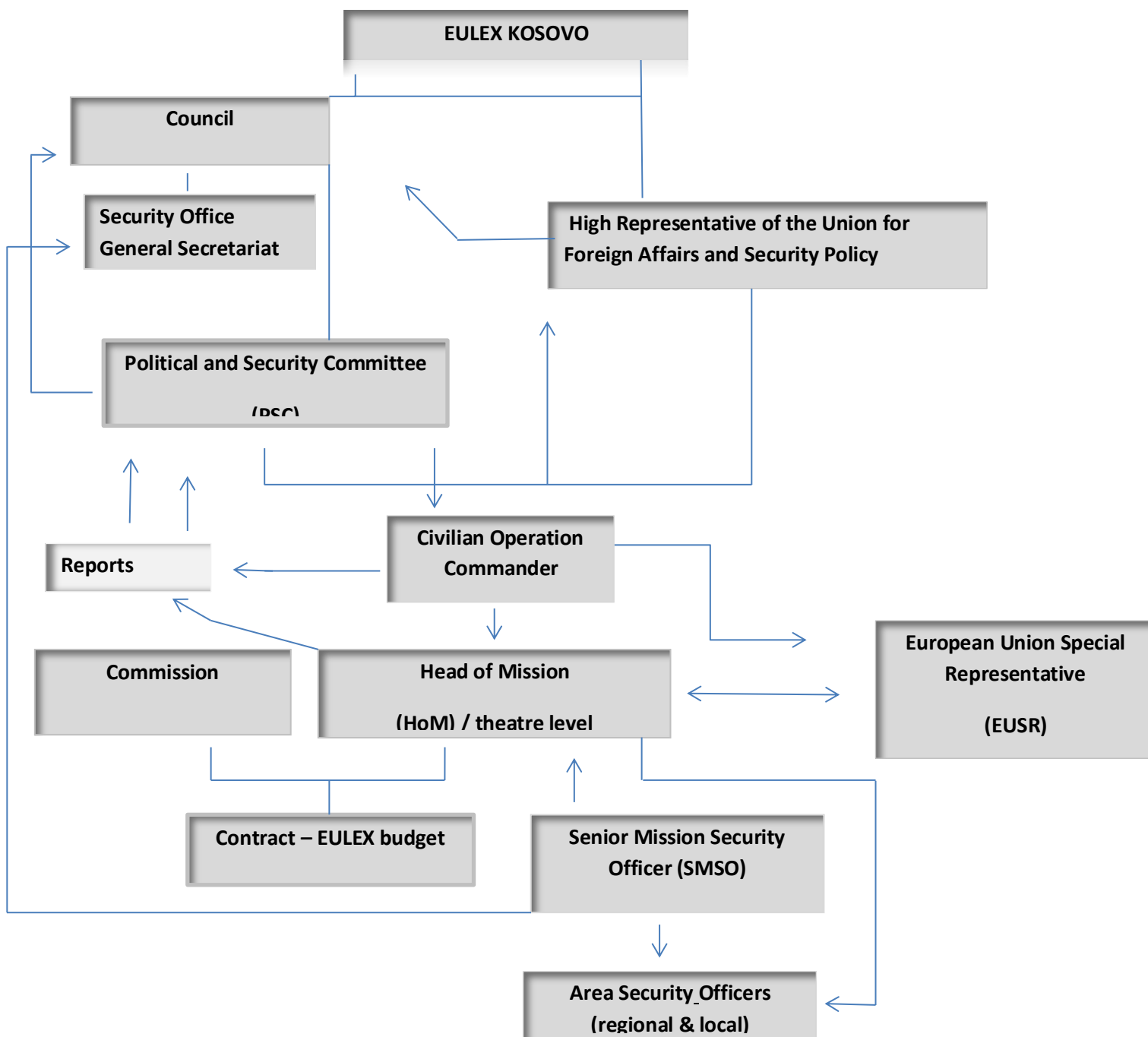
(4) MMA Action Final Report

Final report that provides data regarding the efficacy of the MMA Action

* It is to be pointed out that each MMA Action Proposal is reviewed and agreed by the relevant Kosovo institutions, before moving to the next stage of the process.

Source: Figure 1 MMA Action Process has been taken from EULEX website.

Available at: <<http://www.eulex-kosovo.eu/en/tracking>>

Annex III – EULEX structure

Annex IV – Access to documents forwarded to the general secretariat of the Council of the European Union

Document number	Title	Subject matter	Document date	Archive date	Language	Council feedback
List of documents for access requested to the General Secretariat of the Council on 16.06.2012						
10081/09	European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Special Report 18 May 2009	COPS 285 PESC 665 CIVCOM 349 COSDP 471 COWEB 93 JAI 313 EU-LEX 37	19.05.2009	10.06.2009	EN	NO Access/EU Restricted
10111/09	European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Weekly Mission Report 19/09	COPS 288 PESC 761 CIVCOM 355 COSDP 479 COWEB 94 JAI 317 EU-LEX 38	20.05.2009	10.06.2009	EN	No Access/EU Restricted
10439/09	European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Weekly Mission Report 20/09	COPS 307 PESC 711 CIVCOM 380 RELEX 517 COSDP 505 COEST 198 JAI 342 COHOM 124 EUMM Georgia 71 COWEB 100 EU-LEX 40	02.06.2009	03.06.2009	EN	No Access/EU Restricted
10676/09	European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Weekly Mission Report 21/09	COPS 320 PESC 741 CIVCOM 397 COSDP 530 COWEB 103 JAI 358 EU-LEX 41	08.06.2009	17.06.2009	EN	NO Access/ EU Restricted
10819/09	European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Monthly Assessment Report 05/09	COPS 338 PESC 777 CIVCOM 418 COSDP 553 COWEB 110 JAI 375 EU-LEX 42	17.06.2009	18.06.2009	EN	No Access/EU Restricted
11142/09	European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Weekly Mission Report 23/09	COPS 361 PESC 841 CIVCOM 448 COSDP 587 COWEB 119 JAI 410 EU-LEX 45	19.06.2009	24.06.2009	EN	NO Access/ EU Restricted

Document number	Title	Subject matter	Document date	Archive date	Language	Council feedback
List of documents for access requested to the General Secretariat of the Council on 16.06.2012						
11332/09	European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Weekly Mission Report 24/09	COPS 369 PESC 857 CIVCOM 461 COSDP 602 COWEB 122 JAI 420 EU-LEX 47	26.06.2009	30.06.2009	EN	No Access/ EU Restricted
11442/09	European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Incident Report of 25 June 2009	COPS 375 PESC 868 CIVCOM 468 COSDP 611 COWEB 124 JAI 427 EU-LEX 48	26.06.2009	30.06.2009	EN	No Access/ EU Restricted
11459/09	European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Incident Report of 26 June 2009	COPS 377 PESC 871 CIVCOM 470 COSDP 614 COWEB 125 JAI 429 EU-LEX 49	29.06.2009	30.06.2009	EN	No Access/ EU Restricted
11262/09	European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Six-Monthly Report 02/09	COPS 365 PESC 852 CIVCOM 456 COSDP 597 COWEB 121 JAI 414 EU-LEX 46	01.07.2009	07.09.2009	EN	No Access/ EU Restricted
11262/1/09 REV 1	European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Six-Monthly Report 02/09	COPS 365 PESC 852 CIVCOM 456 COSDP 597 COWEB 121 JAI 414 EU-LEX 46	03.07.2009	07.07.2009	EN	No Access/ EU Restricted
11651/09	European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) Weekly Mission Report 25/09	COPS 386 PESC 892 CIVCOM 481 COSDP 632 COWEB 129 JAI 445 EU-LEX 50	03.07.2009	07.07.2009	EN	No Access/ EU Restricted

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THE NEW PHASE OF THE INTEGRATION PROCESS: CROATIAN CASE

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Abstract

In the Croatia's accession several differences came into focus, like the longer term and stricter criteria, the insecure end of accession, the stop of opt-out chance, the introduction of new instruments and techniques, furthermore, the strengthened negotiating position of the Union, meanwhile that of the candidate countries weakened. Therefore, Croatia's accession should be considered as the new phase of the integration process.

* * *

1. Introduction

Croatia since 1 July 2013 is the 28th EU Member State represents a new model for enlargement. After the enlargement of 2004, Croatia was not only the next country on the verge of EU membership but also the first country to begin a new enlargement round hoping followed by the other Western Balkan countries. Ever since proclaiming independence from former Yugoslavia in 1991 the country went on a 20-year long road, while missed two rounds of EU enlargements, one in 2004 and the other in 2007. The other transition countries of Central and Eastern Europe and South Eastern Europe with similar or sometimes lower levels of economic development have already joined the EU. Even though Croatia was ready for entering the Union had been out of EU for a long time.

A full circle made by the country started with the war to protect its independence and the fight for international recognition, followed by post-war reconstruction, transition and state building, solving difficult legacy of the imposed war, war crimes and refugee returns and ended by full recognition as an equal partner within European Union. It is clear-cut that the Croatian accession process has been lasted too long, started on 21 February 2003 with submitting a formal request for full membership with the aim to accede to the EU as early as 2007, alongside Bulgaria and Romania. Finally, with much delay on the twentieth anniversary of the declaration of its independence, Croatia finished the six-year-long accession talks with the European Union as provisionally closed all the negotiations chapters on 30 of June 2011, the last day of Hungarian presidency. However the full circle have not ended yet, as Croatia-EU accession treaty was signed at the end of 2011, in addition the country should hold a referendum and the ratification process by the member states lasted until June 2013, when Croatia formally became the 28th EU member

state, enlarging it with an additional 56,595 square kilometres and 4.4 million citizens. The country obtained the full-fledged member state status after 124 months, more than ten years, on 1 July 2013.

Summarizing the Croatia's long journey towards the European Union cannot be considered as the short-cut conditionality. Even if Croatia accedes will happen in 2013, it will have taken 10 years from its date of application and eight years from the start of accession talks.

2. Croatia accession represents the enlargement led Europeanization

Europeanization has long been defined as the domestic impact of the Community, through which member states adopt the European Union governance system. However, since the regime change it has been used in border sense, more and more beyond the borders of the EU, mainly with regard to accession countries. Schimmelfennig explains this widening horizon of Europeanization with the EU enlargement policy which is one of those political processes that characterises the whole history of the Community. The author underlines that from the end of the cold war on, accession gained more and more importance and has been on the political agenda on regular basis. The Eastern enlargement opened new phase in the history of the Community, as it was not only bigger but also more transformative than previous enlargement rounds. EU enlargement has always been based on the principle that new members must adopt the 'acquis communautaire', so in case of candidate countries the core of Europeanization is the internalisation of the entire 'acquis'. (Schimmelfennig, 2012)

While enlargement is not the only method to extend European norms, the Community extended Europeanization even to those states that do not have any EU perspective. Some of these countries are not willing to become members, e.g. states of the European Economic Area. The other group of countries would not be considered as candidate for membership – at least for the foreseeable future. E.g. the Barcelona process since 1995 for the Mediterranean neighbours, the European Neighbourhood Policy (ENP) since 2003 for the Eastern European, Middle Eastern and Northern African neighbours. Both of them can easily be seen as a framework of Europeanization by extending liberal values and norms and the EU market beyond Community borders, it claims to use political conditionality as the main instrument of norm promotion. (Schimmelfennig, 2012) In cases mentioned above the European Union as an outside actor exports its model and rules of governance to the region without European perspective, and extends these norms beyond its borders. However it is a huge question how to extend European governance in the states of the Western Balkans and ENP Eastern partners while the EU having lot of inner problems to be solved in relation with the dilemma of enlargement and/or deepening.

The term Europeanization has been used more frequently to describe interaction between the European Union and states having European perspective, e.g. the Western Balkans where Croatia belongs to. In these situations Europeanization occurs as an external Community-led process through which the applicant countries introduce the whole economic, political and social transformation before they become members of the European Union. (Ágh, 1998)

Europeanization took a new turn with regime changes as it was associated with the enlargement process of Eastern post-communist countries. It so called Eastern style Europeanization in which the accession countries are already in the phase of transition to democracy and market economy. This process is significantly different from the earlier ones. It also seems to be evident that the whole process of external type of Europeanization can be separated into two main phase. The first phase lasts till the accession process in 1995 that affected the Western part of Europe by accepting countries with working democracy and capitalist market economy. The second period already concerns Eastern European countries in early stages of democratic and economic transmission and EU-led adaptation to the Western model, which lasts long and has different content. The more than 20-year-long democratic transformation from 1989 on, the process of democratisation and building market economy overlapped considerably with Europeanization of countries in the post-communist region. Therefore, these processes cannot be seen without accounting for the major influence of the European Union.

The question has aroused whether the Europeanization of South-East Europe (SEE), including the Western Balkans, differs from the Eastern-style or not. Although basic principles are the same, these countries have some unique features. Anastasakis defines the process of South Eastern style Europeanization by the following common features: (1) externally driven, (2) coercively based on conditionality and (3) increasingly demanding. (Anastasakis, 2005)

Investigating these three basic features of South Eastern style Europeanization it is evident that in case of post-communist states, which are lagged behind in European transition, Europeanization remains largely an external process and dictated from abroad. Meanwhile the EU acts as the engine of transition, offering models and guidelines as well as financial assistance for reconstruction. The second defining feature of Europeanization in South-East Europe is the asymmetrical power balance between the EU and the South-East European partners. This imbalance originates from the weakness of these states due to the fact that they have had no say into the rules and conditionality of accession introduced by the EU. The third defining element of the Europeanization process in South-East Europe is that countries belonging to this area should face increasing 'acquis', more rules and regulations than ever before. In fact, the SEE countries began with a weaker capacity than previous candidates and should have handled a more difficult agenda, including stability, security and peace-building, border questions, refugees and ethnic issues, reconstruction and development, post-communist transition as well as association.

In addition the European Union introduced some common features of Europeanization in the Western Balkans sub-region. This geographical notion created by the euro-policy in 1999 means those states that are not members of the Union yet but are keen on being parts of the Community. On the one hand, those common characteristic features are shown that support the idea to tackle them in the Europeanization process as an inseparable whole; on the other hand, the extreme heterogeneity is also exemplified. This inner contradiction presupposes the hardships of the integration of the Western Balkans into the EU. The South Eastern-style Europeanization shows not only common features but also huge differences. What is more, it can also be detected in the inconsistent common policy-making as well.

Croatia, listed to the Western Balkans by the Community, is difficult to fit into this classification as the country is in a special "in-between" position compared to the Eastern and South Eastern

style of Europeanization. The reason of this classification is that Zagreb and EU relations show less asymmetrical features than in case of other SEE states and Croatia is the only country of this group that is almost over a successful integration and EU-led post-communist transformation into democracy.

From the 1990s on Europeanization mainly turns towards post-communist pre-accession countries, and the process includes such essential elements of European integration as democratic institution building, fundamental human rights, the rule of law and market economy. In recent cases, Europeanization is viewed as an enlargement led Europeanization through which the countries having European perspective wants to adapt the Community norms and values. It is also evident in the Croatian enlargement process, where Europeanization requires the socialization and internalization of EU norms and procedures. The country has been strongly involved in transportation the 'acquis' into practice since the Dayton Agreement.

In case of post-communist countries, the enlargement led Europeanization can be identified by using conditionality. The EU has set up its explicit conditionality policy, from 1995 on the active leverage became dominant in driving the process of enlargement led Europeanization of applicant states.

Heather Grabbe grouped the instruments used by the EU mechanism to put pressure on applicant countries. Firstly, the EU appears as a *model* providing the institutional and legal transformation and harmonization of standards for the candidate countries. The author considers the financial resources as the second device, through which the EU gives *aids and technical support* to candidate countries to develop their institutional capacity. In the third place there is the third generation of conditionality, namely *benchmarking and monitoring*, the instruments utilized for supervising the progress of applicant states. These first three instruments are used generally in case of all applicants, however the last two are country-specific ones. In the fourth place there are *advice and twinning*, which involve support from the EU officials provided for the administrative institutions of the applicants to comply with the 'acquis'. The last instrument is *gate keeping* which means the access to negotiations, and in case of successful completion of conditions to the next step in the accession process to the European Union. This last one is considered to be the "EU's most powerful conditionality tool". (Grabbe, 2006) However, in case of the Western Balkans, this latter, gate keeping function, has been absent for a long time or has been formulated too late, in contrast with the Central and Eastern European countries. In addition, it was also delayed several times, which resulted in counter-productive processes in these countries.

All these five mechanisms presented above are shaping policy-making in CEE countries, but this EU-driven conditionality became stricter in case of the countries of the Western Balkans. In the South-East European region, the most illustrative situation of direct and high level EU pressure is the full adoption of its 'acquis communautaire'. In the long delayed accession process of Croatia it could be seen clearly that Zagreb should fulfil all accession criteria before getting the membership status. Notwithstanding EU support has dropped significantly in the applicant country. (Lőrinczné, 2012)

To sum it up, in enlargement led Europeanization the Community appears as an external actor in the democratization process of the candidate country, using strict conditionality in the mechanism to integrate post-communist countries. Nevertheless, in this process, the involvement

of local actors remains the essential factor to achieve a real democratic change in social, political, administrative and judiciary practices. (Cierco, 2009)

3. Croatia's accession

Croatia's accession comparing with the Eastern enlargement shows many new elements. Notwithstanding, the mechanism introduced by the EU in the Croatian case certainly would affect the shortcoming accession process of Western Balkan countries. That is why the Croatia's accession could be a 'sui generis' case for the future enlargement rounds.

To start with the special character of the Croatian accession, there are two phases of the whole integration process. The first term is from the declaration of independence (26 June 1991) till the death of president Franjo Tuđman (10 Dec 1999), when beyond building a democratic country and state, Croatia also tried to identify and manage the priorities of its independent foreign policy that was only partially related to the Euro-Atlantic integration. The priorities of Croatia's foreign policy were the establishment of national identity and the independent state even through aggressive methods in order to create a possibly ethnically clean state. This nationalist, expansionist strategy resulted in the international isolation and the delay of negotiations with the Union for several times. The couple of unsuccessful European pressure made it clear that the situation will remain unchanged till the death of president Tuđman. Therefore, Croatia turned the millennium without having any official agreement with the European Union. (Lőrinczné, 2013)

The next phase is mainly characterised by the development and deepening of relations between the EU and Croatia from the death of president Tuđman on. At the beginning, the progress was extremely intensive; it seemed as if the country had wanted to make up for lost time in the 1990s in order to catch up with the Central and Eastern European countries. This was confirmed by the public opinion (in 2000 – 79%) that supported the accession significantly either on governmental level or in case of political parties or the society. Contrarily, when the first progression started to come to a sudden stop and it became clear-cut that Croatia will not be accessed to the Community together with Romania and Bulgaria, and the accession negotiations also started to slow up – even though political parties and politicians remained faithful to the EU accession – the social support started to fall abrupt (In 2005 – 28%).

Croatia represents a new model of the enlargement as setting the standards for the entire region giving opportunity for regional cooperation both for Croatia and the region as well as for the EU. The country's accession is a test for Croatia as well as the EU's enlargement process as a whole. Croatian accession process proved that after 2004 one of the EU's most successful policies, i.e. the enlargement policy had to be placed on new grounds. As José Manuel Durão Barroso, President of the European Commission said *"EU enlargement is about credibility: Credibility from the candidates in respecting all criteria and enforcing the required reforms, but also credibility on the EU's side in moving forward once the agreed conditions have been met."* (Barroso, 2011) Ulrich Sedelmeier names two sides of credibility from an other point of view. On the one hand *"the candidates have to be certain that they will receive the promised rewards after meeting the EU's demands"*. On the other hand *"they also have to believe that they will only receive the reward if they indeed fully meet the requirements"* (Sedelmeier, 2006, p.12).

The EU's credibility had to be reinforced through strict membership criteria, in order to remain the most important tool for democratisation, for strengthening stability and prosperity in South-East Europe. In this case, Croatia is not only to be an example for the whole region, but also its accession represents a new model of the enlargement. Croatia's accession confirms the credibility of the Stabilization and Association Process and could help the countries in the Western Balkans with its experience achieved in the EU accession process.

The credibility of EU conditionality has a major difference between the Eastern enlargement and the enlargement strategy used for Croatia. For Croatia during its 10 years accession process it was less certain when or even if it would ever receive the ultimate reward of EU accession. Othon Anastaskis and Dimitar Bechev even stated that in the Croatian case the EU's strategy would suffer from a "*commitment deficit*" resulting in a decrease of "*the chances of success for domestic reforms*" (Anastasakis and Bechev, 2003, pp.15-16).

The mechanism of new phase of accession is predominantly conditionality, through setting of requirements in order to gain full EU membership. It is revealed that the EU strengthened the criteria of admission and decreased its financial instruments at the same time when the accession of the post-communist countries after the democratic transition came on the agenda. In addition the fact that the EU made the accession process harder after Eastern enlargement, Croatia had to face with three generations of the enlargement criteria. The first wave came with the first criteria ever prescribed by the EU to new candidate states, known as the Copenhagen Criteria of 1993 and subsequently with the Madrid Criteria in 1995 was used in case of Central and Eastern European countries as well. The political and economic conditionality for accession was made explicit by Copenhagen Criteria of the Copenhagen European Council in June 1993. It was the first time when the EU clearly acknowledged the requirement for potential member states. In addition to economic conditions of "*existence of a functioning market economy*" the political criterion was identified, namely to promote the "*stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities*". The third Copenhagen criterion is the acceptance of the Community 'acquis': the ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union. Besides these three criteria the fourth Copenhagen criterion constituted about the capacity of the Union to absorb new members, while maintaining the momentum of European integration. (EC, 1993)

The second generations of enlargement criteria was introduced for the Western Balkan region including Croatia. During the 1990s EU enlargement leverage did not have any particular effect on developments in the Western Balkans. It was only in 1996 that the EU General Affairs Council introduced Regional Approach aimed at strengthening stability, good-neighbourhood and economic recovery in South-East Europe. Next year the EU fitted the Regional Approach with political and economic conditionality for the development of bilateral relations with the five Western Balkan countries including Croatia. (COM, 1997) In fact, the Council complemented the Copenhagen Criteria with an additional condition, i.e. "regional cooperation". In order to make closer relations with both the EU and the NATO, cooperation with the ICTY was established as a key condition by the Dayton countries (Croatia, Bosnia, and Serbia-Montenegro). In fact, one of the biggest obstacles of the Croatian accession was that the ICTY claimed jurisdiction over the Croatian military, particularly in relation to the operations Flash and Storm in Krajina. (Jovic, 2006)

It was just at the end of the decade when the EU had simultaneously adopted a ‘coherent strategy’ called Stabilisation and Association Process (SAP) for the Western Balkans. The SAP pursues three major aims, namely stabilisation, the promotion of regional cooperation and the prospect of EU accession. The SAP is the most important element of the specific criteria for the region. It is considered to be the second generation of European agreements launched in 1999 that established a more detailed list of EU accession criteria for candidates through the Stabilisation and Association Agreements (SAA). The SAAs were very similar to the European Commission’s Association Agreements with the CEE countries, although they added some new and specific elements of conditionality such as stabilisation, regional cooperation, democratisation, commitment to respect human rights and the right of return for all refugees and displaced persons, the development of civil society and institution-building. (COM, 2005)

SAA included economic and financial assistance and cooperation, political dialogue, harmonisation with the *acquis communautaire*, as well as the development of a free trade agreement between candidate country and the EU. In addition to the SAA introduced a new assistance mechanism for the region. Croatia’s SAA negotiations began in early November 2000, and less than a year later, on 29 October 2001, the Croatian government signed the SAA in Luxembourg. On this bases the country hoped shortened and “fast-tracked” harmonisation procedure and accession process.

Eventually, the third wave of conditions accompanied Croatia’s accession process starting in 2005, embodied a specific criteria, called “benchmarks”. After experiences with Bulgaria and Romania the European Commission decided to make the negotiation process much stricter with the introduction of benchmarks, instrument used for the first time in case of Croatia. In the European Commission’s own words, benchmarks constitute a *“new tool introduced as a result of lessons learnt from the fifth enlargement, to improve the quality of accession negotiations, by providing incentives for the candidate countries to undertake necessary reforms at an early stage”*. (COM, 2006)

Through this new technical model had not been used in previous enlargements, compliance with criteria was ensured. The Commission conducts a screening before launching the negotiations on a given chapter. The findings of the screening for each chapter are highlighted in a screening report, in which the Commission proposes whether to start negotiations on this chapter or not. If the progress is considered insufficient, the Commission recommends that the Council establishes certain conditions, benchmarks to start or to finish, or both. Negotiating chapters shall not be opened until opening benchmarks had not been achieved and could not be closed until the requirements of the EU had not been met. Opening benchmarks concern *“key preparatory steps for future alignment and the fulfilment of contractual obligations that mirror ‘acquis’ requirements”*, whereas closing benchmarks *“primarily concern legislative measures, administrative and judicial bodies, and a track-record of implementation of the acquis”*. (COM, 2006, p.10)

Benchmarks have been introduced as the instrument of conditionality and apply to all 35 negotiation chapters. Benchmarking ensures the country is fully prepared for being a member of the EU, while making negotiations a slightly more complex and time-consuming process. When compared to previous enlargement rounds, Croatia’s EU membership negotiations have been the most complex so far, owing to 138 precisely-defined opening and closing benchmarks, in almost all chapters including 27 benchmarks to start its EU membership negotiations.

Croatia had a 6-year long negotiation process. However the term “negotiations” can be misleading, as they are about the candidate’s ability focusing on the conditions and timing of membership, as well as the implementation and application of EU rules which could not be negotiable. For the EU it means to obtain guarantees on the achievement of the candidate country. It negatively affected Croatia’s progress and prospects for EU accession as the country opened the negotiations in October 2005 ending just in June 2011. In addition, till 2011 it was an *“open-ended process whose outcome cannot be guaranteed beforehand”*. (COM, 2005) The negotiations lasted almost six years. This was only slightly longer than those between Central and Eastern European countries and the EU. In addition, there was stronger conditionality to be met by Croatia as instead of 31 ‘acquis communautaire’ chapters of Eastern enlargement Zagreb should fulfil 35 one. What is more, it appeared to be a problem to meeting the (unspoken) conditions of the International Criminal Tribunal for the former Yugoslavia. ICTY requirements held up both the opening of negotiations and the negotiations themselves.

In order to comply with its conditions the EU introduced its rules and bargaining strategy which have asymmetric interdependence as Western Balkan countries have very little or no opportunity to influence the rules. According to Smith, two types of conditionality can be separated, positive and negative ones. In case of positive conditionality, on the bases of the candidate country’s progress the EU offers the applicant the chance of carrying on the negotiations, to start a new stage in the accession process. Negative conditionality means that when the EU is unsatisfied with the efforts made by the aspirant the accession process could be halted or slowed down. (Smith, 1998, p.256) There are several examples of negative conditionality as Croatia’s accession is much slower than it was expected. The concrete situation has to be mentioned when the European Council postponed the date of the accession talks with Croatia until the requirement of full cooperation with the ICTY had been met.

The specific feature of EU’s conditionality after 2004 is that it had undergone a three-dimensional evolution. The first one is based on the specific features of SAP, as SAP countries should implement all the SAA conditions before being considered by the EU as membership applicants. This is the so called *pre-pre-accession* conditionality. (Pippan, 2004, p.227) The second evolutionary dimension of the pre-accession conditionality regards the introduction of the tool of benchmarking. The third stage of conditionality is in the post-accession period’s specific safeguard clauses, later being reinforced by the “cooperation and verification mechanisms in the area of judicial reform and the fight against organised crime and corruption”. Considering all these new developments, it can be declared that Croatia’s accession process represents the most ambitious, far-reaching and difficult application. In fact, Croatia’s accession can be seen by many as a *‘sui generis’* example of proper EU member state building.

Not only the strengthening of the enlargement criteria could be seen as the major obstacle of Croatia’s accession, but also some other issues concerning the general position of the Union. Croatia started its negotiations in the midst of the enlargement fatigue and after negative referendums in France and in the Netherlands. Croatia opened its negotiations with the perception of the EU as a moving target without institutional guarantee of its place in the EU (it came only in December 2009 with the adoption of the Lisbon Treaty). Zagreb had to face with the so called absorption capacity and enlargement fatigue, first introduced by the Copenhagen European Council of 1993 which stated “the Union’s *capacity to absorb* new members, while

maintaining the momentum of European integration". (EC, 1993, p.14) It was only in 2006 when the Commission renewed its enlargement strategy based on three "C"-s consolidation, conditionality and communication, combined with the EU's capacity to integrate new members. It was based on introducing more rigorous and tougher 'tools' for negotiating the adoption and implementation of the '*acquis*' chapters, based on the lessons learned during the fifth enlargement. (COM, 2006)

The country represents the new model of enlargement having different – political and technical – aspects. On one hand Croatia represents a new political model as comparing with the previous enlargement circles instead of meaning a shared responsibility, the country should proof its adequate for being a member of the European Union. In this case Zagreb can be regarded as the first to set an example for other Western Balkan countries. On the other hand a new technical model appeared through Croatia's accession as the country should face more criteria – including the new measuring system of benchmarking – and Zagreb should make an extraordinary effort to meet all the accession criteria and that it asked to do more than any other previous applicants.

4. Croatian experience – summary

Croatia represents a unique case in many aspects as Zagreb will become the second former Yugoslav republic after Slovenia and the first Western Balkan country to enter the European Union. It is the first country that has recently had a terrible war to join the European Club. In addition, no state faced such a strict criteria being at the same time burdened by the regional heritage, the world's biggest economic slump in the last 70 years and the most cautious European Union enlargement policy since the fall of communism. (Plenković, 2010) Croatia was the first country part of the Stabilization and Accession Process to accede the EU. This is a precedent both for the region and the EU because apart from the ordinary Copenhagen criteria, Croatia has to fulfil criteria of the Stabilization and Accession Process like full cooperation with the ICTY, return of the refugees, prosecution of war crimes and regional cooperation.

It seems to be a trend in the enlargement of the Union that it prefers when small groups of countries are accessed to the Community. There are of course exemptions like the case of Greece that was accessed as a single state, or the other extreme was the Eastern enlargement, when 10+2 states were accessed to the EU. A new feature of enlargement was introduced, i.e. the principle of differentiation that was very influential at the beginning of the accession negotiations and really motivated the candidate countries to compete, since it has not been clear for long which states would be in the first round. Though, starting the negotiations with only one Western Balkan state, Croatia in 2005, the EU has voted for differentiation again. From then on it has been put down in several official documents that it can only be the individual development that determine the date of accession. This would mean that Croatia will be the second country (after Greece) to enter the EU on its own. Whereas the previous eastward enlargement of the EU was a "big bang" process, Croatia has been alone in its lengthy accession process.

The SAP scheme established that the connection with the EU was to be "tailor-made", based on the specific situation in the given country (Pippan, 2004, p.242). In this context, Croatia's

integration process was to be assessed against the country's "own merits" as well as the capacity to deliver the required reforms.

In the early 1990s, Croatia's opportunity for a fast-track accession to the EU seemed more applicable than those of the other former communist states of Eastern Europe. However due to the war and the authoritarian regime of President Tuđman in the 1990s as well as the country's poor engagement to the European integration these expectations failed. Following the regime change in 2000, the EU membership became the primary strategic objective of the country. In response to these changes the EU offered Croatia the prospect of membership through the SAP. However, in 2003 the EU gave European perspective for the SAP countries, there was no change in EU relations as the SAAs with Croatia (and Macedonia) kept "*potential candidate status*", without promising integration into the EU (Phinnemore, 2003). Thus, instead of being linked to membership, only the successful implementation of the SAA led to candidate status (2004) and the initiation of the accession talks (2005). From this point of view the SAP can be seen as a (pre-) pre-accession policy framework. (Bechev and Andreev, 2004, p.9). Croatia's accession to the EU is realized through a number of stages: the first one is the pre-pre-association period of the SAA, the second is the pre-association stage starting with obtaining candidate status and the last one is the accession.

Through strengthening enlargement criteria in fact, that Croatia was subject to the most rigorous, draconian and uncertain form of membership conditionality ever used by the EU, as Croatia negotiated alone which decreased its negotiation power. Furthermore, it negotiated about an increased '*acquis*' and bigger number of chapters while the whole negotiations methodology has been changed. The process had been marked by ups and downs, and the EU's 'stick and carrot' policy as well. It is clearly seen that the EU does not want to get engaged to the region as much as to the Central and Eastern European region, it refrains from concrete promises regarding membership or its datum, there is a lack of schedule for the candidate state, not to mention that the amount and time of pre-accession support are also unpredictable. An example of this statelessness can be detected in such expressions in the European rhetoric like it is an "*open ended process*" and "*the date of the accession is not defined till the end of the accession negotiations*". Therefore, the Croatian path to the EU is actually in many senses a '*sui generis*' for both the EU and the candidate countries.

The basic element of both the Croatian and the European rhetoric is that the good Croatian example could motivate the other states, since the Euro-Atlantic integration is a priority of every country's foreign policy. Croatia would prove that the efforts of the country to fulfil the requirements of the EU worth it, which would be a positive message to the Western Balkan states. In this manner, Croatia could be a factor of stabilisation in the region, thus its accession is the interest of the Union as well. Its accession would not mean a new breaking line; on the contrary, it would be a bridge between the region and the EU.

In the accession of Croatia several differences came into focus, like the longer term and stricter criteria, the insecure end of accession, the stop of opt-out chance, the introduction of new instruments and techniques, furthermore, the strengthened negotiating position of the Union, meanwhile that of the candidate countries weakened. Therefore, Croatia's accession should be considered as the new phase of the integration process. (Lőrinczné, 2012)

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**RECONSTRUCTION OF THE BALKANS REGION:
A RESEARCH STUDY OF THE FUTURE OF EUROPEAN
INTEGRATION OF BOSNIA-HERZEGOVINA AND SERBIA**

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Conference sub-theme: The Role of the European Union; Pre-Accession Strategies

Key Words: *European integration, social constructivism, Balkans, Bosnia-Herzegovina, Serbia*

Abstract

In accordance to the Stability Pact that was launched in 1999 to provide conflict prevention net for South Eastern European nations (hereinafter – Balkans) that fosters regional co-operation and expedite integration into European and Euro-Atlantic structures. It is pertinent to research areas of the theoretical arena encompassing the integration of the Balkans region into the European Union (EU). Since in 1981 Greece became a EU member state and recently Bulgaria and Romania in 2007, it is on the frontline issue of integrating Balkan region states into the EU since Croatia is marked to be a full EU member state in late July 2013. The basis of this urge for the Balkan region integrating into EU spans multiperspectives as bilateralism, institutionalism, nationalism, and the full integration into the European labor market. In this paper I will focus on the research question whether there is a gap between the social and cultural norms, behaviors, and identities and political environments in Bosnia-Herzegovina and Serbia and the EU? Given this gap I will also focus on the question of what are the possibilities of these countries' integration into the EU and if there is a transformation and convergence of values and norms and how can we understand this theoretically? These questions will be looked upon in the lens of a social constructivist model to further explain how EU norms and behaviors are followed within applicant countries drastically to enable their nations to obtain full EU membership.

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“TURKEY SHOULD SOLVE ITS KURDISH CONFLICT FIRST”: THE IMPACT OF EU ON THE KURDISH CONFLICT IN TURKEY

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Key Words: *Kurdish conflict in Turkey, European Union, conflict resolution*

Abstract

Turkey's Kurdish conflict is a deep-rooted conflict. Its consequences are substantially destructive; 45,000 people have been killed since 1984, over a million have been internally displaced (Çelik, 2005). Yet, conflict resolution activities so far have not resulted in a substantial reduction of violence and a permanent peace agreement (Gunter, 2007). Concurrently in this context, Turkey, as a European Union candidate since 1999 and a negotiating country since 2005, was asked by the EU to fully implement Copenhagen Criteria, reform its legal system, provide minority rights for Kurds, and lower the 10% election threshold. This pull by the EU in a context of democratization further changed the domestic environment of Turkey's Kurdish conflict. The idea was that Turkey's full membership chances would significantly increase if a long-term solution to its long-standing Kurdish issue would be found. Thus, steps Turkey would take in the EU accession process would have a positive impact on the solution of the Kurdish conflict. However in this paper, contrary to the vast literature on the positive effects of the EU on the Kurdish conflict, I argue that the EU negotiations process has also negative direct and indirect effects in the context of Kurdish conflict. First of all, the reforms that were implemented for Kurds living in Turkey were perceived rather negatively by Turks, as they were perceived them as a threat to the territorial integrity of Turkey due to the emphasis on minority rights (Kirişçi, 2011). This, in turn, caused to the resistance of implications of certain laws and reforms, and prejudice towards Kurdish people. Second, the opposition for the Turkey's membership within the EU also negatively affected the process (Tocci, 2005). This caused the questioning of sincerity of EU, and in turn, caused to the increased suspicion for EU and its reforms within nationalists in Turkey who do not support the EU from the beginning of the process. Third, the current ruling party, Justice and Development Party (JDP), started the Kurdish Initiative in 2009 in order to end the Kurdish conflict. However, it also did not result any substantial reduction of the conflict due to the JDP's not having capability to deal with the oppositions, but also EU's reluctance for Turkey's EU membership (Kirişçi, 2011). Fourth, JDP could manage to push the Turkish Armed Forces (TAF) out of political sphere and into its barracks thanks to the accession process, yet in a very controversial manner. This added to the concerns and fears of Turks, specifically among secular circles, and contributed to the suspicion and hatred towards the EU. Later, although an indirect effect, the power vacuum formed after TAF's retreat from political sphere enabled JDP to suppress its opponents, specifically from Kurdish camp. To elaborate, the investigation into the Union of Communities of Kurdistan (KCK), the alleged urban wing of the PKK, significantly expanded to silence the Kurdish opposition group. Currently, approximately 10,000 people are alleged with KCK. These factors combined contributed to the worsening of the Kurdish issue in Turkey, as well as earlier positive effects of the EU membership process on its Kurdish issue. Overall, the impacts of the EU on the Kurdish conflict are discussed in a more detail in relation to the internal and international dynamics of the conflict.

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REGIONAL OR GLOBAL EUROPEAN UNION? TURKISH MEMBERSHIP AS A TEST

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Key Words: *European Union, normative power, enlargement, regionalism, globalization, Turkey*

Abstract

In the Post-Cold War world, the European Union has emerged as a 'normative power' in the world politics. The EU is a normative power because it has an ability to affect other preferences and to structure its own values and norms (e.g. liberal democracy and free market economy) as universal values and norms. In this sense, there is no doubt that a normative power highly needs a strong legitimacy to be influential in the world. Regarding the EU's normative power, the enlargement waves provide a great legitimacy to the EU. For example, after the Eastern enlargement, the EU has started to be defined more cosmopolitan/universal and less Western, and this also makes its values and norms more universal and so more influential. Despite this fact, the enlargement still presents regionalism and the unification of Europe. However, the possible Turkish membership is more than the unification of the continent and will strengthen the EU's global image. Therefore, this paper argues that Turkish membership will provide a greater legitimacy to the EU as a global normative actor. Otherwise, the EU, within a limited geography, could not maintain its legitimacy that is necessary for its normative power, and in time, it could become less effective in the global arena and more regional due to increasing protective tendencies against globalization. For example, the recent economic crisis has already triggered regional protective attitudes within the EU.

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ONLY AN EU APART: BULGARIAN-TURKISH ECONOMIC AND POLITICAL RELATIONS IN THE POST-ACCESSION PERIOD

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Key Words: *Bulgarian-Turkish economic relations, trade volume, foreign direct investment by Turkish companies*

Abstract

This paper analyses the dynamics and the evolution of the Bulgarian-Turkish economic and political relations following Bulgaria's accession to the EU against the backdrop of changing Bulgarian socio-cultural attitudes towards Turkey and its large Turkish minority. Despite the lingering effect of the anti-Turkish propaganda during the former communist regime, the specific Bulgarian "memory of the Turkish bondage" and the ethnic assimilation of the Turkish minority in mid-1980s, Bulgarian-Turkish relations progressed rapidly on both the economic and political fronts especially in the mid-1990s after the Bulgarian transition to democracy and the free market economy. Strong trade and FDI ties developed in recent years based on bilateral agreements and a growing number of Turkish firms and joint ventures with Bulgarian partners have been established and penetrated the market, as Bulgaria came to be viewed as a gateway to the larger EU market. On the political front, the EU membership has given Bulgaria greater political leverage, while at the same time constricting Bulgarian-Turkish relations within the framework of EU-Turkish relations and potential EU membership for Turkey. Additionally, the two countries interact within a complex web of political and socio-cultural relations marked by a history of tension and conflict with much undeveloped potential for closer cooperation. The Bulgarian domestic political environment seems to be the key obstacle in developing stronger ties, along with the newly found of "neo-Ottomanism" due to the growing importance of Turkey as a key economic and political power both in Europe and Asia. Despite the much-praised "Bulgarian ethnic model" of the 1990s, and the peaceful democratic transition that stood apart from the spreading ethnic conflict in the Balkans, the issue of ethnic Turkish minority rights is a recurring source of contention in Bulgaria's political arena. Notwithstanding these trends, the advent of Turkish film productions has started to change Bulgarian perceptions towards Turkey in a more positive and objective direction, while attenuating existing prejudices. This is taken as evidence for our claim that growing cultural interaction between the two nations carries the potential to advance future economic and political cooperation. We use a combination of aggregate data, public opinion polls, and interviews to analyze the evolution of economic and political relations and to identify obstacles and potential areas of further improvement.

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1. Introduction

In the past decade, Bulgarian-Turkish economic and political relations developed remarkably well in tandem with the deepening political cooperation in the context of Euro-Atlantic ties and Balkan regional structures. Today, these relations established between the two countries are considered exemplary, falsifying the ethnic hatred theory frequently attributed to the Balkans despite the lingering legacy of the Ottoman Empire (Demirtaş-Coşkun, 2001). In accordance with the friendly political dialogue, strong trade and FDI ties developed in recent years based on bilateral agreements and a growing number of Turkish firms and joint ventures with Bulgarian partners have been established and penetrated the market since 2002, as Bulgaria came to be viewed as a gateway to the larger EU market for the Turkish business. This represented a remarkable development considering the strained relations prior to the Bulgarian transition to democracy and market economy over the Turkish minority issue (1985–1989)¹ and almost non-existent trade and investment flows prior to 1990. There exists currently free trade between the two countries and a comprehensive legal and regulatory framework is fully in place due to the active political dialogue fortified by the frequent visits of the respective prime ministers and presidents of the two countries² which emphasized closer cooperation in all spheres since 1997.³

Bilateral relations in trade, the economy and social affairs had reached their highest level in the history of Bulgarian-Turkish relations in recent years. In the words of Turkish President Abdullah Gül, “Improvement of the Turkish-Bulgarian relations makes a direct contribution to stability, security, economic development and prosperity of Balkans.”⁴ Indeed, two countries shared a joint perspective on the way to EU membership as well as with respect to their alliance in NATO which added a stronger momentum to relations.⁵

Admittedly, the EU membership has given Bulgaria greater political and economic leverage as part of the free trade zone within the EU. Yet, after accession of Bulgaria in 2007, the Bulgarian membership, at the same time, began to constrict Bulgarian-Turkish relations especially in terms of the domestic political developments in Bulgaria. Historically, the two countries interact within a complex web of political and socio-cultural relations marked by a history of tension and conflict with much undeveloped potential for closer cooperation. The issue of ethnic Turkish minority rights is a recurring source of contention in Bulgaria’s political arena and a new party the nationalist “Ataka compete in elections on an agenda of fostering ethnic homogeneity but aspire

¹ Because of the 1985–1986 forced assimilation of ethnic Turks and name changing campaigns under Zhivkov’s regime, more than 300,000 Turks left for Turkey in 1989 when Turkey opened its doors to these forced migrants.

² President Stoyanov’s visit to Turkey in June 1997, followed by President Demirel’s visit to Bulgaria in October 1997, followed by Prime Minister Yılmaz’s visit on December of the same year could be given as an example. Later, President Parvanov, Prime Minister Erdoğan and President Gül paid a visit to the respective countries between 2004 and 2009.

³ Turkey and Bulgaria cooperate in politics, trade, economy, culture, fight against terrorism and in international institutions, and bilateral, regional and international relations progressed perfectly in the last decade. Drug-trafficking and illegal emigrants, smuggling and human trafficking: Straightening mutual border control practices and technology. Particularly after 2000, cooperation between Turkish and Bulgarian border officials increased (Baklacioğlu, 2003). Although not complete, many strict security measures and the EU regulations have been put in the legislation of both countries since mid-2002. Countries also signed a co-operation program in 2004 in science, culture and education for the period of 2004 and 2006.

⁴ In a visit to Sofia as the Minister of Foreign Affairs in 2004.

⁵ Bulgaria expended support to Turkey’s European Union (EU) process and Bulgarian Foreign Minister Solomon Pasi thanked for the support Turkey expended to Bulgaria’s membership to NATO in 2004.

to fuel ethnic tension. In this context, the Bulgarian domestic political environment seems to be the key obstacle in developing stronger ties, along with the newly found fear of “neo-Ottomanism” due to the growing importance of Turkey as a key economic and political power both in Europe and Asia. In line with these trends, while trade continually grows between the countries, Turkish FDI flows and company level investments lost their relatively strong previous momentum (3rd position in terms of FDI between 2002–2007, now around 16th). The recent global recession, increasing importance of EU investments in Bulgaria, the EU regulations and the domestic political constraints all played a role in this outcome. Notwithstanding these trends, the advent of Turkish film productions has started to change Bulgarian perceptions towards Turkey in a more positive and objective direction, while attenuating existing prejudices, supporting our claim that growing cultural ties have the potential to promote closer political and economic cooperation for the benefit of the two nations.

This paper analyses the dynamics and the evolution of the Bulgarian-Turkish economic and political relations following Bulgaria’s accession to the EU against the backdrop of changing Bulgarian socio-cultural attitudes towards Turkey and its large Turkish minority. Next section, section two, discusses the political developments in reference to the ethnic minority context, the role of the domestic political factors and the Bulgarian media in constraining the development of closer ties and potential for closer cooperation in view of the changing perceptions of the Bulgarian public in a positive direction based on surveys. In section three, we analyze the development of trade and FDI flows and the factors behind the proliferation of Turkish companies, their profile, their strengths and weakness as well as the obstacles they face in investing in Bulgaria. In this section, the business motives and profiles of Turkish investors are also discussed, based on public opinion polls, and interviews, to shed light on the barriers to Turkish FDI and obstacles for future growth as perceived by the Turkish companies. Section four concludes.

2. Domestic Political Factors in Turkish-Bulgarian Relations

Political relations between Bulgaria and Turkey are burdened by a long history of antagonistic relations. Starting with the 500-year Ottoman rule over present-day Bulgarian territory and the Russo-Turkish War of 1877 that brought about Bulgarian independence, Turkey and Bulgaria were pitched against each other in the First Balkan War of 1912, World War Two, and the Cold War where the two neighbors stood at the division-line between the Soviet and the Western camps. Given such historical legacy, Turkish-Bulgarian bilateral relations following the collapse of communism in Eastern Europe have been unprecedentedly peaceful and collaborative. Turkey was extremely supportive of Bulgaria’s membership to NATO and Bulgaria views rather positively a future EU membership for Turkey. In the context of past Ottoman rule and an ensuing large Turkish minority in Bulgaria, as well as a series of devastating ethnic conflicts across the Balkans, ethnic relations within Bulgaria and the so-called Bulgarian ethnic model, although not entirely tension-free, has been an example for ethnic peace in the region. Despite such positive developments, domestic political factors still remain an obstacle to further strengthening the ties between the two countries, who share cultural characteristics that, in the

absence of such factors, could favorably influence economic and political relations. Next, we review the various domestic factors that impact the development of bilateral relations.

Legacy of the Ottoman Empire

One of the most powerful narratives influencing public attitudes towards relations with Turkey is the historical memory of the “Turkish yoke.” A combination of historical facts and deliberate construction of historical memory, particularly reinforced during the Communist regime in Bulgaria, the “Turkish yoke” is a defining moment in the shaping of Bulgarian national identity. Accused for occupying the Kingdom of Bulgaria, massacring or torturing a significant part of its population and brutally repressing any resistance, the Ottoman oppressors are also blamed for the overall backwardness of the region which was shunned from the influence of revolutionary movements in Europe such as the Renaissance, the Reformation or the Enlightenment. Despite recent efforts for a more balanced view (including in school curriculum) emphasizing some more positive features of the Ottoman rule such as comparative religious freedom⁶, most Bulgarians view the “Turkish yoke” as the darkest period in Bulgarian history.

Another legacy of Ottoman rule is a large ethnic Turkish minority in Bulgaria. Following independence, ethnic Turks constituted 20–25 percent of the population within the newly found Bulgarian state, which viewed them as a threat and a potentially mobilizable foreign force in the country. Consequently, a number of strategies were adopted in an attempt to deal with the Turkish minority ranging from population transfers and forced emigration, to hegemonic control that allowed religious freedom but kept ethnic Turks at an inferior socio-economic status, deliberately preventing their assimilation (Dimitrov, 2000). Bilateral agreements between newly independent Bulgaria and the Ottoman Empire, later Kemalist Turkey, intended to protect the rights of Turks who remained on Bulgarian territory, but did not address their low socioeconomic status. With the establishment of the Communist regime in Bulgaria in 1944 and following another wave of forced immigration, the Bulgarian state, ascribing to internationalism as a principle of communist ideology, shifted to a strategy of integration of the Turkish minority into the socialist society. Integration meant restricting the practice of religion and the teaching and use of Turkish language, while at the same time integrating the Turkish minority in the labor force and considerably improving the standard of living among ethnic Turks. The new policy did not produce the expected results. On the contrary, improved economic status coupled with restrictions on religious freedom strengthened Turkish identity and resulted in an increase in birth rates among ethnic Turks. Alarmed by such counter-effects, the Bulgarian state resorted to a policy of forced assimilation.

Assimilation of Turkish Ethnic Minority and the Renaming Process, 1984–1989

Early assimilation campaigns of the 1960’s and 1970’s focused on regions densely populated by ethnic Turks and included forced renaming, ban on the practice of Islam, the use of Turkish language, and cultural traditions such as wearing *shulvars*.⁷ Such efforts of assimilation culminated

⁶ At a time when the Inquisition was mercilessly prosecuting “heretics”, the Ottoman Empire offered a shelter for groups of various religious and ethnic backgrounds. Sephardic Jews, for example, who at the time were targeted by the Inquisition settled in the Ottoman Empire. See, Chary, F., 1972. *The Bulgarian Jews and the Final Solution 1940–1944*. University of Pittsburgh Press.

⁷ Traditional loose pants worn by Muslim women.

at the so-called Renaming Process (also known as the Revival Process) that took place between 1984 and 1989. The Renaming Process was an elite-led campaign launched by Bulgarian communist dictator Todor Zhivkov and carried out by the Secret Service. The logic behind it was that ethnic Turks were in fact ethnic Bulgarians who were forced to convert to Islam during Ottoman rule and who have lost their true identity. Unlike previous assimilation campaigns, the Renaming Process was a massive initiative that intended to suppress, even erase, any aspects of Turkish identity within a short period of time.

The Renaming Process provoked a growing unrest among the Turkish minority. In May 1989, tension escalated with hunger strikes, mass protests, and clashes with the militia, where people on both sides were wounded and killed (Gruev and Kalionski, 2008). The government responded by opening the borders and encouraging ethnic Turks to “return” to Turkey. The so-called “great excursion” forced some 850,000⁸ ethnic Turks out of the country, resulting in a severe crisis in Bulgarian-Turkish relations and an outcry from the international community. Bulgaria’s policy towards the Turkish minority was seriously criticized at a meeting of the Conference on the Security and Co-operation in Europe (CSCE), as well as at a special session of the UN General Assembly. In the context of a wave of anti-communist revolutions across Eastern Europe, the Renaming Process and the ensued protests and international criticisms of Bulgarian policy directly contributed to the collapse of the Communist regime in Bulgaria.

The “Bulgarian Ethnic Model” and the Emergence of the Movement for Rights and Freedoms during the Democratic Transition, 1990–1991

Following the collapse of the communist regime, immediate attempts were made to improve relations with Turkey and restore ethnic peace within the country. The Bulgarian Communist Party issued a formal apology for the Renaming Process and voted a resolution for reinstating the original names of ethnic Turks. Such measures, although in the right direction, failed to erase the traumatic memories of the assimilation campaigns which continue to shape the political behavior of ethnic Turks, who by large vote for the one party they see as representing their interests, the Movement for Rights and Freedoms (MRF).

Founded shortly after the collapse of the Communist regime, the Movement for Rights and Freedoms (MRF) draws its roots from the Turkish National Liberation Movement of Bulgaria, clandestinely operating during the Renaming Process. Despite a controversy around its registration,⁹ the MRF participated in the first post-communist elections gaining 23 parliamentary seats. Since then, the MRF has been one of the largest and longest-lasting political actors in the country, enjoying steady voter support among ethnic Turks.¹⁰ Throughout the 1990s, the MRF played the role of a balancer, often switching sides and influencing political outcomes. The 2000s were even more successful for the MRF who participated in two consecutive coalition governments.

⁸ Buchsenschutz, U., 2000. *Minority Policy in Bulgaria: The Policy of the Bulgarian Communist Party towards Jews, Roma, Pomaks and Turks 1944–1989*. Sofia: IMIR (in Bulgarian), p.104.

⁹ The Bulgarian constitution bans political parties formed on an ethnic basis. In light of political instability and rising ethnic tension at the time, the Constitutional Court issued a decision allowing the MRF to register. For more on the registration and constitutionality of the MRF, see Ganev (2004).

¹⁰ Ethnic Turks also constitute 90 percent of MRF’s membership. See Broun (2007).

MRF's frequent switch of allegiance has rendered it a controversial actor in Bulgarian politics. In recent years, the MRF and its long-time leader, Ahmed Doğan, have been frequently criticized for taking hold of strong financial positions and key ministries that were used in an extremely partisan way. Minchev argues that the MRF has been cultivating a "ring of companies" and business people, directly subordinated to the political leadership and to the leader of the MRF himself (Minchev, 2006). A number of politicians on both sides of the political spectrum have referred to Ahmed Doğan, and MRF respectively, as someone who "mixes money and power," "makes active use of power," and "takes advantage of power." Such allegations have fueled electoral rhetoric with a number of parties (including moderate parties) adopting an open anti-MRF position. For example, "MRF out of Power" was one of the main mottos of the electoral pitch of the party winning the 2009 elections.

At the same time, MRF has been largely credited for the ethnic peace in the country, especially during the painful transition to a liberal economic order when the ethnic Turks and Pomaks experienced the greatest hardships (Erdoğan, 2002; 2003). To describe Bulgaria as an ethnic idyll would be too simplistic and misleading, argues Zhelyazkova (2001), as Bulgaria did experience some ethnic tensions. Nevertheless, analysts agree that MRF leadership helped Bulgaria avoid the radicalization of ethnic politics which overtook Yugoslavia (Broun, 2008; Ganev, 2006; Merdjanova, 2007; Minchev, 2006). MRF was careful to avoid identification with any extremist Islamist or pan-Turkish elements and used secular and moderate language in its program and statements (Merdjanova, 2007). Separatism and Islamic fundamentalism were never part of MRF's strategy of attracting voters. On the contrary, MRF contributed to the overcoming of the legacy of the Renaming Process and has worked with other political actors on the restoration of the names and civil rights of the Bulgarian Turks. MRF's inclusion as a recognized actor on the Bulgarian political scene, Ganev (2006) contends, is rightfully celebrated as an important feature of the successful "Bulgarian ethnic model."

The most significant aspect of the political transformation in Bulgaria after the collapse of the communist regime, Zhelyazkova argues, is that the historically prevalent patterns of peaceful coexistence among ethnically diverse groups were swiftly restored (Zhelyazkova, 2001). The relatively high level of religious toleration and open-mindedness with regard to minority issues may be considered the main characteristic of the so-called Bulgarian ethnic model. The common sense of people living in the ethnically mixed regions, as well as the dominant traditional values embraced by Bulgarian society as a whole, rendered possible the peaceful regulation of ethnic relations during a period of excruciatingly hard economic and social change (Zhelyazkova, 2001).

While anti-Turkish sentiments are not absent in the country, Bulgaria enjoys relative inter-ethnic tolerance and peaceful coexistence of ethnic groups that set it apart from its troubled neighbors. The peaceful ethnic coexistence was a decisive factor supporting the swift accession of Bulgaria into the European Union in 2007 as discussed in Erdoğan (2003).

Increasing Tolerance towards Ethnic Turks and the Domestic Political Constraints: A Paradox?

Today, ethnic Turks constitute 8 percent of the total population in the country, making them the largest ethnic minority in the EU as percentage of total population (2011 Census). There is an overall trend of increasing tolerance towards minorities as documented in surveys conducted by Ilieva (2011). Positive attitudes towards ethnic Turks are rising and are consistently higher than

positive attitudes towards the Roma. For example, when asked, “Would you accept people living in your neighborhood from Turkish origin?” positive answers rose from 44.6 percent in 2008 to 62.7 percent in 2012. When asked the same question regarding the Roma, 47.6 percent said “yes” in 2012 (OSI, June 2012). The same survey also found that 62.3 percent would work with/next to an ethnic Turk and 46 percent would accept having an ethnic Turk for a boss.

Such positive developments appear at the background of rising nationalism and the emergence of nationalist parties such as ATAKA (Attack) (founded in 2005) or the Internal Macedonian Revolutionary Organization (IMRO), polarizing the public opinion along ethnic lines. It is noteworthy that the openly nationalist ATAKA party has been initially popular for its rhetoric against ethnic Turkish minority, managing to garner votes more than 8 percent in 2005 and 9.4 percent in 2009 (Ilieva, 2011). The party continually inspires strong anti-Turkish sentiments (Ghodsee, 2008). Ethnic polarization along with the party lines may seem to cast shadow on the Bulgarian ethnic model with the potential to fuel ethnic hatred on both sides but it may also signify the growing maturity of the Bulgarian democracy. Hence, ethnic tension and prejudice is not completely absent in Bulgaria but remain subdued, and does not disturb the ethnic model which rests on peaceful coexistence. The newly found fear of Islamic fundamentalism and “neo-Ottomanism”, given the global war on terrorism and the growing importance of Turkey as a key economic and political power both in Europe and Asia also introduce additional elements into the anti-Turkish prejudice in the country.

The ongoing trial against 13 Bulgarian Imams is a case in point on the radicalization of public opinion on the issue of religious divides. In September 2012, the District Court in Pazardzhik began a trial against 13 imams who are charged and accused of preaching “anti-democratic ideology, spreading Salafism and imposing of Sharia law.” One of the defendants is also charged of leading the Al Waqf al-Islami organisation (a branch of a Saudi foundation of the same name that is not officially registered in Bulgaria), while the rest are charged of membership in this organization. According to Zhelyazkova, the accused have been targeted because of obtaining higher religious education at universities in Saudi Arabia (Zhelyazkova, 2012). The trial has provoked demonstrations both by the Muslim community in Bulgaria and nationalist organizations, including ATAKA and IMRO. Independent organizations defending human and minority rights have expressed concerns regarding possible pressures by the authorities on witnesses testifying in the trial, theological debates taking place in court, and testimonies of “experts”, including representatives of the Bulgarian Orthodox Church, but not specialists in the various trends in Islam. The trial, Zhelyazkova argues, has become another instrument for radicalizing public opinion along ethnic and religious lines and mobilizing voters for the upcoming parliamentary elections (Zhelyazkova, 2012).

Ethnic sentiments have been further stirred by a recent attack on MRF leader, Ahmed Doğan, while he was delivering his resignation speech at MRF’s national conference. The attacker, also of ethnic Turkish origin Oktai Enimehmedov, has been arrested and charged with murder attempt. There have been a number of speculations as to who organized the attack and with what purpose, including conspiracy theories forwarded by ATAKA that Ahmed Doğan organized the attack himself in order to mythologize his image and mobilize the ethnic Turkish vote in the upcoming elections. According to a public opinion poll, 56 percent of the population sees the attack as a sign of internal conflicts within MRF, 22 percent view it as an act of hooliganism

without serious political repercussions, and 14 percent see the attack as indicative of serious political problems in the country (Alpha Research, January 2013). Parliament adopted a declaration denouncing the attack. Meanwhile, Ahmed Doğan stepped down as a leader and was replaced by his right-hand, Lyutvi Mestan. The same public opinion poll indicates that 49 percent of respondents do not see Doğan's resignation as bringing significant changes in MRF, and 53 percent do not think the attack would have serious consequences for political life in the country (Alpha Research, January 2013). By contrast, political discourse has been focused on the political consequences of the attack, pointing out to the possible electoral advantages in terms of vote mobilization for both the MRF and the nationalist right, as well as the threat to political stability and the ensuing cost to society.

Bulgarian-Turkish relations are largely influenced by the salient features of the domestic political environment as well as the media coverage of inter-ethnic issues and this trend continues to obstruct the development of stronger ties. Yet, there are significant signs of changing public perceptions towards Turks with the advent and the domination of the Turkish soap operas (TV series) in Bulgarian TV channels which show the cultural similarities especially in the national cuisines, music and architecture.¹¹ In addition, news in Turkish is broadcasted in Bulgarian national TV since 2000. Undeniably, there is an increasing Turkish cultural presence in Bulgaria and this has the potential to cultivate greater economic and political cooperation between the two countries.

While public attitudes are moving in a positive direction, a number of concerns still remain, as articulated by the MRF leader, Lyutvi Mestan:

"Ethnic minorities in Balkan countries should be granted a 'European minority status' to integrate them better into society. In all nation-states, especially in Southeastern Europe, namely the Balkans, there is a strong ethnocentrism and this stonewalls the integration process. This idea [ethnocentrism] does not consider the cultural differences between different ethnicities as [cultural] capital but as a threat to national interests."

At the backdrop of recent events stirring ethnic sentiments in Bulgaria, diplomatic relations between the two countries have been flourishing. The last government has actively worked to improve diplomatic and economic relations between Bulgaria and Turkey. There have been a number of high level state visits and negotiations for cooperation and agreements in a number of areas.

Former Minister of Foreign Affairs, Nikolai Mladenov, reiterated Bulgaria's support for Turkey's membership to the EU in his 2011 visit to the country. He carried out negotiations in ten areas, including border agreements that would improve Bulgaria's prospects of joining the Schengen zone. Former Vice-premier, Tzvetan Tzvetanov, was invited to the 4th Congress of Erdoğan's ruling Justice and Development Party (AKP) in September 2012. Among the discussed issues were cooperation in fighting terrorism and organized crime, particularly the establishment of joint custom patrols. In November 2012, President Rosen Plevneliev visited Turkey to discuss trade

¹¹ Bulgaria is the European country with the highest number of Turkish TV series bought (Ilieva, 2011). Many Bulgarians share that they realize how similar the two nations' perspective on "family" as well.

and economic relations, identifying four key areas of cooperation: energy, infrastructure and construction, agriculture, and tourism.

Currently, the bilateral trade volume (exports plus imports) hover around \$4 billion and the target is to increase bilateral trade to \$10 billion in the years to come. The countries are also cooperating on a railway connecting Central Asia with Europe. Such initiatives show political will on both sides for increased cooperation and deepening economic ties between Turkey and Bulgaria.

As will be discussed in detail in the next section, Turkish companies continue to demonstrate a keen interest in the Bulgarian market as part of their strategic enlargement into the EU region. As the most recent example, in early 2013, leading Turkish companies in telecommunications such as Turk Telekom – the biggest telecom company in the country – and Turkcell – with the largest share in the mobile phone market – have submitted their bids to purchase Bulgaria's second biggest operator, Globul (Cosmo Bulgaria Mobile) from its Greek owner OTC as part of their regional enlargement strategy.¹²

3. Development of Economic Relations

Trade Volume and Patterns of FDI

In 2011, bilateral trade, the sum of exports and imports, between Bulgaria and Turkey has amounted to around \$4 billion (2.8 billion Euros), tripling since 2002.¹³ In fact, prior to the global crisis, the trade volume reached its highest level with \$4.5 billion (3 billion euros) in 2007 (Table 1).¹⁴ Turkey has been 5th in Bulgaria's largest trading partners by 2009 (Table 2). According to the latest data released by the Bulgarian Agency for Foreign Investment, Turkey is the 16th largest investor in Bulgaria with a total amount of Turkish direct investment totaling 600 million dollars with a potential to reach 1 billion dollars by 2015.

During 1990–1999, trade volume increased from a negligible 42.2 million dollars in 1990 to 529.2 million dollars in 1999. But it was especially after 2002 that there was a steep expansion in bilateral trade volume, a substantial amount in the form of “suitcase trade” in early years of transition.¹⁵ This was because, since 1997, Turkish-Bulgarian political dialogue and regional

¹² “The 140 percent mobile penetration rate in Bulgaria is above the average rates of both Europe and developed countries, which are 121 and 122 percent respectively. Globul could provide a considerable value for Turk Telekom as long as it is purchased for a reasonable price,” Ata Investment's notes on Turk Telekom's bid read.

¹³ As to the trade pattern, Bulgaria mainly imports building structures, wires and cables, aluminium profiles, transport vehicles, metal rods and sheets, petrol oils from Turkey and exports to Turkey electricity, sheet iron, copper, metal scrap, sunflower seeds, petrol oils, and wheat.

¹⁴ As to the trade pattern, Bulgaria mainly imports building structures, wires and cables, aluminium profiles, transport vehicles, metal rods and sheets, petrol oils from Turkey and exports to Turkey electricity, sheet iron, copper, metal scrap, sunflower seeds, petrol oils, and wheat.

¹⁵ With the Bulgarian transition to market economy, a “suitcase trade” burgeoned between the two countries since 1992 as Turkish textiles of poor quality passed via the Kapikule border to be sold in small scale vendors located in major Bulgarian cities. Hence, cheap and inferior quality textile products or some basic necessities were mostly the subject of this pattern of trade, considering the low purchasing power of Bulgarians in the 1990s. In the meantime, this damaged the reputation of Turkish products in the Bulgarian market. Since the elimination of this suitcase trade through strict border controls and free trade in place with the EU, the perception regarding Turkish products improved considerably as formal trade became the norm through reputable companies such as *Ülker* (cookies and crackers) and *Kütahya Porselen* among others.

cooperation became stronger and started to generate some tangible results in the form of free trade agreements (phasing out all custom duties) and participation in several joint partnerships. Moreover, in 2007, for the first time, Turkish trade balance with Bulgaria registered a surplus.

Table 1: Bilateral Trade between Bulgaria and Turkey, 1995–2011 (in Millions of Euros)

Export – Bulgaria to Turkey

1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
292.7	297.8	391.8	297.4	274.2	538.8	461.1	565.1	610.2	797.9	990.7	1392.4	1544.3	1338.7	846.5	1317.2	1733.1

Import – Turkey to Bulgaria

1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
68.7	64.5	86.8	108.2	155.0	233.7	305.7	414.8	588.6	700.1	888.3	1104.9	1505.7	1407.2	935.2	1067.0	1076.1

Source: Bulgarian National Bank

By 2009, Turkish investors had a larger presence in Bulgaria than they did in any other country, reaching over 2,500 firms partly because of the benefits perceived due to the Bulgarian entry into the European Union, geographical proximity, and political commitment to cooperation in energy, and infrastructural projects. In addition, Turkish contracting firms undertook projects worth a total of 1.5 billion dollars by 2008.

Along with these favorable developments, Turkish direct investment in Bulgaria expanded manifolds, and underwent a radical transformation from small scale service and trade sectors trying to exploit new market opportunities and first-comer advantage to major investments in energy, infrastructure, tourism and chemicals.

Both countries are committed to playing a decisive part in the stabilization of the regional peace process and solidarity.¹⁶ The recent growth in the bilateral trade and Turkish FDI in Bulgaria was largely due to this fruitful political dialogue. Both countries enjoy a favorable political atmosphere on bilateral and multilateral level and are strategic partners in NATO and a series of other regional initiatives.¹⁷ They are also strategic partners in the *Nabucco* pipeline project which is supported by the European Union and USA to reduce dependence on Russian gas. The significance of this energy project derives from the fact that it is planned to transport natural gas

¹⁶ During the Kosovo crisis, both countries initiated proposals for a peaceful resolution of the ethnic conflict and signed a declaration along with Greece, Albania, Macedonia, and Romania.

¹⁷ These are the Balkan Regional Center for Trade Promotion (BCTP), Association of Balkan Chambers (ABC), South East European Cooperative Initiative (SECI), the South-East European Co-operation Process (SEECP) and the Organization of Black Sea Economic Cooperation (BSEC).

from Caspian Sea region to Middle and West Europe bypassing Russia, and passing through Turkey to reach Austria (and Western Europe) via Bulgaria, Romania and Hungary.¹⁸

Table 2: Bulgarian Foreign Trade, Top Ten Countries, May 2008 – April 2009

	Countries	Trade Volume	Share (%)
1	Russia	4265	10,18%
2	Germany	3808,5	9,09%
3	Italy	2951,2	7,04%
4	Greece	2401,5	5,73%
5	Turkey	2290,6	5,47%
6	Romania	2177,3	5,20%
7	France	1400,9	3,34%
8	China	1372,2	3,27%
9	Belgium	1030,7	2,46%
10	Ukraine	886,1	2,11%
	Top 10 Total	22584	53,89%
	Total	36487,7	100,00%

Source: Bulgarian Central Bank

In July 1998, the two countries signed a free trade agreement which took effect in January 1, 1999 and foresaw phasing out all custom duties for industrial goods by 2002 and the establishment of free trade zones further strengthening economic cooperation between the two countries. In accordance, in March 1997, enhanced cooperation in the field of energy was sealed with the signing of a five-year agreement. In 1998, Bulgaria and Turkey signed another intergovernmental agreement that stated Bulgaria's commitment to award infrastructure projects to Turkish companies in return for the electricity bought by Turkey. Accordingly, Turkey would purchase electricity from Bulgaria for 10 years; in return, within this framework, Turkey's Ceylan Holding would undertake the construction of a 160 km long highway on the East-West Corridor between Orizovo and Kaptan Andrevo and would construct a power plant in Gorna Arda and the urban power distribution networks in Pazardjik and Harmanlı under the name of Upper Arda Project (Demirtaş-Coşkun, 2004).

15th meeting of the Turkish-Bulgarian Economic and Technical Cooperation which took place in Sofia on Jan.21–23, 2002 sought ways to develop commerce between Turkey and Bulgaria.¹⁹ The focus was on developing deeper cooperation and relations in creating free regions, resolving customs related issues, cooperation in energy, infrastructure, telecommunications, health, science

¹⁸ On Jun 30, 2005, Austria's OMV, Central Europe's leading oil and gas group, Austria's OMV signed a joint venture agreement with four partners for the planned *Nabucco* pipeline project. The new venture group, *Nabucco Gas Pipeline International Ltd.*, will among other things be responsible for preparing the financial concept and coordinating the subsequent project phases. Besides OMV, the consortium includes also Hungary's MOL, Romania's *Transgaz*, Turkey's *Botaş* and Bulgaria's *Bulgargaz*.

¹⁹ Deputy Prime Minister Mesut Yılmaz and his Bulgarian counterpart Kostadin Paskalev chaired the meetings.

and technology. In addition, newly emerging professional associations like Bulgarian-Turkish Businessmen's Association, and Turkish-Bulgarian Chamber of Commerce and Industry²⁰, with the participation of Bulgarian Union of Industry seek ways to enhance cooperation in the fields of textile, food, construction and agriculture in regularly held business forums in both countries and have been jointly promoting business relations between the countries. Since 1993, annual Balkan Expo meetings gather thousands of Bulgarian and Turkish firms to create circumstances for future business relations and opportunities to attract Turkish capital.²¹

Major Turkish Projects and FDI flows in Bulgaria: Motives and Profiles

According to data presented during the business forum in 2007, the fully-owned Turkish firms with business activities in Bulgaria are 1,900; there are also 1,500 joint Bulgarian-Turkish enterprises as well as 50 representations of Turkish companies located in Bulgaria. Current data put the numbers at over 3,500 companies, mostly small and medium sized Turkish firms, in addition to some significant Greenfield investments by big banking and manufacturing firms and construction companies with licenses for building highways and other infrastructural projects. These firms benefit the economy by adding jobs and bringing fresh capital and business expertise.

The proliferation of Turkish industrial, trade and construction companies doing business in Bulgaria reflects the ever-strong Bulgarian-Turkish economic relations in the last decade and serves the Bulgarian economy through several major investments in the field of energy, chemicals, tourism and infrastructure.

There are many reasons why Turkish firms were increasingly active and welcome in Bulgaria. Especially after 1997, the Turkish economic presence was characterized by an intense interest from major Turkish firms in participating in the privatization programs, establishing banks, and Greenfield investments as part of the political commitment towards closer economic ties in particular in the areas of infrastructure, construction and energy.

Based on the interviews of 16 Turkish company owners, mostly small and medium size businesses (SMEs), we observe that the Turkish interest in the Bulgarian market are based on the following factors: expected fast economic growth in Bulgaria, proximity to Turkey, geographical location, investment incentives, increased regional market share and "ghost trade" through Bulgaria to the European Union or a market for strategic regions. Interestingly, low "labor cost" advantage of Bulgaria and hence, efficiency considerations are not among the major factors despite rising labor costs in Turkey for reasons explained below. Turkish enterprises' investment decisions were also based on cultural closeness. It can be also stressed that relative economic and political stability in Bulgaria, together with serious political commitment to regional cooperation by both countries and the entry of Bulgaria into the European Union have made Turkish entrepreneurs to view Bulgarian market as a gateway to western European markets.

²⁰ The establishment of this association was announced during Prime Minister Erdoğan's visit to Sofia in 2004 to further the development of Turkish-Bulgarian economic relations.

²¹ In 2002, the third in the world producer of china "*Kutahya Porselen*", the company producer of machines for heat treated milk "*Gemak*", and one of the largest Turkish corporations – "*Marmara and Trakya*" were also participants in this forum.

Considering the pattern and profile of Turkish investors all together, Turkish firms invest in Bulgaria with the following motives: Most large companies are in Bulgaria for a new and strategic market close to the EU. Some large firms are strategic players expecting to benefit from EU membership of Bulgaria, using Bulgaria as a link to the EU and base themselves in the country to facilitate expansion of sales into the EU markets. Hence, the location and EU membership are cited as significant factors. On the other hand, like their large and more reputable counterparts, the small scale firms are also exploring new markets in Bulgaria, especially previously untapped market opportunities in new products. Because of relative lack of local competition, Bulgaria has been attractive for small scale service and trade companies trying to launch new products. Yet, some others are in Bulgaria for adventure and are there only for short term.

Turkish firms were involved in some large-scale investments in the Bulgarian market – one of the most notable being the Tragovishte plant by Trakia Glass, a subsidiary of largest glass producer of Turkey, the *Şişecam Group* in 2004.²² This represented the largest Greenfield investment by foreigners in the Bulgarian market.²³ Turkish giant glass producer *Şişecam*²⁴ is the 2nd largest producer of glassware in Europe, and opened two glass production plants, a sheet glass and a glassware plant in Targovishte under its *Trakya Glass*²⁵, its daughter company, investing an initial \$160 million in 2004. It also committed to open a second flat glass factory, a second factory for glassware and additions to processed glass works already in operation for a total of 221.6 million euro in the next few years.²⁶ The new glasswork manufacture created some 1,700 new jobs in the northern town of Targovishte, which is one of the most severely hit regions by unemployment in the country.

This bold expansion into the Bulgarian market with an initial large investment in Targovishte plant was a strategic move to facilitate the company's exports into the EU markets as about 85 percent of the Bulgaria-made production was set to head for the EU market. Hence, *Şişecam's* ownership of a plant in Bulgaria was a strategic decision for diversifying into the European markets and given the projected entry of Bulgaria into the EU meant easier access to such markets overcoming some of the EU obstacles. It also represented the fulfillment of the Bulgarian-Turkish political commitment to strengthening bilateral ties in terms of greater economic cooperation in the field of attracting greater amounts of Turkish capital. To this end, Bulgarian government had provided several incentives to the Turkish company which included road construction and associated infrastructure needs.

Other significant construction and infrastructural projects undertaken by Turkish companies include the Podkovo-Makozo Highway by *Haznedaroğlu İnşaat*, Karnobat-Burgaz Highway by *Doğuş-Eko* consortium and the water purification project in Gorna Oriahovista, Dolna

²² Erdoğan and Saxe-Coburg Gotha broke ground for the glass plant to be built by *Şişecam*, in Targovishte, about 200 miles northeast of Sofia. The plant was planned to create 700 jobs in the area, an ethnically mixed region where many of the country's ethnic Turks also live.

²³ Some Turkish firms also formed partnerships with companies mostly from Western Europe (Germany and Belgium) to create synergy: The case of *Soda Sanayi*, another affiliate of *Şişecam* forming a joint venture with the world's largest soda producer, the *Solvay Group* from Belgium in 1997 is one such example.

²⁴ *Şişecam* has production facilities also in Russia and Georgia, and employs over 17,000 workers. They produce flat glass, glassware, chemicals, and packaging.

²⁵ *Trakya Glass* holds 3 percent share of the world and 9 percent share of the European capacity for flat glass production.

²⁶ The International Finance Corporation (IFC) has funded 50 percent of this investment.

Oriahovista and Laiskovets undertaken by *MNG Holding* and financed by the European Union. In April 2008, *Kayı İnşaat*, a Turkish construction company was selected as the lead contractor for building Serdika Center in Sofia for a total of 210 million euro.

Süzer Holding acquired 87.5 percent shares of the biggest paper mill located in Nikopol in Bulgaria through the privatization program. Other investments by the Turkish companies include *Maser Holding's* textile plant producing woolen fabrics and linen in Sofia, *Aksan Kalıp's* conductor plant in Botevgrad, *Faf Metal's* aluminum and metal processing plant in Shumen and the *Trikom* textile plant in Haskovo. Furthermore, *Nurinvest*, a Turkish-Bulgarian joint venture is involved in a wide range of production activities including food, furniture, and carpets.

On the tourism related investments, *Özkan Group* purchased the “Novotel Europe” in Sofia and the group's chain of “Princess Hotels” is also operating in Plovdiv. *Magic Life* has leased a tourism complex on the Black Coast and the company has also renovated it.

Soda Sanayi, the main raw material supplier of Turkey's glass conglomerate *Şişecam Group* has entered into partnership with the world's largest soda producer, the *Solvay Group* from Belgium in the Bulgarian producer *Sodi-Devnya* since 1997. The plant located in Bulgaria has an annual production capacity of 1.2 million tons and *Soda Sanayi* has the rights to 25 percent production. The company also has a joint venture with Belgian-based chemicals company *Solvay* in Bulgaria called *Solvay-Sodi*. Solvay of Belgium/*Şişecam* have created a joint venture for soda production in the form of a Bulgarian company, *SODISPJ Co*. Solvay has a majority holding. EBRD is a financial partner. Marketing is carried out in an autonomous way by *Solvay* and *Şişecam* separately.

Ramstore Bulgaria AD, established in 1999, is the *Migros Türk T.A.Ş.*'s third overseas subsidiary and the first subsidiary in Europe with a capital of 19.2 million euro. The Turkish retail store chain *Migros Türk T.A.Ş.* is owned by Turkey's largest conglomerate the *Koç Group* and opened its first store in Zapaden in 2001, its second in Dervenitza in 2002 and its third in Obca Kupel in 2003 only to close them down in 2007, effectively stopping all its operations due to its general strategy to withdraw from retail markets in South Eastern Europe and Russia, excluding Macedonia.²⁷

In the financial sector, the largest state-owned Turkish bank, *Ziraat Bank*, serves Turkish businessmen and Turkish minority with a branch in Sofia²⁸ and *Türkiye İş Bankası* – Turkey's largest private bank, and the leader in loan and deposit volume, launched its operations in Bulgaria on July 1 2011, according to the Bulgarian National Bank's (BNB) list of financial institutions and branches of foreign lenders licensed to do business in the country.

Next subsection looks more in detail into the obstacles facing Turkish investments in Bulgaria and notes the waning enthusiasm on the part of the Bulgarian leaders to attract more Turkish investment in the aftermath of accession into the EU.

²⁷ *Ramstore* still operates a dozen of supermarkets and shopping centers in Macedonia but in 2007, *Koç* sold more than 50 *Ramstores* operating in Russia to its partner, *ENKA Group*, a well-known Turkish construction company with international presence in Russia, Libya and the Caucasus for a whopping 542.5 million dollars.

²⁸ *Demirbank Bulgaria* which was established in 1999 was closed in 2002 as parent bank, *Demirbank* failed during the 2001 financial crisis in Turkey.

Barriers to FDI for Turkish Firms and Obstacles for Future Growth

Despite the significant progress in bilateral economic relations and the confidence in the future of the Bulgarian economy on the part of the Turkish companies, there are still many decisive barriers to success and major risks for Turkish investors: such as low GDP per capita, cumbersome bureaucracy and red tape, high level of corruption (sometimes disguised as “petty corruption” such as collecting “fees” by public officials), crime and mafia, poor infrastructure, incoherent, inefficient and unstable legal system, and high investment risk. These latter factors raise transaction costs of “doing business” in Bulgaria for prospective investors, although they are somewhat counterweighed by the stable macroeconomic environment, low inflation and a liberal regime for repatriation of profits for foreign investors in the country.

Lack of financial capital in Bulgaria is also a major impediment to creating successful joint ventures with Bulgarian firms. Hence, most Turkish investments remain to be Greenfield operations or acquisitions through privatization with joint ventures staying at a disappointingly low level due to lack of Bulgarian capital and insufficient cooperation with foreign companies.

It is also noteworthy that in recent years, despite the boom in trade volume and the cooperative rhetoric of the politicians, the attitude towards Turkish companies has increasingly become more problematic and relationships more strained due to the increasing difficulties Turkish firms faced in the Bulgarian market, especially after the Bulgarian entry into the EU. Clearly, in some of the cases discussed below, complex EU regulations Bulgaria needed to implement as a new member created special strains for the Turkish companies, or the importers of Turkish products. In others, either the financial problems of the firms which were awarded an infrastructural project or the undisclosed business decisions led some Turkish companies to withdraw from the Bulgarian market.

Almost all small scale Turkish business owners interviewed express disappointment with their entry decisions and find Bulgarian market “not particularly profitable” because of low per capita income and the small size of the Bulgarian market²⁹ as well as the restrictive visa regime.³⁰

²⁹ Many SMEs, especially trading and service companies also exited because of either poor initial business strategies with inadequate market research (including adventurous entry of those with no business plan), exaggerated expectations with respect to the business potential in Bulgaria and its growth in the future as well as difficulty in forming joint ventures with their Bulgarian counterparts- either because of the incompatibility of the business cultures (with Turks being over-adventurous and impatient for quick profit – in the eyes of Bulgarians and Bulgarians too oriented towards detail and unwilling to work hard – in the eyes of the Turks). Some businessmen also indicate that low managerial skills, poor work habits and inefficient and unproductive work force (“unwilling to work hard”) reflecting past communist mentality constitute significant problems when it comes to hiring from the Bulgarian labor market. Like their Greek counterparts, it seems that the Turkish mentality for quick and easy profit generate wrong expectations and some firms enter without carrying out a proper market research but blindly move to the market just because it is new and close to the EU (Bitzenis, 2006). Hence, despite the labor cost advantages of Bulgaria, especially the relatively low labor cost for skilled workers and cheaper rents, Turkish businessmen consider these insufficient in improving their profitability in the Bulgarian market.

³⁰ Difficulty in obtaining visa and the cumbersome bureaucracy at the Bulgarian Embassies is considered as additional big obstacles, especially for small scale business owners planning to do business in Bulgaria. Despite the provision of the visa-exempt travelling to Turkey for Bulgarian citizens, majority of Turkish businessmen interviewed cite this as a long-delayed issue despite promises made by successive Bulgarian governments and are strongly in favor of the immediate adoption of a liberalized visa regime for “businessmen.” Visa problems were also discussed between Ovcharov and Tüzmen in a meeting held in 2007 but no improvement was made by the authorities who cite the EU regulations.

Several large firms such as *Şişecam* opened major plants in the economically backward regions, contributing to the industrial development and employment in the country while benefiting from Bulgarian membership to the EU and its proximity to the Western European markets. But inconsistent labor code paved the way for illegal strikes and slowed down some of the planned investments.

Some large Turkish companies which actively participated in the auctions of the Bulgarian privatization program have failed to acquire some strategic companies as exemplified by the unsuccessful attempt by the consortium of *Koç Holding* and *Türk Telekom* to acquire Bulgarian Telecommunications Company (BTC) in 2004. The Bulgarian government sold BTC to *Advent International's Viva* for 230 million euros on 20 February, bringing an end to almost seven years of failed attempts at this privatization deal. The failure to acquire BTC created a major disappointment in the *Koç Group* which claimed that as a reputable consortium well-established in the area of telecommunications through *Türk Telekom*, they had all the required expertise and funding needed to update and modernize the telecommunications industry in Bulgaria (Erdoğan, 2009). It has been speculated that *Koç* fully retreated in 2008 from the Bulgarian market in retail and petroleum distribution via its *Opet-Aygaz Bulgaria*³¹ – founded in 2003 as the first Turkish joint venture established in a foreign country in the energy field, partly because of this dispute and other bureaucratic and market related difficulties.^{32 33} The company cited its decision to focus on the Turkish market because of its higher profitability as the prime reason but added that the “complexities of the Bulgarian market in petroleum field” were also critical for this withdrawal (Erdoğan, 2009).

Another business dispute was related to the Gorna Arda project that never got off the ground amidst unresolved financial disputes between the contracting firm, *Ceylan Holding* and the Bulgarian government.³⁴ In retaliation, Turkey stopped purchasing electricity from Bulgaria temporarily claiming that Bulgaria did not fully comply with the terms agreed under the

³¹ AYGAZ is Turkey's largest Liquid Petroleum Gas (LPG) trading and distribution company and the fourth biggest in Europe. It is a leader in LPG imports on the Turkish market, commanding a market share of 30%. AYGAZ is the undisputed leader in the sourcing, storage, filling, and distribution of LPG to residential, commercial and industrial markets in Turkey. *Opet*, a fuel distribution company and *Aygaz* – a retail gas company, two of the biggest energy companies are owned by the *Koç Group*. The Group had an ambitious business plan for *Opet* to invest 70–80 million euros to boost its involvement in Bulgaria's petrol market, opening its first store in Sofia in 2004 by investing a total of 11 million dollars. Original intention of the company was to expand into European markets while boosting competition with the five leading petroleum companies in Bulgaria and improving industry standards.

³² The reasons for this full withdrawal was never disclosed but was speculated to reflect not only a strategic decision – small size of the Bulgarian market – but also the Group's disappointment over the failed attempt to acquire BTC.

³³ *Opet-Aygaz* was initially set to open more than 60 gas stations across Bulgaria over the next three years with loans obtained from European Bank for Reconstruction and Development (EBRD) in the amount of 32 million euro. On September 2008, *Koç Group* sold *Opet-Aygaz* to *Eko*, part of Greek giant Hellenic Petroleum, for 35.25 million euro. The Bulgarian division of Russian oil giant *Lukoil* also wished to acquire the company by placing a bid for the chain of 17 *Opet* gas stations to better position itself against main local rival *Petrol* but failed. The acquisition by *Eko* left the market with five major players – locally-owned *Petrol*, the Bulgarian subsidiaries of Russia's *Lukoil*, Austria's *OMV*, London-headquartered *Shell* and *Eko*, whose combined sales make over 76 per cent of the total. Bulgaria's anti-trust body has cleared fuel distributor *Eko Bulgaria* to acquire peer *Opet-Aygaz*, which cemented *Eko*'s position among the top five fuel retailers on the Bulgarian market. The watchdog ruled that the deal would not create a dominant position for the buyer and will bolster competition and business quality.

³⁴ Under an electricity-for-infrastructure swap agreement signed with the Turkish government in 1998, Bulgaria extended an infrastructure contract to the Turkish owned for building 500 million euros worth hydroelectric plant in Southern Bulgaria but cancelled this agreement unilaterally stating that *Ceylan's* sister firm, a shareholder in the Gorna Arda joint venture did not prove its financial and technical competency to carry out the project.

agreement. The issue was finally resolved when *Ceylan* was set to sell its 30 percent stake in the project to the Austrian consortium of energy and construction companies, *EVN* and *Alpine Bau* (Erdinç, 2009).³⁵

There were also cases of disputes associated with the EU regulations Bulgaria adopted as a new member state which were, at times, perceived as a call for protectionist measures by the Turkish businesses (Erdinç, 2009). As a case, the dispute with the Bulgarian government under the pressure of Bulgarian cement lobby is noteworthy as it was perceived as protectionism under the disguise of EU regulatory requirements towards the Turkish cement importers. The trigger was the draconian proposal by the Bulgarian Health Ministry to ban all Turkish cement imports, siding with the Bulgarian cement industry union BACI which claimed that cement imported from Turkey did not comply with the European Union safety regulations³⁶ because it contained inadmissible amounts of chrome (29 April, 2009).^{37 38}

The reaction reflected the ongoing debate between Bulgarian producers and the importers of cheaper cement from Turkey for months and the temporary ban administered by the Health Ministry in April 2009. The Union filed a complaint against the Bulgarian government with the European Commission for failing to act decisively on the matter and for overlooking the uninterrupted continuation of cement imports from Turkey. On the other hand, the cement importers put the blame on the corporate interests of the Bulgarian cement lobby and argued that construction companies in Bulgaria prefer Turkish cement over its higher quality and cheaper price. The call for protectionist ban by Bulgarian producers could be explained, they argued, by the 30 percent drop in the demand for cement in the Bulgarian construction market in early 2009 as compared to last year. As a consequence, domestic producers took a hard hit after enjoying years of expansion during the real estate boom and use Turkish cement as a scapegoat for their troubles. This has raised doubts as to the real motives of the Bulgarian cement producers and some argued the EU regulations are increasingly used to conceal “hidden protectionism” in the market. Turkish Cement Manufacturers’ Association, TCMB President, Oğuz Tezmen linked the

³⁵ The launch of the hydropower construction was delayed for years because of this dispute. Bulgarian government finally decided to replace *Ceylan* conglomerate with an Austrian consortium to build this much-delayed power plant in September 2009. As part of the resolution of the dispute, *Ceylan Holding* has also withdrawn its claim for 75 million euros in damages that it filed with the International Court of Arbitration against the other member in the joint venture, Bulgaria’s National Electricity Transmission Company, *NEK*.

³⁶ In a written statement, TCMB said the allegations are unfounded and unfair. “The stories are totally untrue,” the statement said and added: “The Turkish cement sector has obtained documents from all relevant bodies within the EU. Cement standards of Western Europe are also the standards of Turkey. There is no carcinogenic material in Turkish cement, as Chrome 6 is not such a material. Chrome 6 can only cause eczema in case of contact with water and eczema cannot be correlated with cancer.”

³⁷ Turkish cement “threatens both construction workers and those that use the buildings,” *Milliyet*, a Turkish newspaper quoted Vladimir Stariradev, chairman of the Bulgaria Cement Industry Association, as saying. Responding to claims, the Turkish Cement Manufacturers’ Association, or TCMB, said Turkish cement is totally compatible with European Union standards and has the relevant certificates. On 28 April 2009, the Sofia Echo reported that *Holsim Bulgaria*, a Bulgarian cement factory, has announced that it is shedding 90 workers from its factories in Pleven and Beli Izvor, Vratsa municipality. The company insists that the decision was taken by the executive board “due to a drastic slump in demand for cement, as well as the sharp increase in the import of cheap, sub-standard Turkish cement.”

³⁸ This elicited an angry reaction from Galin Vassilev, the head of the Bulgarian office of the well-known Turkish cement-maker *Nuh Çimento* (Nuh Cement Company) as well: “We are ready to file a complaint with the Supreme Administrative Court should the Health Ministry decide to order a ban on all cement imports from Turkey.” From the article “Firms threaten lawsuits over ban on Turkish cement” by Nick Iliev, June 2, 2009. Quote appeared in *Stroitelstvo Gradut*.

ban to the competitiveness of Turkish cement. “Bulgarians are trying to protect their market. Still, Turkish cement exports to Bulgaria are very low” speaking to the *Hürriyet Daily News & Economic Review*.

Another dispute involved *Şişecam's Trakya Glass* which faced a significant challenge when a two week strike at its Targovishte plant began on May 19, 2007 by hundreds of glass workers, the members of ICEM affiliate National Federation of Chemical Workers over the company's failure to keep pace with the new minimum salary levels set on May 1, 2007. The strikers sought increases in overtime work and night-shift work as well as an adjustment in minimum wage in accordance with the new law adopted in May 1, 2007 despite the signing of a two-year contract by the workers with the company, requiring only 51 percent support from the workers according to the Bulgarian labor code.³⁹ *Şişecam* deemed the strike illegal and went to court which agreed with the company's argument and the strike stopped. To some, the act of strike was an attempted extortion from a reputable and profitable company by creating scandalous news in the Bulgarian media and revealed the inconsistencies of the Bulgarian labor law.⁴⁰ The reaction of *Şişecam* was suspension of all future glass related investments in Bulgaria until the issue is resolved by the Bulgarian authorities.⁴¹

On March 2008, Prime Minister Erdoğan sent a warning and a request to the Bulgarian Economy and Energy Minister, Petar Dimitrov during his visit to Sofia: “Do not create an environment of a ‘constant threat of strike’ for *Şişecam* which plans to double its investments in Bulgaria and employs more than 1700 Bulgarian workers in its Trakia plant. This is a threat to all investments.” In return, Dimitrov promised to phase out all inconsistencies in Bulgarian labor code.

4. Conclusions

On the opposing sides of the “Iron Curtain” in the past, and only an EU apart at present, Bulgaria and Turkey developed strong political and economic ties since the Bulgarian transition to democracy despite the painful legacy of its Ottoman past. Bound by a common border and cultural ties based on the presence of a large Turkish ethnic minority, the close cooperation between these neighboring countries is viewed as exemplary for the region as a whole and represents a clear contrast to their tumultuous past, marked by wars (e.g. Bulgarian war of independence, and Balkan wars), and ethnic strife.

These two nations decisively moved towards close political dialogue, altering the image of the Balkans as a “powder keg” and cooperated in international platforms supporting each other's

³⁹ In a letter dated June 1, 2007, ICEM called on *Şişecam's* General Director Doğan Ankan to resolve the dispute immediately in a manner that protects the company's reputation as well as respects Bulgaria's status as a member of the European Union. *Şişecam* said it paid a minimum wage of 350 leva per month versus 315 leva for the industry as a whole. The minimum wage was adjusted twice a year and the next revision was coming up in October 2007.

⁴⁰ After a similar incident which occurred in 2006, the company awaits a resolution in the form of eliminating inconsistent segments of the Bulgarian labor code.

⁴¹ Gülsüm Azeri, Vice President of the holding company and the executive director of local subsidiary *Trakia Glass* Bulgaria said: “plans to double its investment in Bulgaria will be put on the back-burner until the EU newcomer straightens out its contradictory labor regulations.”

bids for joining structures like NATO and the EU, and at the economic level through enhanced trade and FDI flows, as well as partnerships in strategic projects such as *Nabucco*. A peaceful transition to a multi-ethnic parliamentary democracy in the early 1990s with the Turkish minority obtaining rights for representation through the MRF was critical in the creation of an exemplary “Bulgarian ethnic model” and later, provided added legitimacy for Bulgaria’s accession into the European Union as nation with respect for minority rights.

Concurrently, a surge in bi-lateral trade and FDI inflows into Bulgaria reflected the growing interest among the Turkish businessmen for direct investments and partnerships in Bulgaria and their intentions to gain preferential access via this new member viewed as a gateway into Western Europe. Turkish firms planned to use Bulgaria as a bridge to further business contacts and better distribution channels in the EU, and many SMEs used their previous trade relations to open businesses in Bulgaria.

Given the significant growth potential and its political stability, Bulgaria offers potentially highly profitable business opportunities for Turkish entrepreneurs especially in the form of manufacturing joint ventures. Reciprocal investments by Bulgarians in Turkey can also have a significant growth potential. But to enhance FDI from Turkey, Turkish firms should take a longer term approach with a well-prepared business plan and Bulgarian authorities should focus their attention on fighting corruption and mafia, streamlining bureaucracy and clarifying the business and labor codes as major FDI barriers that discourage long-term investments.

Bulgaria rightfully boasts about its peaceful model of ethnic coexistence but realistically, it is still not an ethnic idyll. Ethnic confrontations and disputes arise at times, especially because of the nationalistic parties, and even parts of the Bulgarian media that fuel tensions through irresponsible and short-sighted comments, headlines and news lacking in impartiality, objectivity and tolerance. Domestic party-politics in Bulgaria should act responsibly and refrain from fueling a radicalization in the public opinion along religious and ethnic lines. Growing tolerance of the Bulgarian society towards minorities in general and the Turkish minority as well Turkey in particular – especially with the advent of Turkish film series – is a promising step in the direct direction to eliminate all forms of xenophobia and chauvinism. We claim that strengthening cultural ties may give added momentum to even closer political dialogue and economic relations based on trade, FDI and joint regional projects so as to reach their full-potential.

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