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## INTERNATIONAL RELATIONS

FROM POWER BALANCE TO CONFLICTING INTENSITIES

CULTURAL DIPLOMACY – THE INSTRUMENT OF POWER IN AMERICAN FOREIGN AND SECURITY POLICY

THE NEW SILK ROAD – CHINA'S NEXUS TO EUROPE

## INTERNATIONAL SECURITY

IDEA OF SECURITY COMMUNITY AND THE BALKANS

THE IMPACT OF THE CREATION OF THE ISLAMIC CALIPHATE IN TERRORIST CIRCLES OF BALKAN ISLAMISTS

## INTERNATIONAL LAW

IMMUNITY OF STATE OFFICIALS FROM FOREIGN CRIMINAL JURISDICTION

## INTERNATIONAL ECONOMICS

THE BEGINNING OF ECONOMIC DIPLOMACY IN SERBIA

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INDIAN DIPLOMACY AT WORK



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## INTERNATIONAL RELATIONS

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### FROM POWER BALANCE TO CONFLICTING INTENSITIES: TOWARD A NEW PARADIGM OF INTERNATIONAL RELATIONS

Slobodan PROŠIĆ<sup>1</sup>

*Abstract:* Having been relieved after the conclusion of ideological and bloc confrontations, mankind was faced with the new challenges and uncertainties, which required not only a new categorial apparatus but also a novel approach to the radically altered situation in the world. The need to adopt a perspective of complex and growing interdependence on the global level arises particularly in connection with the issue of the globalization vs. fragmentation process. As a matter of fact globalization involves two basic and contrary processes: integration and fragmentation/localization. This non-linear feature of globalization requires a paradigm shift toward what James Rosenau has coined as *fragmegration*. The author applies to the analysis of the dynamics of fragmentation the concept of political intensities, challenging thereby the old balance of power paradigm.

*Key words:* globalization, fragmentation, integration, international relations, power paradigm.

#### INTRODUCTION

Henry Kissinger stressed in his new book *World Order* (Kissinger, 2014, p. 371) that “A reconstruction of the international system is the ultimate challenge to statesmanship in our time“. In the same time he has warned of the crisis of the concept of world order, which represents the basis of the Modern Age. By the same token he has joined some of the leading theorists of international relations

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<sup>1</sup> Slobodan Prošić, MA. Minister-counsellor in the Ministry of Foreign Affairs of the Republic of Serbia. This research paper reflects exclusively personal views and opinions of the author.

in putting forward the argument that the actual international structure exhibits tendencies which are inexorably leading toward destabilization and chaos. The main features of this absence of order are reflected in multiple and increasing pressures exercised on states by transnational factors, especially by international financial markets. We are witnessing the paradox that the economic system has become global or transnational, although world political structures are still relying on the national State. In this situation, according to Kissinger, periodic financial crises are threatening to escalate in the absence of an efficient mechanism capable of securing an effective cooperation of world powers. “The international order thus faces a paradox: its prosperity is dependent on the success of globalization, but the process produces a political reaction that often works counter to its aspirations.” (Kissinger, 2014, p. 369)

The second paradox, according to the author, stems from the incongruence between the multitude of world forums and their factual irrelevance in solving crucial global issues. This is reflected in the fact that, in spite of the proliferation of international fora, there are still no strategic goals and decisions except discussions on tactical questions and formal declarations.

In the actual situation characterised by the absence of order on the global level, a new concept of world order is awaited. The main challenge, according to Kissinger, is not to be expected from a potential conflict between States but from increasing competitiveness among regional powers. In this context he has emphasized that a “reassessment of the concept of power balance is in order” (Kissinger, 2014, p. 371), since the establishment of spheres of interest could provoke tensions between rival regions. “In time the tensions of this process would degenerate into manoeuvres for status or advantage on a continental scale or even worldwide.” (Kissinger, 2014, p. 371). The search for a new regional order, he estimates, should not be transformed into a domination of one power, even under the appearance of some kind of order, since it would bring crisis in the rest of the world. Kissinger concludes the analysis of this crucial issue with the following statement: “The contemporary search for world order will require a coherent strategy to establish a concept of order *within* the various regions, and to relate these regional orders to one another.” (Kissinger, 2014, p. 371). In his assessment, in accordance with most influential analysts, Kissinger admits the emergence of a multipolar order which is without precedent in the history of international relations.

On the other side, Jacques Attali has analysed the evolution toward a multipolar order in his book *A Short History of the Future* predicting, in a similar vein, that the emergence of new regional powers will potentially challenge the perspective of the achievement a stable world order (Attali, 2006, p. 304-307). “From now on until 2025, with the gradual establishment of the polycentric order, new regional powers will emerge and all of them will aim to secure access to the same resources.” (Attali, 2006, p. 304)

Those analyses are putting forward glimpses of a different world order, seriously taking into account the reality of a multipolar world. Immanuel Wallerstein recently said in this context that “We’ve moved into a truly multipolar world in where the power of relatively weaker states is suddenly much greater”, recalling that the present global situation is genuinely specific: “Clearly the new geopolitical situation is quite unlike anything the world has known in a long time. It isn’t quite total anarchy, but it is certainly massive geopolitical disorder. This geopolitical disorder accompanies acute uncertainties about the world-economy.” (Yale Global, 10 July 2008).

On the other side, in the text “Geopolitics, class politics and the current world disorder” he says:

“We have entered an anarchic transition - from our existing world-system to a different one. In this transition, as in any such transition, no one controls the situation to any significant degree...”<sup>2</sup>

On the basis of such peculiarity of the current world relations, some of the leading theoreticians contend that the politics of power balance has lost its relevance in the XXI century.

By the same token, critics of this theory are arguing, against Kenneth Waltz, that it played a marginal role in the Post-Cold War period (Wohlforth, 2011). Starting from these premises, Robert Gilpin has exposed a most convincing critic of the balance of power theory (Gilpin, 2000). Again, as a contribution to the statement about today’s irrelevance of this theory, it has been emphasized that “...from the end of Cold War, the dynamics of the balance of power has entirely disappeared.” (Paul, Wirtz, Fortmann, 2004). Henry Kissinger also points out the fact that what is missing today is precisely the balance of power:

“The Westphalian Peace was made after almost a quarter of the Central European population perished because of wars, disease and hunger. The treaty was based on the necessity to come to an arrangement with each other, not on some sort of superior morality. Independent nations decided not to interfere in the affairs of other states. They created a balance of power which we are missing today.”<sup>3</sup> The system of global and regional security is weakened and the post – World War II institutions which guaranteed the international legal order ...and fragmented. The politics of the balance of power have been replaced by the key factor of nuclear deterrence. The advent of new asymmetrical threats contributed to this evolution. Additionally, a specific feature of globalization is exhibited by the contraction of growth in the previous centers of the economic development, paralleled by the emergence of the new

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<sup>2</sup> “Geopolitics, Class Politics, and the Current World Disorder” by Immanuel Wallerstein.

<sup>3</sup> Interview with Henry Kissinger: “Do We Achieve World Order Through Chaos or Insight?”, *Der Spiegel*, 13 November 2014.



economies, resulting with the ongoing global integration and local fragmentation. Today, summing up the consequences of the biggest financial crisis after the one in the nineteen thirties, we are again facing the question of the quest for a new paradigm of international relations while understanding the contradictory and complexity of processes on which depends the future of mankind. It is almost agreed that the world is in a period of transition, although the features of the future world order are still unclear. We should therefore first examine its basic characteristics.

### FEATURES OF A NEW ORDER

Globalization has resulted, among other disturbances, with a substantial shift of geostrategic boundaries. All those phenomena, which are disseminating themselves throughout the planet under the shades of globalism, are interwoven in a unique process, creating *zones of depression*, as a consequence of the end of world bloc rivalries. As a matter of fact, in the previous zones of bloc competition characterized by high or low intensity, a destructive energy has been released, in the form of ethnic and civil wars and new hotbed crises, along the very limits dividing the former blocs. Contrary to the bi-polar world which was based on the static nature of the superpower relationship, the actual globalized world is characterized by specific dynamics, involving zones of depression and vectors of disaggregation. International relations are no more equated to the paradigm of the “chess board” from the period of bloc confrontation and in the spirit of the acclaimed book of Zbigniew Brzeziński, symbolically describing the relationship between the two superpowers. The world is confronted today with new uncertainties generated by globalization and it could be rather likened to the Chinese game of Go, since the function of its pawns are not determined in advance, changing according to the outcome of the game and the configuration on the board. Chess is merely reproducing war game but “an institutionalized, regulated, codified war with its frontlines, rear and battles. What is specific to Go, on the contrary, it is a war without battle lines, without confrontation and withdrawal, even without battles: pure strategy...” (Deleuze, Guattari, 2004, p. 353).

The model of this game could be helpful to understand the scope of changes that occurred in strategic relations throughout the world. External factors, as the financial rating, the flow of investments, etc. increasingly determine the position, status and state power, in other words, its intensity on the scale of influential powers. It is tantamount to saying that its position is subjected to constant change, resulting from the dynamic relationship of various variables.

What we are witnessing in the aftermath of the Cold War is only different aspects of implosion and deconstruction of intensities, with the goal of creating “leveled fields” (Friedman, 2005). From the moment the new book of Thomas L.

Friedman: *The World is Flat: A brief History of the Twenty First Century* was released the polemics redoubled on the issue of a borderless world in the era of globalization. The main point of the book that globalization through planetary widening of the market liberalization and digital technologies has united the world has come under critical scrutiny. On one hand, advance of the liberal model of capitalism has secured further enlargement of the markets, but on the other, it has released different cultural matrices and provoked their radicalization in the midst of liberal societies. Global flattening in the form of market and financial deregulation does not lead exclusively toward uniformity or progress in the “leveling of the playing field”, but produces (as it is the case in developed democracies) “bumps” in the form of revival of the Right and of the empowerment of authoritative regimes.

Nevertheless, the argument of the *flattening of the Planet* is bound with a more substantial meaning. Starting from the assumption of potential planetary cultural and civilization leveling, we are confronted with the question how to release the tension between cultural and religious differences which are manifesting themselves in spite of, or even thanks to the progress of digital technologies. A substantial character of our time is linked to the outflow of those tensions, taking place on the lines of contact between the former blocs, as a late echo of *a confrontation that never took place*. The thermonuclear war did not take place, but *low intensity conflicts* are characteristic for the whole period which started with the so-called Global Détente, manifesting nowadays its new features. With the resurgence of transnational factors and the oblivion of the limit between “external” and “domestic” politics, the processes of dismantling firm political structures are increasing, giving way to the rising influence of informal and extra institutional structures. The dynamics of shaping and dismantling of the institutions of the Westfalian system, based on state sovereignty, are progressing in the continuous interaction between the global and the local levels. As such, globalization works in the direction of disaggregation instead of creating a united and harmonious world. This bifurcation is manifested on one hand through cultural homogenization of local communities within multiethnic states, but on the other, it opens a space for emergence of new economic powers which tend to conserve their specific development. The process of globalization has therefore, against expectations, created new dilemmas.

According to Kissinger “a quarter century of political and economic crises perceived as produced, or at least abetted, by Western admonitions and practices – along with imploding regional orders, sectarian bloodbaths, terrorism, and wars ended on terms of short victory – has thrown in to question the optimistic assumptions of the immediate post-Cold War era: that the spread of democracy and free markets would automatically create a just, peaceful, and inclusive world.” (Kissinger, 2014, p. 364).

The technological civilization, far from encouraging the elimination of cultural barriers, has become a fertile ground for cultural homogenization, ghettoization and rising of “walls” between the representatives of different cultural and religious traditions. The progress of deregulation and deindustrialization in the West happened in conjunction with the retreat of social-democracy and of the Left. With the retrenchment of the civic culture and ideology an *ideological depression* of sorts was created opening a suitable political space for the radicalization of ethnic and religious movements which did not succeed to integrate in the process. On the other side, a plethora of autochthonous forms of radicalization which opposed the ideology of the “leveling field” grew out in the Western neoliberal setting.

We are increasingly witnessing a parallel process of integration on the economic and political level and of the fragmentation of multiethnic states. Here again, we are meeting the point of the internal dynamics of globalization which encompasses the remotest parts of the world, but in the same time, as a paradox, encouraging separatism on the grounds of ethic and cultural identity. The dynamics of globalization in their double bind - from the global to the local and vice versa - are releasing diversities which, in the advent of radicalization could become a threat to the quest of a world order.

### **DYNAMICS OF THE WORLD SYSTEM**

Wallerstein has provided explanations of the dynamics of the capitalist economy as a total social system in his capital work *The Modern World-System: Capitalist Agriculture and the Origins of the European World-Economy in the Sixteenth Century*. According to Wallerstein the world system is “a social system which possesses boundaries, structure, group members, rules of legitimation and coherence. Its life is constituted by confronting powers which maintain it by tensions and tear it so as each group eternally tends to shape it for its own profit.” (Wallerstein, 1976, pp. 229-233).

The actual world system is indeed characterized by hierarchical power relations between the so-called *core* and the *periphery* which allow rich societies to dominate and exploit a weak and poor periphery. In other words, “Core states...related by a state of constant economic and military tension, compete for primacy in the exploitation (and weakening of state structures) of peripheral regions, allowing particular entities to play a specialized, intermediate role semi-peripheral powers.” (Wallerstein, 1976, p. 197).

Another theoretician which has been influential in the interpretation of the radical change in international relations was Hans Morgenthau. In his dissertation *International Law System: Its Substance and Limits* Morgenthau stresses that his understanding of the political as intensity rather than the relation between friends

and foes. The specific quality of political activity is better expressed by the notion of “degree of intensity” of one conflict.

The dynamics of international conflicts in the past 20 years confirms that pattern, namely that they have started as internal conflicts and subsequently, with the escalation in intensity, transposed on the international scene. We have witnessed that most of those conflicts have followed the same pattern. Therefore, once it has been identified, the “principle of intensity” of the political conflict became the matrix of conflicts in the era of globalization.

Societies are complex systems and we should not reduce them to the relationship between powers as in the model of billiard balls. This metaphor of the proponents of realism in the theory of international relations does not reflect a real situation in the actual world. As a matter of fact, far from being defined on purely external terms, the world system evolves in a web of relationships. Therefore, the relative power of states is not only a sum of political, economic and financial capacity. It is also constituted by an ideological and moral factor not to be reduced to a bare power, but reassessed according to its intensity. Dynamics of the contemporary capitalist society is a dynamics of intensity.

“...This dynamics is forcing entire populations to migrate for the sake of being pushed against the borders of wealthy countries; it instigates individual freedoms only to multiply police control and all forms of surveillance, forcing them to an insatiable consumption encouraged by publicity and marketing, and in the same time creating on its margins those who are excluded from consumption...” (Antonioli, 2005, p. 79).

The complexity of today’s international order is reflected by conflicting views on the very phenomenon of globalization. As a matter of fact, a number of theoreticians consider that globalization confirms the validity of the liberal model of capitalism; for others it points toward the end of an era: “Ideological celebration of the so called globalization in reality is the swan’s song of our historical system” (Wallerstein, 1998, p. 32). Wallerstein argues that new “crises of contraction” will not be solved by opening of new markets, since chronically low rates of growth in the developed economies together with protracted unemployment corroborate the view that the world system is at the cross-roads. What could bring the world system in such a situation toward the “breaking point”, according to Wallerstein, is the absence of a strong hegemonistic power and a globally accepted ideology. Stiglitz has, on the other side, discovered in his book *Globalization and its Critics* the functioning of globalization as global governance without world government. He concludes that growing inequalities could be another source of destabilization of the world economy, since it contributes to the slowdown of demand and therefore reduces growth. (Stiglitz, 2012).

## FROM POWER BALANCE TO GLOBAL INTERDEPENDENCE

World politics has been defined for centuries by power relations and such a view resulted with the concept of balance of power. The principle of conservation of balance as a foreign policy goal was formulated by David Hume. This principle, known from ancient times in the work of Grotius and of his followers was transformed in the basic principle of diplomacy, to be subsequently taken for granted as an axiom of modern political science. The concept of world politics seen through power relations was discarded in the XIX and XX centuries. According to this view, the dominant political theory after World War II is realism, a view of the anarchy of the international order, i.e. of the absence of hegemony. On the other hand, liberal theoreticians based their critic of realism on the increasing role of the international law and of non-state factors.

“...the “balance of power” and its variants long constituted the lexicon employed to assess the management of world affairs. It is only with the rapid advance of globalization in recent years, an advance that has shrunk time and distance, increased the porosity of boundaries, and undermined sovereignty and thus the anarchy principle...” (Rosenau, 2000).

Lately, the multiplications of boundaries worked against both theories, as well as against the dogma of the definition of world politics in terms of power relations.

“Our understanding of global governance as an alternative to the variety of power balance is blurred by the usual custom of treating states as a center from which different communities are proceeding as pallets on a wheel. States are still the main players on the world scene, but they are no more the only ones.” (Rosenau, 2000, p. 7).

The concept of global interdependence which, according to most theoreticians of contemporary international relations, represents their main feature, has been formulated and determined in different ways. Several designations have been proposed in order to distinguish our time from the previous ones, as „transnationalisation“ of international relations, “global and complex interdependence”, “globalization”, etc. Meanwhile, all these definitions remain in the category of approximations, without the possibility of grasping what is essential to the global processes and this is their growing and unrestricted complexity.

Global interdependence has initiated, not only positive but also negative processes as those of the rising nationalism and race intolerance. As a matter of fact, it has resulted with a feed back exemplified by local transformation. The variety of proposed models describing global processes are usually starting from the assumption of linear evolution. As such theories are seldom integrating a paradoxical feature of globalization which tends to push in the same time the process of integration and disintegration. As in the case of the recent financial crisis it has become apparent that unsuitable mathematical models were used based on

balance and stability, neglecting factor of uncertainty, which was a crucial reason why analysts did not predict the crisis itself. The failures of standard macroeconomic models were repeatedly pointed at by experts from the European Central Bank (Kenny Jeoff & Morgan Julian, 2011).

The shift toward non-linear models requires a new methodological posture which could integrate apparently contradictory processes. This means, for instance, that, dynamically speaking, the process of integration does not work necessarily against its opposite – disintegration. In other words, in the analysis of the complexity of global changes one should consider both of the processes in conjunction and synthetically, relating them in the wider context of globalization.

### INTEGRATIONAL-DISINTEGRATIONAL PROCESS

Independently from the focus on social and technological factors which transform today's world into a complex Frontier (Rosenau, 1997), each of these instances confirms that intensities are escalating with the expanding frontier. Inside the frontier intensities are the rule, levels of the emission of gazes with the impact on the thinning of the ozone layer, as well as on climate changes and on ecosystems. "The Frontier is *terra incognita* which sometimes takes the form of market, and sometimes of the civil society, or a legal body, and sometimes as a crowded city square and sometimes even as a battle ground..." (Rosenau, 1997, p. 6).

After the end of the bi-polar division of the world, it is generally taken for granted that societies are complex systems. The multiplication of global factors and the intricate web of interactions between the elements of the system, as well as the continuous escalation of tensions and the propensity of the elements to provoke a disbalance, represent necessary and sufficient conditions so that the complex system could be labeled *self-organized critical system*. The first feature of this system is the disproportion between cause and effect (so-called scale invariance). This symmetry breaking explains why the slightest disturbances could result in major upheavals. As a matter of fact, the same cause can produce unimportant changes as well as crucial ones. The difficulty of forecast is the main feature of a self-organized critical system. Another feature of this system is related to its self-organization, i.e. that it is returning independently of external influence, in the state of complex structure. The proposed model of complexity from the methodological point of view fills a gap in the comprehension of non-linear dynamics and makes evident how the global financial crisis was reflected on the whole system of the redistribution of global wealth.

Geopolitical relations manifest themselves through a dynamics of intensities (demographic, economic, military, ideological, religious, etc.). New global threats have accentuated the differences between the institutionalized power and the non-state factors.

Immanuel Wallerstein, the author of the *theory of world system* insists on the concept of bifurcation to describe the actual phase of transition of the world capitalism. In the analysis he relies on the Prigoginian paradigm of chaotic structures and bifurcations. The crucial feature of this approach is the difficulty of predicting the outcomes, as well as the importance of non-institutional factors when societal changes are involved.

“The science of complexity has taught us that in such chaotic situations which are the result of bifurcations, consequences are unpredictable. . . I am translating this conceptual framework to the ancient language of Greek philosophy. I say that when systems are functioning normally, the structural determinism takes advantage against the individual and group free will. But in the time of crises and transition, the factor of free will becomes central.” (Wallerstein, 2000).

## CONCLUSION

In the absence of a hegemon or a dominating power on the global scene the issue of the world order has become crucial in the era of globalization. Globalized disorder takes the form of an expanding Front, while major problems of today’s world are not dealt with, but are piling up. Kissinger has warned about this state of affairs: “Chaos is threatening us through the proliferation of arms of mass destruction and cross-border terrorism.”

Indeed, the world is increasingly permeated by a contradictory and interwoven dynamics with the tendency both toward disorder and integration. Instead of a firmly defined alternative between order and disorder, we are more frequently confronted with what James N. Rosenau has termed “chaord” (a compound word from “chaos” and “order”) with the aim of underlining the simultaneity of the dissolution of the old and construction of the new order. This concept signaled the alternative to the classical concept of balance of power in the era of globalization. According to this basic insight, James N. Rosenau has observed that “the Frontier has become even more rugged”, i.e. more complex. While the concept of balance of power was based on a static explanatory framework of international relations, it has become evident that it reflects neither the reality nor the dynamics of an increasingly polycentric world. Instead of assessing globalization either as positive or negative the author is shifting the substance of the discussion towards its structural consequences: “Since globalization and localization can have both positive and negative consequences, the tensions generated by uneven fragmentation greatly complicate the task of governance along the Frontier” (Rosenau 1997, p. 99). In other words, instead of a chessboard, the reality is multipolar. While in his previous work Brzezinsky has presented “Eurasia as a great chessboard”, in a recently published one he contends that multipolarity, having already stepped on the global scene, will become a major factor which could from 2025 significantly

influence global relations (Brzeziński, 2013). Instead of a concerted view on the future of international relations we are faced with substantial divergences:

“In the world of geopolitics, the order established and proclaimed as universal by the Western countries stands at a turning point. Its nostrums are understood globally, but there is no consensus about their application; indeed, concepts such as democracy, human rights, and international law are given such divergent interpretations that warring parties regularly invoke them against each other as battle cries.” (Kissinger, 2014, p. 364)

Accordingly, a view is prevailing that main factors within the system of international relations have substantially changed their function. In his book *Diplomacy* Kissinger has pointed toward this very issue: “In each transition, what had been taken for granted suddenly became anachronistic: multinational states in the nineteenth century, colonialism in the twentieth” (Kissinger, 1995, p. 806). This assessment expressed in the nineties in his book *Diplomacy* has been corroborated by his new book. We are facing the very moment when “entities which constitute the international system are changing their character” and this is also the moment when, as it is stated in his newest book, order has been replaced by chaos. Globalization has completely changed the understanding of geopolitics, since neither of global factors is anymore in the same position, given the emergence of new world economies which challenge the primacy of the previous ones. As it was previously stated, a chaotic situation could result from a shift in the basic character of the entities of a system. Accordingly, as in the metaphor of the “world boat”, we are advancing through uncharted waters, without usual signboards or clear formulas. In such a situation, the escalation of low intensity conflicts could have unforeseen consequences.

“Chaos threatens side by side with unprecedented interdependence: in the spread of weapons of mass destruction, the disintegration of states, the impact of environmental depredations, the persistence of genocidal practices, and the spread of new technologies threatening to drive conflict beyond human control and comprehension/.../ Are we facing a period in which forces beyond the restraints of any order determine the future?” (Kissinger, 2014, p. 2)

Kissinger in his book *World Order* leaves us without an answer to this question, but in the interview given to the daily *Spiegel* he comes back to the said dynamic of international relations stating that the world order has usually been the result of major wars. To the question “do we need another Thirty Years’ War“, he replied: “...This is a good question. Do we achieve a world order through chaos or insight? One would think that the proliferation of nuclear weapons, the danger of climate changes and terrorism would create enough of a common agenda. So I would hope that we can be wise enough not to have a Thirty Years’ War.”<sup>4</sup>

<sup>4</sup> Interview with Henry Kissinger, “Do We Achieve World Order Through Chaos or Insight?”, Interview Conducted By Juliane von Mittelstaedt and Erich Follath, *Der Spiegel*, November 13, 2014.



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Slobodan PROŠIĆ

## **OD RAVNOTEŽE SNAGA DO SUKOBIA INTENZITETA: KA NOVOJ PARADIGMI MEĐUNARODNIH ODNOSA**

*Apstrakt:* Nakon završetka ideoloških i blokovskih konfrontacija, čovečanstvo je suočeno sa novim izazovima i neizvesnostima, što je zahtevalo novi pristup radikalno izmenjenom stanju u svetu. Potreba da se usvoji perspektiva složene i rastuće međuzavisnosti na globalnom nivou javlja se posebno u vezi sa odnosom procesa globalizacije i fragmentacije. Globalizacija podrazumeva dva osnovna i suprotna procesa- integraciju i fragmentaciju/lokalizaciju. Ova nelinearna karakteristika globalizacije zahteva promenu paradigme ka onome što Džejs Rozenau naziva fragegracijom. Analizom dinamike fragmentacije, autor osporava raniju paradigmu ravnoteže moći.

*Ključne reči:* globalizacija, fragmentacija, integracija, međunarodni odnosi, ravnoteža moći.

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## **CULTURAL DIPLOMACY – THE INSTRUMENT OF POWER IN AMERICAN FOREIGN AND SECURITY POLICY**

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*Abstract:* The present article is based on the premise that cultural diplomacy has mainly been used and perceived as instrument of public diplomacy, while relationship between cultural diplomacy and foreign and security policy of a state has not received much scholarly attention. The goal of the article is *to conceptualize cultural diplomacy as an instrument of foreign and security policy of a state, and to assess the normative role of cultural diplomacy in foreign and security policy of the USA from the end of the Cold War until today.* Empirical part of the paper is based on content analysis of American national security documents, with emphasis on the role of cultural diplomacy. Contemporary states strive for a successful and efficient realization of their developmental, foreign policy and security strategies by reaching synergy of their social, material, cadre, moral, foreign policy and security capabilities through cultural diplomacy. The complexity of present threats in international environment requires from states a more active engagement of cultural diplomacy as a means of cooperative provision of peace and security in international community.

*Key words:* cultural diplomacy, public diplomacy, soft power, national security, national security strategy.

### **INTRODUCTION**

*“Public Diplomacy today is inextricably linked to national security - it is a critical part of 21<sup>st</sup> century statecraft, because how safe we are at home and abroad is a reflection of a global community’s shared interests and values that lead to a common understanding of shared burdens and responsibilities.”* Tara Sonenshine, 2011.

Changes in international security environment from the end of the Cold War to the present have dramatically impacted on the role of the State in international environment and its policies (in particular foreign and security policy), and have triggered a reconceptualization of security. Security has become related to societal

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value system and multilayered in its meaning. Wolfers emphasizes two sides of security concept: “Security, in an objective sense, measures the absence of threats to acquired values, in a subjective sense the absence of fear that such values will be attacked“ (Wolfers, 1962, pp. 147-156). This perception is shared by Art who believes “security is ambiguous and elastic in its meaning“ (Art, 1993, pp. 820-822). In the new international world order, born after the end of the Cold War, increased importance is attributed to the global dimension, to the loss of national sovereignty, to new international actors, new technological means, and new communication channels. States are faced with complex threats to security, which demand different responses and approaches to security provision. Traditional military-political and diplomatic instruments no longer suffice, and this situation requires new forms of cooperation between states, between states and non-governmental actors, as well as new responses in the framework of existing approaches, mechanisms and instruments of providing security. (Grizold et al. 2012, pp. 30-31) Through history, states have relied on the use of cultural diplomacy to a different extent. The USA has actively used cultural diplomacy since 1930s, when it responded to cultural offensive of Nazi Germany in Latin America (Cummings, 2003, p. 1), and even increased its use during the Cold War. Cultural diplomacy played a crucial role in the ending of the Cold War, as the freedom of expression demonstrated in cultural manifestations helped shape the mindset of people beyond the Iron Curtain. However, after the end of the Cold War the reliance on cultural diplomacy and its funding notably diminished. The goal of my analysis is twofold; Firstly, to conceptualize the relations between security policy, foreign policy and cultural diplomacy in contemporary state, and secondly, to analyse the implementation of cultural diplomacy in the context of foreign and security policy. The analysis is founded upon the case study of the USA, which still represent the leading world power and an important trendsetter for the developed world.

The subject of the present analysis is divided in the following questions:

1. Have documents of foreign and security policy of the USA from the end of the Cold War until today included cultural diplomacy?
2. Have there been any inconsistencies in the use of cultural diplomacy in the context of security and why?
3. And last – when is cultural diplomacy used in national foreign and security policy?

We presume that cultural diplomacy has largely been included in security related documents of the USA, but the practice varied in relation to individual administration. In the aftermath of the Cold War the American funding of cultural diplomacy abroad fell by over one third (Mark, 2009, pp. 2-3), which also led to inconsistencies in use, and probably prevented cultural diplomacy from developing to its fullest potential and achieving the desired effects. We believe there is a serious

lack of long-term planning in this field and cultural diplomacy is usually applied as an ad hoc solution with limited impact.

## **1. CONCEPTUALISATION OF CULTURAL DIPLOMACY IN THE CONTEXT OF FOREIGN AND SECURITY POLICY**

### **1.1. Cultural diplomacy as instrument of state policy**

Cummings defines cultural diplomacy as “the exchange of ideas, information, art and other aspects of culture among nations and their peoples in order to foster mutual understandings” (Cummings, 2003). Similar is sustained by Schneider, who argues that cultural diplomacy represents a prime example of ‘soft power’, or the ability to persuade through culture, values and ideas, as opposed to ‘hard power’, which conquers or coerces through military might (Schneider 2004, p. 147-148), while Cull (2008, p. 31) defines it as an attempt of actors to control and influence international environment via cultural means and achievements recognized abroad. Cultural diplomacy, therefore, represents an area where relations with foreign countries are formed, developed and maintained through culture, arts and education. It is an instrument of state policy that helps the state achieve its goals and objectives of foreign and security policy. Niles Maack claims it represents that aspect of diplomacy, which encompasses the efforts of a state to transmit national culture to foreign publics, and thus increase the understanding of national ideals and institutions as part of a larger attempt to build support for political and economic goals (Niles Maack, p. 2). It can be said that culture and cultural diplomacy have been important instruments of state policy and its implementation since 1938, when CD entered the USA Department of State. It was based on the following principles: avoid any trace of propaganda, stand clear of intelligence-gathering, and minimize disruption of fragile foreign cultures (Arndt, 2005, xi). In 1948 the United States Information and Educational Exchange Act, known as the “Smith-Mundt” Act, was passed to enable the Government of the United States to promote a better understanding of the United States in other countries, and to increase mutual understanding between the people of the United States and the people of other countries (Fitzpatrick, 2010, p. 5) . This Act led to the establishment of the United States Information Agency (USIA), radio program The Voice of America, and provided for the preparation and dissemination of information about the USA, its people and policies through press, publications, radio, motion pictures, and other information media, and through information centers and instructors abroad (ibid). Cultural diplomacy became an essential instrument of foreign policy of the USA and the Soviet Union during the Cold War, when it probably resembled propaganda more than diplomacy. There is, however, a substantial difference between culture and propaganda. On the one side propaganda lacks most of the cultural value, but influences the opinion of its target audience, while culture on the other exerts more

influence on elite groups and governments. A significant proof in support of the above observation is the failure of American politically oriented cultural diplomacy activities in the Middle East. The U.S. spent hundreds of millions of dollars under the direction of the Broadcasting Board of Governors to establish Al Hurrah, an American television channel in the Middle East. While this channel sometimes provides a platform for lively debates, it has not garnered a significant viewership and is regarded with suspicion as a creation of the U.S. government (Schneider, 2009, p. 4).

What exactly does cultural diplomacy then represent in the context of state policies? Cultural diplomacy is an instrument of foreign and security policy whose basic role is to transmit the information and values of the country of origin to foreign countries and vice-versa. It is, therefore, a long-term strategy of dialogue and reciprocal informing and understanding, which improves the position of all stakeholders in the process, prevents or limits the appearance and escalation of conflicts, and positively influences the formation of public opinion and the meeting of foreign-policy and security goals of the state. Cultural diplomacy should be more than just an answer to crises, and its primary mission is to develop respect for others and their way of thinking (Report of the Advisory Committee on Public Diplomacy, 2005).

### *1.1.1. Cultural diplomacy in the context of foreign policy*

Historically, cultural diplomacy represented foreign policy of a state, which applied it to facilitate the export of its culture's products. Sources from the Ancient history reported about the construction of great library in Alexandria and the policy of the Roman Republic, which invited the sons of "friendly" kings to pursue their education in Rome (Cull, 2008, p. 33). People have used culture to present themselves, to assert their power, and to understand others and be understood by them. Artists have historically functioned as important counselors or ambassadors to different rulers. Rubens was the court artist as well as official ambassador, and in the 30ies of the 20<sup>th</sup> century the movies of Leni Riefenstahl and the architecture of Albert Speer were put at the service of the German Nazi Regime. The Cold War relied heavily on cultural and scientific battle between East and West in the form of the Bolshoi ballet, abstract Expressionism, and the space race (Bound et al. 2007, p. 22). Cultural diplomacy has never been apolitical; however, its political character of today is more pronounced. Some states have actually included it among the pillars of state politics, e.g. Canada (Belanger, 1999). De Vries (2008, p. 14) claims that cultural diplomacy contributes to a positive image of the country abroad, creates conditions for peaceful relations between countries, promotes sustainable development, democracy and respect of human rights and thus improves the chances for achieving foreign policy goals of a country.

In the aftermath of the Cold War cultural diplomacy of the USA suffered a substantial cut in financial funding and support. This resulted from a shortsighted

belief that cultural outreach had outlived its purpose, as the imminent military threat represented by the Soviet Union decreased. This apparent détente led to the closing of American centers, to the elimination of much of cultural programming, and ultimately to the dissolution of the United States Information Agency (USIA) itself (Schneider, 2006, p. 193-195). Many warned of long-term dangers of diminishing cultural diplomacy, but their words sounded alarmist and were largely ignored:

“Nor can it seriously be argued – as some have – that these tools of U.S. foreign policy are no longer needed now that the Cold War is over and America no longer faces major threats. There was a brief moment of euphoria following the collapse of the Soviet empire. But no specialized expertise is needed to realize that, far from being on the verge of a new order, the world has entered a period of great disorders. /.../In facing these new dangers, a re-examination of old priorities is needed. Cultural diplomacy, in the widest sense, has increased in importance, whereas traditional diplomacy and military power ... are of limited use in coping with most of these dangers.” (Laquer, 1994, p. 20).

Despite the failure of many countries to acknowledge the need for cultural diplomacy after the Cold War, we cannot, but agree, with the above statement. Radical geo-political (dissolution of the Soviet Union, Yugoslavia...), economic (prevalence of capitalism and transition of majority of former communist states to market economy), and strategic (transition from bipolar to uni or multipolar organization of the world) changes in the world (Posner in Grizold et al. 2012, p. 31) should have triggered the need for strengthened cooperation and understanding among nations and cultures, and thus also for the engagement of cultural diplomacy. However, events that followed took a different turn. By the year 1998, USIA lost a third of its 1993 funding and staff. By 2003, 60% of the world USIS (US information service) posts were staffed by a single American officer. In 1994 the final phase of converting USIS libraries to closed-access electronic IRCs (Information Resource Centres) began (Arndt, 2005, pp. 540-541). Most centers were seriously downsized in terms of material and staff and relocated into Embassies into their truncated form. Many of these centers are now open only by appointment or have hours of operation that limit public use. All these led to a substantial reduction in visitors and to the alienation of foreign audiences. Despite serious problems of the USA in explaining its foreign policy to the public overseas, America responded by reducing its efforts at public diplomacy and denying/limiting access to uncensored information and to the American officials.

### *1.1.2. Cultural diplomacy in the context of security policy*

That culture represents an essential element of societal security, and that cultural diplomacy possesses a security dimension, was confirmed by the Copenhagen school of international relations, which analyzed the relationship between foreign

and security policy on one side, and culture on the other (Buzan 1991, p. 431-451). The school emphasizes social aspects of security and the ability of a society to persist in its essential character under the changing conditions and possible or actual threats (Weaver, 1993, p. 23). One of basic premises of societal security is the acknowledgement that various identity related questions can unleash conflicts stemming from political system or national sovereignty related ideas (Belanger, 1999, p. 679). Sovereignty and identity are interconnected, however, social identity can be expressed independently from state or even in contrast with political system of the state. State's sovereignty is thus not necessarily or exclusively founded on social identity, and a threat to identity does not automatically present a direct or necessary threat to sovereignty. The threat presented by cultural penetration can lead to duality in dealing with the concept of security, namely state security versus societal security (Weaver, 1993, pp. 17-40). In this, I concur with Weaver who says: "Of course, the rhetoric of security will often be employed in cases where survival, whether of security or identity, is not actually threatened, but where it is possible to legitimate political action by making reference to such a threat" (Weaver, 1993, p. 26). It is thus understandable that security represents an excellent justification for eligible and ineligible military interventions and conflicts (Gorenc, 2009). National security encompasses various subsystems aimed at providing human security and welfare, and one of them is also culture. Without the right to one's own culture, language, and values, also human security in broad or narrow sense cannot be provided, which facilitates or can even trigger a war. Wolfers (1962, pp. 147-165) emphasizes that "Security, in an objective sense, measures the absence of threats to acquired values, in a subjective sense, the absence of fear that such values will be attacked. " We can thus speak about the absence of objective dangers, threats to security, challenges, vulnerabilities, and risks, as well as subjective fears from experiencing all these jeopardises. Security is a state in which individuals feel safe from threats and dangers caused by others, which implies that objective factors alone are not enough to feel safe and secure, and subjective factors need to be satisfied as well.

## **2. ASSESMENT OF NORMATIVE ROLE OF CULTURAL DIPLOMACY IN AMERICAN NATIONAL SECURITY STRATEGIES**

National Security Policy represents a synthesis of all state policies, while National Security Strategy (NSS) represents the basic strategic guidance document of the USA. Buzan claims than NSS implies the reduction of state vulnerabilities (Buzan in Stone, 2009, p. 7). National security documents should thus deal with security in all its manifestations and dimensions, taking into account internal and external threats to security. NSS is periodically prepared by the executive, which presents the guidelines for the development of national security system and policy



in the following mid-term, emphasizing the most important security and political challenges, and the plan for dealing with them. The strategy serves as the basis for directing the development of individual elements of national security system. The Goldwaters-Nichols Act of 1986 presented the legal basis for the formulation of the strategy. This was the fourth major post-World War II reorganization of the U.S. Defense Department. The NSS derived from the need for a greater budgetary coherence, and the strategy was supposed to present interests, goals, and path for their realization to the Congress, as well as determine the necessary financial resources (Gaddis, 2002, p. 50-51). It resulted from the belief that governments were unable of coherent and judicious use of state resources with the aim of defending and furthering the interests vital to the nation's security. National security strategy represents a strategic platform for operative security policy of the USA, and serves different purposes, among which also to communicate the Executive's strategic vision to Congress and thus support its funding requests, to communicate this vision to foreign constituencies, and to create internal consensus on foreign and defence policy within the executive branch (Snider, 1995, p. 5). Analysis of national security strategies and related documents revealed the lack of consensus on the appropriate grand strategy of national security, since the executive traditionally avoids long-term and systematic planning of the strategy, but rather engages in episodic planning, responding to particular events, when they rise to prominence (*ibid*). Different administrations perceived the issue of threats and security in various modes, and there were significant shifts in emphasis with a view to individual administrations (Worley, 2001).

When the administration of George W.H. Bush (1989-1993) settled, events in the Soviet Union and the Eastern Europe took a fast turn. The Bush administration was unprepared for such changes and thus reacted slowly and incoherently (*ibid* p. 15). The 1990 report emphasized the importance of public diplomacy tools that have been developed and implemented since the end of the Second World War (the USA, the Voice of America, Radio Liberty and Radio Free Europe), and stressed the need for an increase of cultural competences and foreign language proficiency of American military forces (*ibid*, p.13). The 1993 report focused on the building and consolidation of democracy, freedom and human rights in the Eastern Europe and former Soviet Union countries. Public diplomacy was seen as the key instrument for achieving this goal. George H.W. Bush did not include much cultural diplomacy in his NSSs, however, his national security directive 51 (NSD51) clearly defined the need for American Governmental international broadcasting capability in the drastically changed post Cold War environment. It exposed 4 missions of US government broadcasting, namely: to present and explain to foreign audiences U.S. Government policies and actions; to describe and explain American society, thought, and institutions; to provide objective and reliable news, commentary and information about U.S. and international events; to provide surrogate programming where local

governments curtail the free flow of information to their people and where surrogate programming is in the U.S. interest. It specifically emphasized that broadcasting should serve and advance U.S. foreign policy objectives and that limited resources should be directed as necessary to reflect overall U.S. foreign policy priorities, a chief priority being to further the process of democracy building. Bush also envisaged an increase of political and economic content in the services of the VOA (Voice of America) in the newly emerged and unified Europe (National Security Directive 51, 1990). From the address delivered by the President Clinton's first term national security advisor Anthony Lake "From Containment to Enlargement" (Remarks of Anthony Lake, sept 1993) can be seen that the administration considered their moment and place in the history of the world as the historic crossroads, where containment no longer represented the one and only foreign and security policy objective. It was felt that Americans no longer saw the need to be actively engaged in the new world, without the danger of Soviet Union looming over the USA. Lake also underlined Clinton's agenda for the post Cold War by declaring "The successor to a doctrine of containment must be a strategy of enlargement – enlargement of the world's free community of market democracies" (ibid), which was very much in line with the priorities of his frontrunner, President Bush. In the National Security Strategy of 1994, 1995 and 1998, President Clinton stressed the importance of preventive diplomacy and integration of the USA in multilateral negotiations in crisis areas in the world, which would ultimately improve the national security of the USA. In the National Security Strategy of 1997 – A National Security Strategy for a New Century – fostering of a "peaceful, undivided, democratic Europe" is listed as the United States' first priority for advancing core national security objectives, while NATO enlargement is singled out as the principal undertaking (Haas, 1997, pp. 112-123). Also, the address of Samuel Berger, the president's national security advisor for the second term, is very illustrative: "the dialogue of foreign policy has, for too long, been frozen in the rhetoric of "the Post-Cold War Era." (Berger, 1997) The 1999 NSS touches upon the problem of complex multinational military operations, which encompass also ethnic, religious and cultural elements and thus require a solid understanding and knowledge of region, language, and the skills of multicultural communication. President Clinton and his wife took personal interest in cultural diplomacy and even hosted the first White House Conference on Culture and Diplomacy in November, 2000, with the aim to better integrate cultural concerns into foreign policy development, to recognize the importance of art and culture in the growing global economy, and to incorporate the cultural and educational strengths of the United States in diplomacy as well as U.S. business and military interests (The White House, 2000). Development of communication and technologies has placed public diplomacy also on the agenda of national security strategy, and in 2000 NSS it is presented as a key instrument for the promotion of the American leadership in global politics. A paragraph is dedicated to the issue of

public diplomacy and the importance of improving mutual understanding by reaching out to future leaders and informing the opinions of current leaders through academic, professional, and cultural exchanges. The PDD-68 (Presidential Decision Directive) of Bill Clinton defined international activities of public diplomacy as crucial in coordination of security and information activities in the context of American foreign and security policy (Clinton 2011). In his first NSS, President George W. Bush speaks of defending, preserving and extending peace, he calls for cooperation among great powers, and specifies the encouragement of free and open societies in the world. The 2002 NSS stresses the need for efficient public diplomacy, the free flow of information and the war of ideas as the main instruments in the fight against terrorism.<sup>2</sup> In congressional budget justification for 2002, President Bush also speaks about the need to invest more in International Affairs, as this is the vital part of America's leadership in the world (Congressional budget justification, 2002). The 2006 strategy emphasizes public diplomacy, the importance of foreign language proficiency, and the knowledge of foreign cultures. It also underlines the need to improve channels of communication with Muslim leaders and people and efficiently face and counter negative propaganda before it becomes rooted in the minds of people worldwide. The last and currently still valid security strategy was adopted by the Obama administration in 2010. It speaks about the importance of foreign languages, of cultural exchanges and the need to understand foreign cultures, of educational exchanges, and the forging of closer ties with foreign countries and peoples. It stresses the need to complement military force with diplomacy (general), and that diplomacy and development capacities must help to prevent conflicts. Diplomacy is described as fundamental to American national security and their defense capability, and great emphasis is placed on the prevention of conflicts. The strategy also stresses the need to support programs that cultivate interest and scholarship in foreign languages and intercultural affairs, including international exchange programs that benefit mutual understanding between foreign audiences and American society. However, the 2010 NSS only implicitly mentions cultural diplomacy, which shows that connection between security and cultural diplomacy and the importance of this relationship has not been fully recognized yet.

### 3. CONCLUSIONS

Let us open our closing remarks by exposing some of the limitations of the present research and recommendations for the future. Evaluation of success or efficiency of a strategy is an ungrateful and complicated task, and it would take

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<sup>2</sup> "We will also wage a war of ideas to win the battle against international terrorism. This includes: (...) - using effective public diplomacy to promote the free flow of information and ideas to kindle the hopes and aspirations of freedom of those in societies ruled by the sponsors of global terrorism." The National Security Strategy of the United States of America, September 2002.

several years to be able to assess the strategy in terms of efficiency and achieving the set goals and objectives, as well as accounting for other factors and actors in the political and social context of the analysed period. Another important issue are budgetary allocations, which (can and do) limit the goals and ambitions already in the process of the strategy creation, as do at the time of its implementation. This is closely connected with the question that would deserve a proper analysis of its own, namely the gap between normative and actual inclusion of cultural diplomacy in foreign and security policy of a state. This said we can move to the results of the present analysis by saying that *cultural diplomacy undoubtedly represents an important instrument of FSP and should be included already in the phase of its planning. It is a perfect example of bi/multi-lateral diplomacy, allowing states to pursue the goals and objectives beneficiary to all. Cultural diplomacy aims to develop reciprocal understanding and the sharing of values, and thus improve the interest of involved parties for peaceful and long-term solutions. By improving relations among states the level of trust increases and it is thus easier for states to achieve their own foreign and security policy goals.* Cultural diplomacy and its instruments offer a lens into the mind of what is deemed “foreign” to one’s native environment – thoughts, ideologies, intentions, cultures, and stereotypes. For governments it represents an instrument of soft power, enabling them to engage with other governments, international organizations, and non-state actors in the interest of national security (Khan, 2012). As explained already in the introduction, we based our analysis on the case study of the USA, as one of the world’s leading powers. The results obtained from the analysis thus trace the development trend for most of the developed world.

In order to see how the American post Cold War administrations responded to new security challenges, we analyzed some of the most important national security documents (national security strategy, national security review, presidential directive, presidential directive review, testimonials and addresses to foreign relations committee, etc.). To answer the second question set in the introduction, namely if there have been any inconsistencies in the use of cultural diplomacy in the context of security and why, we can state that the results revealed a variety of practices adopted by different administrations relative to CD in the context of foreign and security policy. It can be seen that all administrations invested some thought and effort in cultural diplomacy within the framework of security. The reasons are various, starting with the emphasis on multinational character of foreign policy operations, prevention of conflicts or their escalation, new and different threats to national/state/personal security, new types of warfare (terrorism), increased awareness of ideological and cultural roots, etc. All this requires a different approach to security issues and different policy tools, with emphasis on soft power, prevention and long term solutions. Our analysis also proved that normative goals have been largely achieved. Cultural diplomacy has been explicitly or implicitly included in the majority of national security related documents of all post Cold War

administrations, and has often been exposed as priority. However, most of the time, cultural diplomacy has been used ad hoc and in reaction to an event or action that has already happened or was about to happen. The main reason has not only been the absence of the grand strategy, but a lack of commitment to cultural diplomacy on the one side, and insufficient awareness of its potential in the framework of national security on the other. The present engagement of America in the world confirms this kind of behavior, namely the use of force and vast disregard of cultural diplomacy in security issues. Or better, cultural diplomacy has largely been applied in crisis areas and in the times of trouble, when tv and radio stations/programs have been funded, American libraries or corners established, exchange programs promoted. When situation have stabilized, interest and funds have also waned. Without long-term commitment cultural diplomacy cannot develop to its fullest potential, and ad hoc actions have more in common with political propaganda than with cultural diplomacy. A lot of energy, resources and people have been lost trying to invent ad hoc policies and institutions at the time of conflict, and eliminating the established policies, contacts, networks and institutions in the aftermath of the conflicts. What should be pursued is a coherent and consistent policy of making cultural diplomacy an instrument of national security policy and thus benefiting from the long term results it yields. If we use the words of former director of United States Information Agency Edward Murrow, public policy should be in on the take-offs, and not just the crash landings. On the basis of our analysis it can be said that cultural diplomacy is still mostly disregarded in the take-offs, and applied only (if) in the crash landings.

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Nina GORENC

### **KULTURNA DIPLOMATIJA- INSTRUMENT MOĆI AMERIČKE SPOLJNE I BEZBEDNOSNE POLITIKE**

*Apstrakt:* Rad je zasnovan na pretpostavci da se kulturna diplomatija uglavnom koristi i doživljava kao instrument javne diplomatije, dok odnos između kulturne diplomatije i spoljne i bezbednosne politike jedne države nije privukao mnogo naučne pažnje. Rad ima za cilj konceptualizaciju kulturne diplomatije kao instrumenta spoljne i bezbednosne politike jedne države, kao i procenu njene normativne uloge u spoljnoj i bezbednosnoj politici SAD od kraja Hladnog rata do danas. Empirijski deo rada se zasniva na analizi sadržaja američkih nacionalnih bezbednosnih dokumenata, sa naglaskom na ulozi kulturne diplomatije. Savremene države nastoje da uspešno i efikasno ostvare svoje razvojne, spoljnopolitičke i bezbednosne strategije za postizanje sinergija njihovih socijalnih, materijalnih, kadrovskih, moralnih, spoljnopolitičkih i bezbednosnih mogućnosti putem kulturne diplomatije. Složenost prisutnih pretnji u međunarodnom okruženju zahteva od država aktivnije angažovanje kulturne diplomatije kao sredstva za ostvarenje mira i bezbednosti u međunarodnoj zajednici.

*Ključne reči:* kulturna diplomatija, javna diplomatija, meka moć, nacionalna bezbednost, strategije nacionalne bezbednosti.

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## THE NEW SILK ROAD – CHINA'S NEXUS TO EUROPE

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*Abstract:* The Silk Road is a very important trade and cultural communication line connecting the two ends of the Eurasian continent – PR China and Europe. No great power was ever able to gain exclusive control over it, due to its complexity and excessive economic significance. Having lost its importance with the development of the maritime trade along southern Eurasian shores and with the discovery of faster and safer roads, it regained some of it after the end of the Cold War due to the logistics needs of number of countries that lay on it. Since various development initiatives have not started at all or have not been fully implemented, the latest Chinese ‘One belt, one road’ initiative, consisting of land and maritime routes, has attracted a lot of attention and has caused mixed reactions within the international community. The reason for this is the fact that its initiator is the state whose powerful rise as a regional power with tendency to become a global power and whose assertiveness in foreign policy started the ‘Chinese threat’ theory, coupled with doubts of friendly nations that the initiative covers not only benevolent promotion of mutual economic interests and the friendship of the people, but also some particular Chinese geopolitical calculations. However, many issues will have to be resolved before the project sees its completion. These issues do not depend only on strategic planning and promotion of the PR China but also on the willingness of other involved countries, on the current international situation, and on those actors who could benefit from its collapse. As the security situation in Eurasia is very complex and strategic competition for resources among the powers extremely tense, PR China will not be able to implement this project without active cooperation from Russia, the United States and European Union, or at least without securing their non-interference.

*Key words:* PR China, Europe, the Silk Road, Eurasia, “One Belt, One Road”, the Chinese threat, the great powers.

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## INTRODUCTION

The Silk Road is the name used for various Eurasian trade and cultural communication routes that have existed for more than 2000 years. In his book on the history of the Tang dynasty, historian Mark Edward Lewis claimed that there was not only one silk road but widespread network of silk roads on land and at sea. For many centuries these ancient roads represented the most important overland route connecting Europe and Asia. It started in the Chinese city of Xi'an, over Gansu and Xinjiang provinces through the countries of Central Asia to the Black Sea. It had two routes forking in Dunhuang, Uygur Autonomous Region. The north route crossed Lop Nur Lake, Kashgar, Khorasm, the South Caucasus, and then through Georgia (called Iberia at that time) to Byzantium and Rome. The south route ran via the oases of Khoton and Jarkend through northern Persia and Babylon to reach the Mediterranean ports of Antioch and Tyre (Lewis, 2009, 157, p. 165).

Control over the Silk Road was the cause of many wars between Rome and Byzantium with regional powers such as Persia and Parthia in which the existence of the route was even considered a state secret. In the period between 8th and 10th century the Arabs and Mongols took control over it, while in addition the trade between East and West via this road has promoted scientific and cultural exchanges. The Chinese have discovered the existence of the Silk Road by accident during the reign of Wudi Han (156-87 BC). With a goal of provision for the settlement of the northern steppes he sent his envoy Zhang Qian in Central Asia, who along the way discovered until then unknown countries of Central and Western Asia, and the existence of the Roman Empire (Simić, 2003, p. 26). Since then, this road facilitated the exchange of products between China and the West. It was then suspended until 1279, during the Southern Song dynasty, due to the displacement of the center of gravity of the Chinese state to the south and the construction of the new capital Hangzhou. During the reign of this dynasty the Chinese began to develop maritime trade with Southeast Asia and have particularly contributed to the development of maritime compass and advances in shipbuilding technology (Simić, 2003, p. 44). However, with the arrival of Yuan dynasty regular Far East trade links with Europe were re-established, and Chinese silk and porcelain were starting to arrive in Europe regularly via Silk Road, thus creating the demand that would induce many European traders to focus to the East (Simić, 2003, p. 46). With the development of the Eurasian maritime trade, the discovery of quicker and safer route to the Spice Islands and Asia around the Cape of Good Hope in the late 15th century by European explorers Bartolomeu Diaz and Vasco da Gama, and the discovery of America, this road was starting to lose its importance because maritime trade started to gain in importance (Gorshkov and Bagaturia, 2001, p. 51).

Silk Road has always been thought so large and complex that its economic strength and capabilities by far exceeded any contemporary government which used

it. Due to its unique nature, no government has had a monopoly over its creation and control. After the Cold War, numerous projects of revival of this road have been initiated by governments. The break through moment for its renewal was the break-up of the Soviet Union and the independence of Central Asian countries. The reason behind this shift was the logistic needs of several countries, primarily of few great powers. In 1995, the European Union launched its own plan based on the UN plan for the International Transport Corridor Europe-Caucasus-Asia (TRACECA), which was supposed to connect Europe, the Black Sea, the Caucasus, the Caspian Sea and Central Asia.<sup>2</sup> The research was mainly funded by the European Union together with the European Bank for Reconstruction and Development, the World Bank, the Asian Development Bank and the Islamic Development Bank. The plan skirted Russia and Iran, and made a direct connection between the European Union and Central Asia with the aim of integrating the railway that was supposed to go from eastern to western Kazakhstan (Zuokui, 2014). In 1999, that plan was followed by other plan of construction the railway line China-Kyrgyzstan, which is supposed to be integrated with the railway network of TRACECA in Xinjiang. According to experts, that line represented the optimum economic line, but Russia and the United States were the main reasons why it did not come to life (Zhiping, 2014). However, project 'Silk Wind', which was initiated in the framework of TRACECA in November 2012 in Izmir, had a better chance of success because it went hand in hand with the American initiative for a 'New Silk Road'. Its main objective is to complete the construction of the Baku-Tbilisi-Kars railway line whose realization is moved to the end of 2015 (Fedorenko, 2013).

The new plan for the Silk Road renewal was started in 1998 by the International Road Transport Union, and then the UN got involved with its first (2000) and second (2005) Silk Road Regional Project. The United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nation Economic and Social Commission for Asia and the Pacific (UNESCAP) also released their own plans (Zuokui, 2014). Another country that has initiated its own version of the Silk Road was Turkey. Turkey's Ministry of Customs and Trade has made public its goal of transport simplification, enhanced security, logistics and customs capacities as well as the renewal of the ancient Silk Road as a link between European and Asian Market at the 2008 International Forum on the Role of Customs Administrations on facilitating and Promoting Trade among the Silk Road Countries in Antalya.<sup>3</sup> It has established cooperation between this project and the TRACECA at the forum in Batumi, Georgia. On that occasion, the participating forum states that were not

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<sup>2</sup> TRACECA is an international transport program involving the European Union and 14 Member States of the Eastern European, Caucasian and Central Asian region.

<sup>3</sup> Countries that are incorporated into the Turkish vision of the Silk Road are Azerbaijan, Georgia, India, Iraq, Iran, Kazakhstan, Kyrgyzstan, Mongolia, Pakistan, Russia, Syria, Tajikistan, Uzbekistan, Afghanistan, China and South Korea.

members of this European initiative are invited to become one by signing a Memorandum of Understanding (Bozkurt, 2012).

The Russian idea for a modern Silk Road is contained within the Eurasian Economic Union. On 18 November 2011 the presidents of Russia, Belarus and Kazakhstan signed an agreement that led to the creation of economic and political union on 1 January 2015, putting communication and transport infrastructure into the focus. A day later, on 2 January, Armenia joined, and Kyrgyzstan will become a full member in May 2015, after the ratification of the Accession Treaty.

In July 2011, US Secretary of State Hillary Clinton introduced the US 'New Silk Road' plan in New Delhi during her stay at the second India-US Strategic Dialogue. This comprehensive strategy includes Afghanistan, Central and South Asia and its implementation requires constructing a trade and energy corridor linking Europe, the Indian Subcontinent and South Asia. Washington's intention is to dominate the development process of South, Central and West Asia, i.e. to maintain and intensify its influence in these regions after the withdrawal of the army from Afghanistan in 2014, in order to bypass Iran, and to reduce Chinese and Russian influence (IIP Digital, 2011).<sup>4</sup>

The latest initiative 'One Belt, One Road' proposed by Chinese President Xi Jinping in 2013 was an extension of sporadic smaller projects which China implemented along the ancient Silk Road route in the previous period.<sup>5</sup> This ambitious plan consists of land and maritime routes that start at Central and Eastern China and end in Venice, passing through Asia, Africa and Europe and all the seas and ocean along the way. The financing of the project will be done by new institutions - Asian Infrastructure Investment Bank and the Silk Road Fund, as well as through new mechanism that is yet to be established, and which will be under supervision of the Shanghai Cooperation Organization (Friends of Europe, 2014).

In addition to these major initiatives for the Silk Road construction there were numerous minor initiatives which did not receive as much attention as the Viking railroad, INOGATE, CAREC, SPECA, TAPI, etc. The reason for such a large number of projects lies in the geo-strategic location of the region through which the Silk Road should pass, but also in geopolitical rivalry between the US, Russia, the European Union and China in the field of energy and resources.

The newest China's Silk Road initiative from 2013 undoubtedly causes a lot of attention because of many reasons, but primarily because its initiator state is the first economic and second trading power in the world, the largest holder of foreign exchange reserves and US government bonds and which annually increases

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<sup>4</sup> The US Government identifies about 40 infrastructure projects that it considers important parts of the New Silk Road initiative.

<sup>5</sup> The 'One Belt, One Road' term refers to the 'Silk Road Economic Belt' and one way to the '21st century Maritime Silk Road'.

expenditure on the military budget by 10-15 percent. Its potentially violent rise as a regional power with a tendency to become a global power, and assertiveness in foreign policy give reason to numerous theories about the 'China threat'. Also, those who are watching Beijing with sympathy and want to believe in its good intentions have doubts that behind this project lay not only the promotion of friendship between peoples and economic benefit for all participants, but also narrow geopolitical calculation. Neither the Chinese refusal to be called a superpower (instead modestly calling itself 'the greatest country-in-development') does not diminish the fears of its neighbors and other countries that the objective of this initiative is putting them into the geopolitical system designed by Beijing and built for Chinese interests. Therefore, no wonder that the Chinese initiative is seen as the Marshall Plan with Chinese characteristics, comparing it with the American plan after the Second World War and making parallels between the then rising power - United States - and the new rising power – PR China, where both countries rely on their economic power for the sake of foreign policy objectives (including the main goal – maintaining their own domestic economy). To lessen this kind of thinking the Chinese leadership, in its rhetoric almost always points out that the new Silk Road should contribute to the economic growth of neighboring countries, but also all others that are located along its way (Tiezzi, 6 November 2014). In order to dampen such thinking the Chinese leadership, in its rhetoric, always points out that the new silk road should add to economic development of countries on its way besides the connection it will bring to the two ends of Eurasia (Western Europe and China). Using its favorite phrase in foreign policy – win-win – it promotes a defensive security strategy combined with the attraction of a large market and represents its rise as a legitimate goal, especially when peace is both a goal and a prerequisite for this rise, the one that will not upset the current balance of power, but moreover will be useful to neighboring countries and the world community. So this project, in essence, becomes the Chinese response to the demands of the international community to engage as a responsible force (*Fūzheren De Daguo*) in solving global issues (Zoellick, 21 September 2005).

This paper consists of five parts. The first part will discuss the ancient Silk Road, its importance and new projects for its revival after the Cold War. As a Chinese New Silk Road Plan causes a lot of reactions of international community, some of them, and Chinese government's reactions will be discussed here. The second part will explain how cooperation between PR China and Europe grew from 1949 and how the fast Chinese development has caused European approach to change from ideological to pragmatic. The third part will explain the aims of the new generation of Chinese leadership with the initiation of the 'One Belt, One Road' project. A consistently high Chinese economic growth has increased its dependency on sea lines of communications for energy imports and commercial goods exports. China's intention to secure energy stability and further economic growth will lead towards the need of diversification of land routes. Thus the third part explains that creation

of land and maritime routes represent the optimal way of Chinese energy economic and security strategies' realization. This part will also cover the technical specifics of this routes and their financing. In the fourth part the author will describe the problems that China faces at the very beginning of the project implementation and suggests solutions to some of them, with special attention given to the last leg of the route that should pass through Europe. The last, fifth part, describes goals and intentions of Chinese authorities, possibilities for other countries that lie along those routes, and the overall progress of the project.

### **CHINA AND EUROPE - FROM IDEOLOGY TO PRAGMATISM**

From the founding of the People's Republic of China in 1949, Chinese foreign policy towards Europe was based on an ideology and Mao Zedong's vision of international politics. During those years, China watched Europe through the 'leaning to one side' strategy (*Yibiandao*) i.e. through its relationship with the Soviet Union and the socialist bloc, and against the US imperialist states. Western Europe was perceived as an instrument in the hands of the United States, while the European integration process, which began in 1951 with the establishment of the European Coal and Steel Community (ECSC), was regarded by Mao Zedong as evidence of the weakening of the American policy of helping integrate Western Europe in order to avoid the economic collapse of the capitalist system that the US had established in postwar Europe. However, the initiation of an ideological dispute with the USSR in the 1960s made China change its strategy from 'leaning to one side' to one where anti-imperialism (*Fan Di*) and anti-revisionism (*Fan Xin*) represent two fronts of the same struggle to which China would have to focus. According to Mao's theory of 'intermediate zones' (*Zhongjian Didai*), which was designed in 1946 and modified in 1963, as a theoretical explanation of the new strategy, Europe was supposed to represent one of the intermediate zones between the imperialist and socialist bloc. The lynchpin of the strategy was that Western Europe should be independent from the US, and together with China and developing countries (*Fazhan Zhong Guojia*) should cooperate against both the Soviet Union and the United States. However, despite the existence of bilateral relations with individual member states of the European Economic Community (EEC), only after the establishment of Sino-US relations in 1972 with the visit of President Richard Nixon and his adviser Henry Kissinger to Beijing, diplomatic relations were established between China and the European Community (EC) in 1975. After the establishment of diplomatic relations with the United States, Beijing changed its strategy again, in 1979, to the 'one line' strategy (*Yitiaoxian*) in which Europe represented an important element of resistance against the Soviet Union. It was a remodeling of Mao Zedong's 'theory of the three worlds' (*Sange Shijie*), in which the 'first world' was composed of superpowers – the US and the USSR, the 'second world' was composed of developed countries such

as Japan and the European countries and the ‘third world’ (*Di San Shijie*) of non-developed or developing countries from Asia, Africa and Latin America, among which were the nonaligned countries such as Yugoslavia, but China as well (Tanjung Press, 1977). According to the new definition the second and the third world, together with the United States, should work together against the Soviet Union.

With Deng Xiaoping’s arrival as the head of China, ideology-based attitudes have changed and became more pragmatic. The relationship with other great powers was becoming balanced due to the necessity of stable foreign relations for the state primarily focused on a much-needed economic development. It was also developing a comprehensive cooperation with the European Union. The most important steps in that effort were signing the Trade agreement in 1978, and then the Agreement on Trade and Economic Cooperation in 1985. However, the Tiananmen Square riots in 1989 led to deterioration in relations between Brussels and Beijing. All 12 EEC countries stopped the contacts at a high political level and suspended soft loans. Sanctions which referred to termination of military cooperation and arms and dual-use high technology exports to China were put into effect. However, most EC member states were too interested in the Chinese market, and the mutual trade, with the exception of arms and dual-use high technology, had been fully restored by 1992 (Babić, 2010, p. 435).

The importance and size of the economies and markets of the European Union and China have pushed them into more intensive cooperation. Therefore, for the first time, in 1995 the European Commission established a strategy for the development of relations with China. After the handover of Hong Kong (1997) and Macao (1999) the last opportunity for a direct conflict disappeared, both in geopolitical and in strategic terms. PR China and the European Union signed a ‘full partnership’ in 2001 which grew into a ‘Comprehensive Strategic Partnership’ in 2003 (Babić, 2010, p. 426). China was aware that a multipolar world can exist only with a united EU and a strong euro, aided with its foreign exchange reserves in its possession during the crisis of 2009, and in addition had stopped the strengthening of the dollar. Thus, at the same time, China had protected its export markets, sourcing of new technology and equipment and one of the largest sources of foreign investment (Babić, 2010, p. 459). It actively supported the Euro-zone through the European Financial Stability Facility (EFSF) and the European Financial Stabilization Mechanism. Through the International Monetary Fund (IMF) it gave assistance of some 43 billion dollars. Billions of China’s foreign exchange reserves were invested in European bonds, especially of those countries whose over-indebtedness threatened the survival of the Euro – Greece, Ireland, Portugal and Spain. Chinese investments in the Old continent for 2012 amounted to 69.3 billion dollars, and would reach 82.5 billion dollars by July 2013 (The Heritage Foundation, 2013, 2013b). From that amount, 10 billion dollars were allocated in 2012 for crediting of 16 Central and Eastern European countries. Also, China has increased its imports from

Europe, under contracts in Germany, Britain and Spain worth more than 15 billion Euros while trade with the European Union reached 560 billion dollars in 2013, a fourfold increase from 10 years ago. In that way, China is helping the EU to remain 'on its feet', reducing the possibility that itself suffers heavier losses, and at the same time trying to open a space for Chinese investments and influence European officials to loosen restrictions on arms and dual-use high technology exports that are needed for the Chinese armaments program (Diplomatic Courier, 2012). Meanwhile, the China-EU 2020 Strategic Agenda for Cooperation was presented at the Summit, with a set objective that by the end of this decade the mutual trade should increase to 1,000 billion dollars (The Globalist, 2014).

### **ONE BELT, ONE ROAD**

In the late 1970s China began to build its strategy of economic modernization with implementation of the 'reform and opening up' policy. The basic principles that led Chinese leadership then were 'It doesn't matter whether a cat is white or black, as long as it catches mice' and 'cross the river by feeling the stones'. Adopting the 'attracting investments' strategy, China prepared the ground for an extensive market reforms that followed agriculture decollectivisation, experiment with free markets and the inflow of foreign capital. A key aspect of the opening up policy and economic reform was the creation of special administrative zone, where it was 'experimented' with different models of economy organization and economic system. These 'special economic zones', 'coastal open cities', 'coastal economic free zones' and 'large rivers deltas' were located in the eastern, coastal part of China, or Rimland (Vuković, 2007). The development of the economy and concentration of industry in the coastal cities have produced a geopolitical need that historically dominantly land-oriented Chinese civilization significantly orients itself towards maritime interests and defines its thalassocratic needs. At the same time, the dynamic development and predominantly export-oriented economy, which brought a surplus in trade with almost all other countries in the world, have led the need for access to foreign markets and raw materials to become more pronounced and more necessary.

Although PR China reached the stage of oil self-sufficiency in 1963 (largely thanks to the development of Daqing oilfield in the northeast of the country), since 1993 it has again become a net oil importer whose growth of dependence on energy imports was constantly increasing (in 2012 it became the world's largest energy consumer, and in September 2013 the world's largest oil importer), and that made the geopolitical situation even more complex. Since its most important oil suppliers are Saudi Arabia, Angola, Iran and Russia, the main mode of supply is realized by sea. Bearing in mind that the most important sea route used by China - strategically important Malacca Strait - where the United States have a dominant position, it was necessary to diversify routes for energy imports. This 'bottleneck' in maritime



communications transports six times more oil than Suez Canal and seventeen times more than Panama Canal. Approximately two-thirds of the energy supply of South Korea passes through Malacca Strait, nearly 60 percent of Japanese and Taiwanese needs, while China imports about 80 percent of its crude oil through South China Sea, all of which makes Malacca Strait the vital clamp of two lines of Chinese thalassocratic action - towards the Pacific and Indian Ocean. Except for the energy transport, these communication lines are used for the export of Chinese products, and the need of protection and diversification of energy import routes is augmented with the need of protection of exports as a vital component of economic growth. As the most important objective of China's foreign policy is meeting the needs of the internal market by providing access to vital resources and the provision of overseas sales markets for local products, this strait has a very important place in the Chinese strategic planning, and often draws parallels with the security dilemma and discusses 'Malaya dilemma'. Its significance is perhaps best described in the statement of Beijing University professor Chen Shaofeng: 'Whoever controls the Strait of Malacca, effectively grips China's strategic energy passage, and can threaten China's energy security at any time' (2010, p. 7; Storey, 2006).<sup>6</sup>

In order to at least partially reduce dependence on strategic transport through that strait and protect core national interests, China has launched several projects with the aim of diversification of routes that are used for transportation of products and energy, much needed for its further economic progress. Primary need was to construct an oil and gas pipeline network for energy import. Among the projects that have already been implemented or are still in the planning and construction phase are Skovorodino-Daqing oil pipeline, then Kazakhstan-China oil pipeline, Central Asia-China gas pipeline, Myanmar-China oil and gas pipeline, Pakistan-China oil pipeline, Power of Siberia gas pipeline and Altai gas pipeline.

In addition to achieving energy security by diversifying energy delivery routes, it was necessary to find new ways to deliver Chinese products in order to maintain stable economic growth, but also for import of agricultural products to ensure food security for 1,3 billion Chinese. Therefore, the 'One Belt, One Road' initiative, which China's President Xi Jinping proposed in 2013, is the optimal way for the realization of energy and economic strategy enacted by the new CCP leadership at the 3<sup>rd</sup> plenary session of the 18th CCP Congress that wants to reduce its dependence on maritime routes, especially for transport energy products that should not depend on a single logistic direction (Ze, 2014). Railway represents the optimal way to transport some goods that arrive faster than by sea transport and cheaper than by air (for example, mobile phones are small and lightweight with high prices and are suitable for air traffic, while laptop computers, which are larger and heavier, are suitable for

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<sup>6</sup> Some analysts name this situation as the 'China's Malay dilemma'.

railway transport), while large products with low prices (like TVs) are better suited to transport by sea (Zuokui, 2014).<sup>7</sup>

Although the Chinese leadership states that, when it comes to initiative, it means a joint, balanced and synchronized development of the countries involved in its implementation, it implies an increased cooperation in the reduction of geopolitical problems and security threats (terrorism). Within this framework, emphasis is placed on the ‘three no’s’ – no interference in the internal affairs of other countries, no to creation of spheres of influence and no striving for hegemony (Ze, 2014). Xinjiang Autonomous Region, which covers one-sixth of China’s territory and is located in the center of Eurasia, is one of the main points of instability. Beijing is confronted with violent riots and terrorist attacks in the region and is dealing with those threats with a dual strategy. First, the central government began a crackdown on those who are responsible for terrorist activities, which led to mass arrests and trials. Secondly, realizing that unemployment and poverty are among the main drivers of Uyghur’s dissatisfaction, efforts for promotion of the economic and social development in the framework of ‘Great Western Development’ (Opening to the West) started in 2000 as a way of resolving ethnic tensions in the region (Tiezzi, 19 November 2014; Ze, 2014). However, rather than decline of east-west development differences, as time passed it actually grew and now the unbalanced development of the country represents a serious problem. Therefore, one of the most important goals of the 18th CCP Congress was to ensure balanced overall development of the country and its relatively backward western regions.

Added to this should be the fact that the partial withdrawal of NATO troops from Afghanistan and Iraq has left a vacuum that needs to be filled, and that represents a potential threat to countries in the region. As Islamic radicalism is becoming a serious threat as links of Uighur extremist organization to Islamic State of Iraq and the Levant (ISIL) increasingly show up. Several hundred Chinese citizens have joined ISIL in 2014 which became a major problem for China because it doesn’t want spillover effect from the region to its territory, and it also doesn’t want to be the exporter of such problems (Ekman, 2015, p. 2). In this regard, realizing that any escalation of violence in the region may have spillover effects, China wants to use a new silk road project primarily to strengthen security and economic cooperation with its neighbors.

New proactive Chinese approach to foreign policy, which is reflected in the ‘One Belt, One Road’ initiative, is the best indicator of the strategic guidelines of Chinese geopolitical orientation country and the continuation of ‘going out’ policy, which it implements worldwide for a decade and a half (Diplomatic Courier, 2012). The project

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<sup>7</sup> The big problem is the fact that containers come back to China half-empty even though they are full on route to Europe, which is a waste of resources and capital. It seems that European countries do not have adequate goods for such a large market or price-competitive goods to make an entry.

consists of initiatives for new ‘Silk Road Economic Belt’ promoted on 7 September 2013 in Astana, capital of Kazakhstan, and ‘21st century Maritime Silk Road’ initiative promoted on 31 October 2013 in Jakarta, capital of Indonesia (Friends of Europe, 2014). They coincide with the two directions of China’s action in a geopolitical sense. The first is tellurocratic (Western, Eurasian), which is directed along two interrelated vectors - to the western provinces of Xinjiang and Tibet - which is motivated by the need for a stronger influence in the central part of Eurasia, very rich in resources necessary for the further development of China’s economy. ‘Silk Road Economic Belt’, envisaged as a new ‘Eurasian land bridge’, would start in Xi’an in central China before stretching west through Lanzhou (Gansu province), Urumqi (Xinjiang) and Khorgas (Xinjiang), near the border with Kazakhstan. The Silk Road then runs southwest from Central Asia to northern Iran before swinging west through Iraq, Syria and Turkey. From Istanbul, the land-based Silk Road crosses the Bosphorus Strait and heads northwest through Europe, including Bulgaria, Romania, the Czech Republic and Germany. Reaching Duisburg in Germany, it swings north to Rotterdam in the Netherlands, and from there the path runs south to Venice in Italy, where it meets up with the Maritime Silk Road. Another course of action is thalassocratic (Pacific and Indian), caused by the increasing needs of a strategic presence in the Eurasian Rimland and providing vital sea lines of communications by which China imports a large part of the raw materials necessary for its economy and exports goods to foreign markets. It is envisaged that the ‘21st century Maritime Silk Road’ will begin in Quanzhou in Fujian province, and also include Guangzhou (Guangdong province), Beihai (Guangxi) and Haikou (Hainan) before heading south to the Malacca Strait. From Kuala Lumpur, road heads to Kolkata in India, then crosses the rest of the Indian Ocean to Nairobi in Kenya. From Nairobi the Maritime Silk Road goes north around the Horn of Africa and moves through the Red Sea into the Mediterranean, with a stop in Athens before meeting with the land-based Silk Road in Venice (Tiezzi, 9 May 2014).

These two initiatives are long-term development vision that aims, as a part of the neighborhood policy, to create stability through economic development and cooperation. At the same time, they fit in the vision on the Chinese dream of President Xi Jinping (Weibin, 2013).<sup>8</sup> Resources which China allocated for this

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<sup>8</sup> President Xi Jinping has mentioned his vision of the ‘Chinese dream’ at the Third plenary session of the 18th CPC Congress in November 2012, and which has since caused some interest in the West. Later on, and to avoid any speculation on its true meaning, he has clarified that it meant the realization of number of internal reforms set out in the 60 Points Program at the Third session, which include: relaxation of ‘one child’ policy to rejuvenate the nation, reduction of market controls (especially in water supply, energy, transport, telecommunication), reform of land ownership regulation, of personal address registration, opening of the government monopolies, fighting corruption etc. Its revolves about the idea of reducing inequalities in a country which sees its rise through middle class standard of living rise at the expense of the rural areas, while avoiding the ‘middle income trap’ and economic stagnation. Xi Jinping has summarized all of these efforts in four words: cooperation, development, peace and win-win results.

purpose will be placed through the Asian Infrastructure Investment Bank with initial capitalization of 50 billion dollars, as well as the Silk Road Fund – the new infrastructure and trade finance mechanism – with a capitalization of 40 billion dollars. In the future, it is expected that Asian Infrastructure Investment Bank will attract additional 50 billion dollars from private lenders. State Council will provide about 65 percent to Silk Road Fund, while the rest of that, i.e. 15 percent will come from the National Development Fund and two state banks – 15 percent from the Exim Bank, and 5 percent from the China Development Bank, with the possibility of its extension if necessary (ChinaFile, 2014).<sup>9</sup> The project ‘One belt, one road’ should be completed, together with the finalization of the strategic diplomatic goals in neighboring countries, in the next 10 to 15 years, which would introduce a completely new geopolitical situation in Central Asia and, at the same time, lead to the fulfillment of the goals set by 18th CCP Congress (Zhiping, 2014).

### **OBSTACLES ON THE ROAD**

While announcing the construction of this road, the Chinese President Xi Jinping pointed out the five elements that should be achieved in order to reach full co-operation between the countries participating in the project. First, the initiative rests on improvement of political communication that would aim to harmonize development strategies in the common interest of all participating countries. Secondly, the need of improving transport infrastructure that would facilitate the possibility of further economic development of all stakeholders. Third, the economic belt would be based on the principles of free trade, aiming at the elimination of trade barriers, reducing investment costs and improving the overall quality of the potential market of nearly three billion people. Fourth, the initiative involves the introduction of local currencies as convertible for the use in transactions among members. The fifth element represents an increase of cultural integration at the level of representatives of businesses and companies in order to provide long-term support for further interaction processes (Tiezzi, 2015).

The leading group that will oversee the implementation of the plan has stated in its first statement that the ‘One Belt, One Road’ project represents ‘enormous and systemic task (...) that calls for strong leadership and coordination of domestic and foreign affairs’ (Tiezzi, 2015). At the same time, China is using this project to promote its five key foreign policy principles (respect for sovereignty and integrity, non-aggression, non-interferences, equality and mutual benefits, peaceful coexistence) to make the basis for a more unified Asian approach to international relations that differ from the Western-style meddling in internal affairs, i.e. through human rights as a tool.

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<sup>9</sup> The first CEO of the Silk Road Fund will be Jin Qi, Deputy Governor of the China’s Central Bank.

However, to achieve expected objectives and results from the China-EU 2020 Strategic Agenda for Cooperation (that calls for the mutual trade to rise to 1 trillion dollars by 2020) Chinese will first have to implement some structural reforms within their own country in order to adapt the system to the future needs of the project. Also, it is necessary to solve the problem of the infrastructure that connects the western Chinese provinces to the eastern, more developed part, and with the adjacent neighborhoods in Central Asia. Some parts of the Eurasian continent through which the new Silk Road should pass link economic zone in east China with economic zones in Europe, are mostly geopolitically very sensitive. This primarily refers to the Central Asian and Central and Eastern European countries, which were part of the Soviet zone of influence during the Cold War. Moscow still has a strong influence in those areas, therefore it is of great importance for China that Russia is not against the implementation of this project. Unlike the land route of Silk Road whose construction will largely depend on Russia, the success of the implementation of the '21st century Maritime Silk Road' will depend on the two countries that are vital to China's freedom of navigation – the United States and India.

Central Asia represents an area with 60 million inhabitants that is rich in mineral resources, but is still underdeveloped. The wealth of this region in oil and gas, as well as its significant geographic position as ground nexus of European and Asian countries, attracts to the region the United States and Russia and other states that look to exploit these benefits in order to achieve its geopolitical and geo-economic goals. In such circumstances, the Central Asian republics take care of their individual national interests and develop various strategies such as preventing the domination of a single force in this area, seeking to balance between major geopolitical actors with the aim of maximizing benefits. So, they continue to consistently follow a policy of cooperation with every one of them. Also, the key for successful realization of New Silk Road project lies in Beijing's cooperation with Central and Eastern European countries which represent the 'Eastern Gate' for Chinese entry into Europe.

As the official position of the European Union is not yet defined due to the lack of a coherent policy, there is no clear framework for cooperation of CEE countries with China. However, this does not prevent officials from Brussels to look with skepticism and concern at the Mechanism for cooperation between China and the CEE countries (China + 16), seeing it as one in the series of Chinese attempts to enter into the European Union through the back door and divide it to the East and West. Obviously, the double standards exist in such a view, bearing in mind that most of the old member states have for decades developed political and economic cooperation with Beijing (Council of the European Union, 2014). Therefore, it is necessary to inject new life into the ASEM (Asia-Europe Meeting), which has worked for many years and can be an important platform for the new Silk Road which will serve as a new communication channel between China and the EU, and between

China and CEE countries. If one takes into account that negotiations on the signing of a single bilateral agreement on investment (Bilateral investment treaty - BIT) have begun at the end of March 2014, and should become a framework instead of the previous 25 separate agreements between individual Member States and China (Croatia and Ireland do not have a BIT with China, while Belgium and Luxembourg have single one), a more synergetic approach between the policies of the European Union and the Chinese initiative on building ‘Silk Road Economic Belt’ could be achieved (European Commission, 2014).

The level of economic development of Eurasian countries is vastly different. Some states are so undeveloped that their backwardness is very obviously a hindrance to the project. Also, there are large differences in terms of their social systems, cultures and religions. Therefore, it calls into question the model of cooperation that could be applied. Various models are being considered, including the ASEAN model, however, the level of economic development of the countries along the belt, the social conditions and their respective cultures require the new model of cooperation. It is necessary to pay attention to a variety of risks, legal environment and tax policies that exist separately from country to country. Although it may require special arrangements in terms of market entry and administrative conditions, primarily the need to strengthen coordination of all policies and development strategies of states along the belt, full integration in that aspect should not be a requirement. For example, the big problem is that Europe, China, Iran and Turkey use standard-gauge railways (in Turkey it's partly double-gauge), while Russia and Central Asian countries use Russian-gauge railways so the trains have to change their bogies several times when traveling from one to the other end of Eurasia (Zhiping, 2014). For all this, poor development of electrified railways further hampers progress in the development of freight transport on those routes.

Unlike some other Chinese funds that have a clear goal to serve the interests of Beijing and base investment decisions solely on the return of investment calculation as high as 20 percent, the Silk Road Fund is a multilateral and does not serve only Chinese interests. This indicates that the approval of projects under the construction of Silk Road will be stricter and will require consensus of all countries. Silk Road managers should develop an overall strategy and then take into account the advantages of each country in which the Fund operates, and exploit them. However, it should not put into focus only multilateral but also bilateral projects to set an example and incentive for other countries to join, including the inter-city associations and commerce chambers forming at the same time as the multilateral system of cooperation and networking.

When we add to this the problems that arise due to the existence of different ideas about strategies, methods and policies in countries through which the Silk Road should pass, one gets the impression that China will have to keep a very prudent and active foreign policy in the future. In order to align the interests of all stakeholders China will

need to engage a large number of experts who will deal with the analysis and the search for the most acceptable solutions for the implementation of the Silk Road plan. Seen from current perspective, a good regional cooperation is a key to the transition from the initial phase of road construction to the next level – the involvement of European countries. International railways that connect Chinese cities with Europe have already been built through Xinjiang. The Chongqing (China)-Xinjiang-Europe (Duisburg, Germany) line was set up in October 2011 and has promoted a number of new logistics models. Wuhan (China)-Xinjiang-Europe (Prague, the Czech Republic) line was set up in October 2012. Chengdu (China)-Xinjiang-Europe Express (Lodz, Poland) was set up in April 2013 and Zhengzhou (China)-Xinjiang-Hamburg (Germany) in July (Zuokui, 2014). Also, logistic corridors on Suzhou-Zabaykalsk-Warsaw (Poland) line started on 30 September 2013 while Yiwu (China)-Madrid (Spain) line that goes through Kazakhstan, Russia, Belarus, Poland, Germany and France, started on 18 November 2014 (The Washington Post, 2014). Within the China+16 Mechanism, Serbia, Hungary and China have signed a multilateral Memorandum of understanding for the Belgrade-Budapest high-speed rail project. This line should be completed by the middle of 2017 and then should be extended on one side via Skopje towards Piraeus port where China has invested billions in port capacities, and on the other side via Vienna towards Hamburg and Rotterdam, from which Chinese goods could be transported further by sea (Blic, 2014).

However, there are several problems with the Piraeus port. First, promoting the Piraeus port as the main hub that connects the Chinese factories with consumers across Europe, the Middle East and North Africa, China directly threatens several other ports: Rotterdam, Istanbul, Naples, Trieste, Rijeka and Kopar, which have since recorded a reduced turnover. Second, the whole Chinese concept of ‘21 Century Maritime Silk Road’ which rests on the idea that Piraeus will be its main hub could easily be threatened by the political situation in Greece after Syriza came to power. Even though former Greek Prime-minister Antonis Samaras has been abundantly clear that Greece will give a ‘support and actively participate in building a ‘21 century maritime silk road’, which was submitted by China’, the arrival of a new party Syriza to power stopped the further privatization of the Piraeus port, which was initially supported by the European Union, the European Central Bank and the International Monetary Fund (Zuokui, 2014). The new government, with Alexis Tsipras at the head, pulled the offer to sell the remaining 67 percent of the port, worth 908 million dollars, to which several companies placed their bids: China’s COSCO Holding Co., Danish APM Terminals, American Ports America Inc., Philippine International Container Terminal Services Inc., as well as the Cartesian Capital Group and Utilico Emerging Markets Ltd. Of all of them most likely to become the owner was the Chinese COSCO, which already owns 33 percent of the port (World Maritime News, 2015; The Wall Street Journal, 2015). In addition to the announcement that further privatization of the Piraeus port will not continue, the new government has stated

that there will be no privatization of the port of Thessaloniki either, for which the Chinese have also been interested. In a situation where a ruling coalition includes parties with different views on this issue and without the possibility of achieving consensus, the Minister of shipping and maritime affairs happens to be one who is against further privatization of ports. However, during the negotiations with the Troika the new Greek government is increasingly starting to make concessions in contrast to its early hard line position, so it is quite probable that the position of the Minister of shipping and maritime affairs will be changed. Ministers of finance, development and competition have softer positions on this issue and it seems, according to some official statements, that they will continue with privatization, especially if the economic stakes are higher (China Daily, 31 January 2015). The latest statements by Deputy Prime Minister Yannis Dragasakis, that the privatization of the Piraeus port has not been interrupted and will continue after a short delay, which occurred due to changes in the board of directors of a public institution that owns shares of the harbor, speaks in favor of it. At the same time, he also confirmed that the new government is giving full support to the ‘One belt, one road’ initiative and its passage through not only Greece, but also through other parts of Europe (China Daily, 28 March 2015). The problem that China is facing not just about whether it will become the owner of a complete Piraeus port, but that many possible changes of government and the instability of some countries may cause a delay of silk road construction and whether it will therefore always have to have alternatives in reserve. Will China in the coming period still need to focus its attention on the purchase of another port, such as Kopar or Rijeka if they reach a good deal, or will the issue be finally resolved by purchasing the remaining 67 percent of the Piraeus port COSCO remains to be seen.

Still, the most important question that keeps the whole Silk Road project in the balance is the American reaction to the proposed Chinese initiative. In fact, Washington has still not made any official comments even though the initiative has been proposed at the end of 2013. It’s been a year and a half ago and it seems that the US administration, in the meantime, supplies information and looking in the direction in which the proposed initiative to go. Professor of Political Sciences in Belgrade, Predrag Simić called ‘new Chinese railway and maritime route a Chinese South Stream’, alluding to its importance (Politika, 2014). However, in light of how the Russian project completed because it hadn’t American support we cannot but wonder whether the same thing will happen again with the Chinese New Silk Road initiative. As the US remains the only global power its opinion is that their national interests exist all around the world. In the last ten years US have launched a war against Iraq and Afghanistan, presented their plan for a major Central Asia, a major initiative for the Middle East and the new Silk Road plan in order to achieve economic gains. When it comes to projects of other countries in which Washington had no part in, in most cases negotiations were brought to an end, agreements were signed



and money was invested, and then it was acted in accordance with the US interests. Examples include several African oil-rich states in which China has invested in previous years, and which have experienced political and economic crisis that culminated in armed conflicts (Nigeria, Sudan and Libya; Zakaria, 2009, p. 116). However, when it comes to Eurasia, all US attempts to provide economic alternatives to the Chinese leadership proved to be very weak. Due to endless negotiations the Transpacific Partnership which aims at circumventing Beijing still has not started. The effort to create a counterweight to India from China also remained fruitless because of New Delhi reluctance to make any kind of alignment with Washington that could be construed as containing Beijing. Silk Road plan, which was sponsored by the United States and which is aimed to link Central and South Asia through Afghanistan, does not lead anywhere (Lukin, 2015). Therefore, it seems that the two countries have no other choice but to continue to operate in the future within the symbiosis known as *Chimerica* (Ferguson, 2007).<sup>10</sup> However, certain actions of American leadership, such as the support that US President Barack Obama gave to new Greek government, lead to the conclusion that the American interest in China does not allow entry into Europe, and therefore it is not implemented either Chinese Silk Road building project. Therefore, in order to counteract this development and to protect their own interests, the Chinese should in any business or investments, within the framework of this initiative, enter together with the US or possibly some Western European companies.

## CONCLUSION

The 40th anniversary of establishing relations between China and the European Union, its biggest trading partner, will be marked in 2015, so the construction of new Silk Road may represent a new level of relations between the two economically developed regions of Eurasia. Recently presented China-EU 2020 Strategic Agenda for Cooperation, which specified targets of increased mutual trade of up to 1,000 billion dollars before the end of the decade, is just one more reason why it is necessary to accelerate the construction of the land and maritime routes (The Globalist, 2014). During 2015 BOAO forum, the China's National Development and Reform Commission published action plan for 'One Belt, One Road' project, in coordination with Ministries of Foreign Affairs and Commerce, and has stated that the project 'is expected to change the world political and economic landscape through development of countries along the routes, most of which are eager for fresh growth'. At the same forum Xi Jinping has stated that the Beijing hopes for

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<sup>10</sup> The 'Chimerica' term, forged by Nial Ferguson and Moritz Schularick in late 2006, purported that Chinese savings and American excessive spending lead to the creation of goods in a way that has contributed to the global financial crisis of 2008.

the annual turnaround of trade between China and those countries to surpass 2.5 billion dollars within next 10 years (Tiezzi, 2015). However, due to many questions that need to be addressed, and do not depend only on strategic planning and promotion by China and the actors involved in the project itself, but also on the current international situation and those actors who in its (non)realization see certain interests, it will take more time than initially planned to complete the project. As the security situation in Eurasia is very complex and strategic and resource competition among the powers extremely tense, PR China will not be able to implement this project without cooperation with Russia and the United States, or at least without their non-interference. Political instability that exists in Eurasia generally has a negative impact on both sides of the existing and proposed logistic corridors. With the crisis in Ukraine the rivalry between the US and Russia increases, which then also increases the risk in this area, and the existing Chinese plan to invest in Crimea and Ukrainian logistics center seems uncertain and less than realistic.

When it comes to the project realization itself it will be implemented in stages and most likely with a combination of many models and with a focus on different strategic priorities of the various parties. The reason for this is the large differences that exist between the countries through which it should pass, so China as the initiator of the project is under an obligation to ensure close cooperation and coordination of all participants. Even though it is understood as a primarily infrastructure project since the underdeveloped road, rails and ports represent a bottleneck that inhibits further economic cooperation, 'One Belt, One Road' represents the Chinese vision of 'infrastructure network (transport, energy and communication) that should connect all Asian sub-regions and also the three continents - Asia, Europe and Africa' (Tiezzi, 2015). For the project to be completed in optimal period Beijing is encouraging Chinese banks to lend to the countries that are on the way of 'Silk Road Economic Belt', and along the '21 Century Maritime Silk Road'. It has already promised 1.4 billion dollars or infrastructure in Sri Lanka, over 50 billion dollars for infrastructure and energy in Central Asia (30 billion dollars for Kazakhstan, 15 billion dollars for Uzbekistan, 8 billion dollars for Turkmenistan and 1 billion dollars for Tajikistan), 327 million dollars for general assistance to Afghanistan, over 10 billion dollars for Central and Eastern Europe, etc. This money will be used for the construction of railway lines, highways, conservation of water reservoirs, power facilities. With the establishment of the Asian Infrastructure Investment Banks more money will be directed into infrastructure projects. *Chinese Times* estimates that astronomical 21.1 trillion dollars could be spent for the new Silk Road (The Nation, 2014).

As time passes, the implementation of the new (Chinese) Silk Road progresses. In the last six months a number of 'stopovers' have been included – Moscow, Dushanbe (Tajikistan), Jakarta (Indonesia) and Colombo (Sri Lanka). The interest in the Silk Road is high because each state has its own interests in its construction. Recently the Afghan President Ashraf Ghani was on a visit to China and has

expressed his country's readiness to be part of the project. Likewise, regional partners (especially smaller ones as the Maldives) want to get Chinese help to build their infrastructure. In less prominent countries China perhaps represents the only source of international aid so these countries are easily interested in this project. Even countries that are in the focus of attention of other great powers (Central Asia, the countries of the Indian Ocean, Eastern Europe) are fighting for the attention of Beijing. In this way they create opportunities for a much larger interest of the great powers than they would under normal circumstances have. For example, the Indian Prime Minister Narendra Modi challenged China's activities in the region so much more attention is paid to Bhutan, Sri Lanka and Nepal. Therefore, all the countries involved in the project are in a win-win situation in some way (Tiezzi, 6 November 2014) - hosts states since they receive money for national projects under preferential conditions, and China since as the project initiator, shows with its proactive approach that it is becoming a responsible power that is capable of extending economic benefits to others in parallel to the fulfillment of its own national interests. Connecting every individual national development project into the wider regional vision by coordinating their policies, national goals and interests, China strives for much ambitious goal. It includes creation of the free trade areas (bilateral and regional) and a wider financial integration underpinned by the bilateral currency swap agreements. The basic goal, as stated at 2015 BOAO forum is 'promoting orderly and free flow of economic factors, highly efficient allocation of resources and deep integration of markets; encouraging the countries along the Belt and Road to achieve economic policy coordination and carry out broader and more in-depth regional cooperation of higher standards; and jointly creating an open, inclusive and balanced regional economic cooperation architecture that benefits all' (Tiezzi, 2015). However, the most important thing which this road will bring is that the leaders can show, with their support and participation in this project, that they are able to use contextual intelligence as a key skill that could convert resources into successful strategies of smart power used to achieve goals together with others.

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Sanja AREŽINA

## NOVI PUT SVILE – KINESKA VEZA SA EVROPOM

*Apstrakt:* Put svile predstavlja veoma značajan trgovinski i kulturni komunikacioni pravac koji povezuje dva kraja evroazijskog kontinenta – NR Kinu i Evropu. Usled njegove kompleksnosti i prevelikog ekonomskog značaja nijedna velika sila nikada nije uspjela da ima monopol na kontrolu nad njim. Izgubivši na važnosti sa razvojem evroazijske pomorske trgovine i otkrićem bržih i sigurnijih puteva on ponovo postaje aktuelan nakon kraja Hladnog rata usled logističkih potreba pojedinih zemalja da ga ponovo aktiviraju. Kako većina njih ili nije zaživela ili nije realizovana u punom kapacitetu, najnovija kineska inicijativa „Jedan pojas, jedan put“, koja se sastoji od kopnenog i pomorskog pravca, privlači veliku pažnju i izaziva brojne podeljene reakcije međunarodne zajednice. Razlog za to je činjenica da je njen

inicijator država čiji siloviti uspon u regionalnu silu sa tendencijom da postane globalna sila, kao i asertivnost u spoljnoj politici daju povoda brojnim teorijama o „kineskoj pretnji“, te i oni koji sa simpatijama gledaju na Peking želeći da poveruju u njegove dobre namere, imaju sumnje da se iza ovog projekta ne krije samo promovisanje prijateljstva naroda i ekonomska korist svih učesnika, već i određeni geopolitički proračuni. Međutim, kako bi došlo do njegove realizacije biće potrebno rešiti mnogobrojna pitanja koja ne zavise samo od strateškog planiranja i promocije NR Kine i aktera uključenih u sam projekat, već i od trenutne međunarodne situacije i onih aktera koji u njegovoj (ne)realizaciji vide određene interese. Kako je bezbednosna situacija u Evroaziji veoma složena, a strateško i resursno takmičenje među silama izuzetno napeto, NR Kina ovaj projekat neće moći da realizuje bez saradnje sa Rusijom, SAD i Evropskom unijom, ili bar bez njihovog nemešanja.

*Ključne reči:* NR Kina, Evropa, put svile, Evroazija, „Jedan pojas, jedan put“, kineska pretnja, velike sile.

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### IDEA OF SECURITY COMMUNITY AND THE BALKANS

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*Abstract:* The idea of a security community that is based on trust, closeness in values and interests and common perception of security and processes that threaten it, represents a model that can create a social context for permanent stabilization and strengthening the security culture in the Balkans. The initiators and the main agents in ending violence and promoting post-conflict stabilization of the Balkan region through the process of socialization and affirming models of the security community are undoubtedly EU and NATO. After stopping armed violence, primarily through the idea of membership and the enhancement of regional ties and cooperation, both organizations have sought to encourage the process of reconciliation of conflicting nations and to promote confidence as important prerequisites in building a security community in the Balkan area. Such efforts have given undeniable results in the elimination of the most dominant factors threatening regional security. However, without denying contributions, the idea of a security community is faced with many challenges. Although the experience of unity in the former common state should be a factor that would encourage the concepts of regional unity, the legacy of the recent past still largely limits the full range of the security community. Confidence and a sense of regional unity, as important aspects of common security perception, are very controversial and of variable intensity.

*Key words:* security, security community, the Balkans, EU, NATO, post-conflict society, integration.

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## INTRODUCTION

The Balkans is a region where, during the last decade of the 20<sup>th</sup> century, the processes occurred that largely stood in contrast to the general trend of integration that affected the most part of the Euro-Atlantic area. Thus, the Balkans missed the opportunity to join the processes that could help the people of this region avoid huge destruction, violence, and general deterioration. Reconfiguration of the Balkans was accompanied by enormous violence, and the process of transition of the countries in this region was accompanied by the collapse of the most important social values and rising inequality, poverty, and a wide range of socio-pathological phenomena.

The Balkans, burdened by strong processes of disintegration of the former Yugoslavia, has become a serious threat to European stability and security. Such circumstances imposed the need for greater internationalization and involvement of leading international actors to stop the process of retraditionalization of the Balkan societies. The EU first, and somewhat later NATO, imposed themselves as agents of the process of establishing peace, stabilization and post-conflict socialization of the Balkan states.

Through the processes of European and Euro-Atlantic integration, the EU and NATO have sought to pacify ethnic and other animosities of the Balkan societies, and through the process of social reconceptualization based on the values of Western societies, create a framework to establish a model of the security community as already exists in the Euro-Atlantic area. The idea of membership, as the most important instrument of socialization, proved to be very pragmatic and successful in managing the efforts of the Balkan countries in encouraging them to create conditions that would qualify them for joining the European and Euro-Atlantic community. Thus, the EU and NATO have opened spaces for promotion and institutionalization of the security community practice and expansion of the area of peace and stability in the European region.

Significant EU and NATO investment in the socialization of the Balkan states has contributed to overcome the experience of armed conflicts in the region. National and religious animosities and hostilities have been mitigated and the processes of comprehensive social reconstruction and integration of the Balkan countries into European and Euro-Atlantic processes initiated. Today, some Balkan countries are already part of European and Euro-Atlantic structures, while others are clearly directed to achieve this. The processes of identification with European values that have primary importance in creating social dynamics of development of the Balkan societies have been encouraged.

However, the Balkans is still significantly far from the model of mature pluralistic security community as practiced in Europe. Ethnic distances still persist; the Balkan states are unfinished states and numerous suppressed processes pose a

threat to the further dissolution of the Balkans. It should be added that the transition processes have also imposed a number of restrictions, which makes socio-economic and political context very complex. Thus, the ranges of the idea of regional unity and affirmation of the security community model are limited.

## **SECURITY COMMUNITY – POSTMODERN SECURITY CONCEPT**

The end of the Cold War and the victory of the liberal model, as well as strengthening of the global processes which affirmed the optimistic concept of international politics have created a specific social framework for the promotion of multilateralism in security. The model of the security community as an important aspect of modern concept and practice of security means the process of transformation from individual to collective security of the states, where closeness in values and interests represent the starting point of multilateralism. One of the key premises of the security community is to avoid the security dilemma as traditional approach to security. The model of the security community has gained significant recognition in the practical functioning of the EU and NATO. The reconfiguration of international relations after the Cold War and the global power of the United States have opened space for the development of these international organizations into the most influential actors of the contemporary world politics.

The basis of the EU and NATO functioning, whose origins date back to Europe after the Second World War and the efforts of European countries to protect their people from the terrifying consequences of global conflicts and war devastations as they had been brought by the two world wars, primarily was harmonization in values and interests of the member states policies and suppression of the state-centric approach to national security with a simultaneous affirmation of multilateralism in protecting the security of European and Euro-Atlantic area. Such EU and NATO approach has opened space for the establishment of a specific type of pluralistic security community that was based on shared values regarding external and internal threats and common response to them, as well as the common perception of the future. Such a model of the security community, which follows a general idea of the new Europe, transforms the centre of European political space into a very stable nucleus in which the threat of war and war disappeared (Moustakis & German, 2009, p. 20).

The concept of security community, as a model to overcome the traditional approach of security and thinking according to the pattern of security dilemma, was theoretically founded by Karl Deutsch in the middle of the last century. According to Deutsch, “security community is a group of people which has become integrated.” (Deutsch, 2014, p. 125). The concept of integration means “the attainment, within a territory, of a sense of community, and of institutions and practices strong enough and widespread enough to assure, for a long-term

dependable expectations of peaceful change among its population.” (Deutsch, 2014, p. 125). Such change involves solving social problems through institutionalized procedures and without resorting to large-scale physical force. In other words, the term security community means regions or groups of states that have voluntarily renounced to resolve their mutual disputes by force and reached a significant level of integration (Simić, 2011, p. 369).

The theory of the security community got its strong affirmation and started to have significant impact on international relations after the Cold War, when those who plead for social constructivism accepted these ideas. Constructivism is trying to re-actualize the importance of human factor in the study of international relations, by putting the ideas, norms and culture at the centre of analysis of international politics. The constructivist vision involves primary importance of the idea in the development of those norms in international society that limit the tendency of the state and enforce specific behaviour.

The constructivist theoretical concept and the intensification of global processes of interdependence have opened spaces for new understanding of security and further actualization of the idea of the security community. Adler and Barnett gave a significant contribution to the redefinition of the theoretical framework and further elaboration of the security community. According to the understanding of Adler and Barnett, members of the security community are characterized by common identity and value system, multiple and intensive relations and a kind of reciprocity based on the long-term interests of community members, including altruism, whose basis is the sense of duty and responsibility (Adler & Barnett, 1998, p. 30–31).<sup>3</sup> In addition to the values, interests and common identity that form the basis of cohesion on which the security community is built up, an important aspect is the common interpretation of reality (Grillot et al. 2010, p. 64), as well as mutual expectations. When it comes to values, it is almost universal agreement that these are liberal values, as supporting values of the political ideology of Western societies.<sup>4</sup>

Important observation of social constructivism is the view that the process of building a security community takes place gradually and that it takes time. According to their opinion, communication and transactions between states lead to their *socialization* and the construction of a new common identity that underpins the solidarity of members of the security community. In the constructivist perception of international relations, international institutions are seen as social institutions

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<sup>3</sup> In addition to the values, interests and common identity that form the basis of cohesion on which the security community is built up, an important aspect is the common interpretation of reality and mutual expectations. (Grillot et al. 2010, p. 64)

<sup>4</sup> Tuscisny argues that the influence of liberal values has not been verified in the process of establishing the security community, or the importance is not universal. (Tuscisny, 2007, pp. 425–449).

around which identities, ideas and expectations of their members are built. In addition, socialization in international relations occurs most often after wars and other major crises, in conditions of great social and political turmoil. An example of this type of security community is post-war Europe, which has embraced the idea of economic and security integration of the European and Euro-Atlantic space, although its legacy of two world wars was pointing in a different direction (Simić, 2011, p. 372). As a result of this process of “socialization”, modern Europe was created, gathered in the European Union and the North Atlantic Alliance.

Social constructivists attribute a special role in this process to international organizations as institutions that have a particularly important role in translating ideas and beliefs into practical politics. In the opinion of Adler and Barnett, international organizations and institutions encourage interaction between states, discovering new areas of common interest, shaping norms of behaviour of states and enhancing the formation of a common identity of the included states and societies (Tuscisny, 2007, p. 28.) Although international organizations and institutions primarily result from socialization, they may be the drivers of this process. Hence, there are ideas that the EU and NATO could play a significant role in the creation of a security community in the Balkans, and thus ensure its continued stabilization and integration into Euro-Atlantic space. Seen from a constructivist perspective, the contemporary Balkans in many ways fits into the model of space where socialization is necessary. First, the region has gone through a decade of violent conflict in which previous common state disappeared, successor states and their societies are burdened with post-conflict trauma, their economies are fragmented and their political elites opposed to one another (Simić, 2011, p. 373).

There is no doubt that the EU and NATO meet the demands of the social constructivists as the initiators of establishing the security community in the Balkans as an important framework for the pacification of relations between the Balkan countries and their modernization through European and Euro-Atlantic integration processes. It is an undeniable fact that the EU and NATO have played an important role in the pacification of relations between the countries of Western Europe and strengthening and maintaining the basic fact that these countries do not want to fight against each other anymore (Kuper, 2007, p. 46). In addition, both organizations are among the key actors in international politics whose integration capacity significantly influences the direction and pace of development of the modern world. As advocates of social organization on the foundations of liberal democracy, the rule of law and the universalization of human rights, the EU and NATO are organizations that can initiate the process of creating trust and a sense of community among regional actors and intensify various forms of communication and cooperation between them, ranging from economic, political, social and security. Important assumptions of their constructivist role is the continuous work towards the creation of a security community and the promotion

of mutual understanding of security and social ideas that encourage political actors to see each other as trustworthy. Successful practice of the security community model in the Euro-Atlantic area, as a post-modern concept of security, which promotes integration and openness rather than nationalism, (Kuper, 2007, p. 80), according to constructivist views, makes the EU and NATO credible organizations for the socialization of the Balkans.

Many social processes and events at the beginning of the last decade of 20<sup>th</sup> century – the collapse of socialism, war destruction, fragmentation of the region and the creation of new states, contradictions that came with transition, impoverishment, etc., have weakened the solidarity mechanisms and reinforced forms of ethnic distance between the peoples of the Balkans. This resulted in the suppression of civil principle and return to the cultural patterns of pre-civil communities (Mitrović & Stjepanović, 2007, p. 163). Such retrograde Balkans possessed serious threats and generated strong flows of instability (Yesson, 2003, p. 64) that endangered the achieved stability in the European core. Huge destabilizing effect of the Balkans, which is not caused only by actions of internal social and ethnic contradictions, but also encouraged and instrumentalized by the game of interests of the major powers and their geopolitics, (Mitrović & Stjepanović, 2007, p. 163), created a security vacuum that was out of control and posed a threat of transnationalization of processes that encouraged instability and (endangered) insecurity. In particular, such a divided and insecure Balkans was a big problem for the swarming integration processes in the European region and the EU and NATO, as the main promoters of these processes. Hence, the processes of disintegration and extreme violence on the periphery of European space sought strong international involvement (Grillot et al. 2010, p. 72).

The signing of the Dayton Agreement and the end of the armed conflict in Bosnia and Herzegovina is the beginning of systematic efforts by the EU and NATO to stabilize the Balkans, where they have significantly gained in intensity after the escalation of the crisis in Kosovo and Metohija and the completion of NATO military intervention against the Federal Republic of Yugoslavia. When it comes to the EU's efforts to rebuild regional cooperation, they were intensified after the summit in Cologne in 1999, and especially after the summits in Zagreb and Thessalonica, where the policy was established that all Western Balkan countries can join the EU, provided that they fulfil the necessary conditions. Along with the efforts of the EU, NATO also seeks to significantly influence and direct the dynamics and character of post-conflict rehabilitation of relations in the Balkan region setting regional cooperation as one of the main conditions for the full membership and joining the Partnership for Peace.

Certainly, the involvement of the EU and NATO in the promotion of peace in the Balkans was not altruistic project but the project that primarily concerned their interests as socializing actors. Primarily it was a problem of security in Europe and

boiled down to a dilemma whether Europe would export stability to the Balkans or the Balkans would export instability to Europe (Kavalski, 2007, p. 76). Likewise, the motive of involvement of the EU and NATO in the Balkans was the need to strengthen their legitimacy (Grillot et al. 2010, p. 77). Namely, the involvement of the EU and NATO in the Balkans coincides with the process of their significant transformation. EU's Treaty of Maastricht laid the foundations of its growth into one of the most important actors in international politics. With its transformation, which began after the end of the Cold War, NATO was becoming not only a military alliance dedicated to collective defence of its members, but increasingly evolved into a political-security association whose area of responsibility outgrew the framework defined by the founding treaty. Both organizations were seeking ways to legitimate their visibility as an attempt to convincingly demonstrate their ability to manage the process of international socialization of states of the Warsaw Pact and the Balkans, and the spread of European peace zone (Kavalski, 2007, p. 94).

### **EU AND NATO AND POST-CONFLICT REHABILITATION OF THE BALKANS**

The process of socialization of the Balkans and its transformation, from the zone of armed conflicts into the zone of European area of peace and stability (Kavalski, 2007, p. 78), primarily meant to stop violence and then stabilization and promotion of peace and stability, reconciliation, change of social and security perception and intensification of different forms of regional economic, political and security communication. The continued presence and operation of the EU and NATO had a crucial importance for the control and guidance of these processes. The EU and NATO based their socializing involvement on the need to preserve the stability of the European centre and the process of socialization aimed to establish security and stability in the Balkans and create conditions for democratic and economic development of the Balkan societies, their modernization and identifying in values with the European and Euro-Atlantic community, as well as establishing security community and strengthening the sense of regional unity (Grillot et al. 2010, p. 63).

The European Union adopted a policy of stabilization and association that represented a specific political arrangement applied to the Balkans conditions. Basically, the policy of stabilisation and association presented a strategy for the prevention of conflicts and creating conditions for building peace, stability and democratization through the affirmation of the social model based on the EU values. The policy of stabilization and association is essentially based on the achievements of the two main instruments: a regional approach and the conditionality policy (Simić, 2011, p. 374). A regional approach to the Western Balkans aims to build regional economic and security community, while conditionality means that these countries

are given the opportunity to become members of the leading Western institutions, the EU and NATO. The condition for this is the process of “socialization” that would make them compatible with the values, goals and practices underlying the European and Euro-Atlantic community (Simić, 2011, p. 374). The view that the improvement of relations and development of regional cooperation in the Western Balkans is a prerequisite of successful integration of these countries into the EU became the official policy of the EU in its relations with all of them. Basing its impact on the importance of democratic standards in the reorganization of the Balkan states, the EU has provided high motivation for action on achieving European standards (Kavalski, 2007, p. 76) and thus confirmed its socializing power. In this way, membership in the EU has become a key stimulating factor of the transformation of the Balkan societies and a major source of encouraging unity in the Balkans (Grillot et al. 2010, p. 77).

When it comes to NATO, the association’s policy towards the region relied on the practical achievements of its peacekeeping missions, receiving countries of the region into full membership and activities within the Partnership for Peace. After stopping the war in Bosnia and Herzegovina and the armed intervention in 1999, NATO took over peacekeeping missions in Bosnia and Herzegovina-IFOR and SFOR and Kosovo-KFOR. Peacekeeping mission in Bosnia-Herzegovina was the undoubted success because after the signing of the Dayton Agreement and the deployment of NATO forces, there were no armed conflicts or victims of combat operations in this former Yugoslav Republic. The NATO mission in Kosovo, which was preceded by the NATO military intervention in 1999, encountered far more complicated situation in which there were several armed attacks on Serbs, their property and Serbian cultural heritage, including attacks and large-scale ethnic cleansing in March 2004. Likewise, NATO contributed to prevention of renewed violence by engaging in action to stop the rebellion of Albanians in the Preševo Valley, which was co-organized by KFOR and Serbian security forces. When it comes to the Partnership for Peace Program, it is important to point out that it is an initiative that was supposed to unite Europe after the Cold War and to support the aspirations of the Eastern European countries wishing to become members of NATO (Grillot et al., 2010, p. 75).

After a two-decade acting in the Balkans, EU and NATO were able to stop the further radicalization of violence and provide the indispensable role for itself in the process of post-conflict rehabilitation of relations between countries in the region and to encourage the process of their reconciliation and cooperation. Slovenia, Croatia and Albania were admitted to full NATO membership, while Macedonia, Montenegro and Bosnia and Herzegovina are included in the Action Plan for NATO membership (MAP), and Serbia, which declared military neutrality, became a member of NATO “Partnership for Peace”. Croatia and Slovenia became members of the EU and other Western Balkan states have concluded Cooperation

and Association Agreements with the EU, and some have begun negotiations on membership.<sup>5</sup>

The accession of the Western Balkan countries to the Partnership for Peace, as well as admission of Albania and Croatia to NATO, have strengthened the position of this organization in the Balkans, thus being given the possibility of long-term impact on the development of the security sector in all countries of the region, including the scope and structure of the national armed forces, their interoperability, joint military exercises and the like. Promoting standards and content of security organization of contemporary states, and NATO leadership on these issues is not in dispute, as well as promoting multilateralism and partnership played an important role in creating conditions for intensifying regional cooperation. Advocating new models of cooperation in the security sphere, whose underlying ideas are multilateralism and partnership, gave a particularly strong impetus to the redefinition of security policies and the adoption of modern standards of security organization of newly formed Balkan states. Such incentive policy strongly promoted the idea of a security community in the region.

Efforts to set normalization of relations between the countries of the Western Balkans and the development of regional, economic, political and security cooperation as a condition for improvement of their relations with the European Union and NATO have brought some results. Undeniable progress in expanding the European zone of peace to the Balkans region (Kavalski, 2007, p. 214) has been made in restoring economic relations and the free flow of goods between the countries of the Western Balkans. There has been a significant improvement of cooperation of law enforcement agencies and judicial authorities in the fight against organized crime, as well as in some other areas. The number of regional initiatives, organizations and projects has increased, and economic and political relations among the countries of the Western Balkans have apparently progressed and many of the obstacles to the free circulation of people and goods in the region have been removed.

Changes to security policy and a clear commitment to modern approaches to security based on cooperation and multilateralism are a strong incentive to cooperation in improving regional security. Military cooperation has been intensified, particularly in the fields of education, professional development and training and the idea of joint use of capacities in these areas are significantly promoted. The Adriatic Charter was signed and the Adriatic group established gathering Croatia, Albania and Macedonia together, as a kind of regional alliance within NATO. Institutionalized meetings of defence ministers and chiefs of staff

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<sup>5</sup> Long before Hungary, Romania and Bulgaria were received into full membership of NATO and the EU, which also had a positive impact on overcoming the radical forms of regional security threats and raising awareness that peace and stability are a prerequisite for democratic development of all countries of South Eastern Europe.



of South Eastern Europe were initiated. These activities laid the foundations of building a security community in the region.

Regardless of the tragic experience of the 1999 bombing, the fact that NATO is an essential factor of the Euro-Atlantic security with a strong influence on the security architecture of the Balkans, as well as the knowledge that it is the leading security association to promote the standards of modern security organization, have influenced the clear orientation of Serbia to improve relations with NATO. Joining the Partnership for Peace, the Republic of Serbia has intensified cooperation in many areas, and there are many reasons we can say that this cooperation has given a strong impetus to the adoption of contemporary standards of organizing the defence forces and improving their abilities. Adoption of the Individual Partnership Action Plan in early 2015 confirms that the highest form of cooperation with the security association has been reached. In addition, the successful cooperation of KFOR and the Serbian Armed Forces, which is believed to make a significant contribution to the stabilization of the situation in the region, confirms a gradual change in official perception of NATO in Serbia.

Basing their actions on liberal democratic values as the most significant mark of civilization of the Western world, the EU and NATO have contributed to the fact that the area of conflict began to convert into an area of stability and order. In this sense, the construction of European identity, which is certainly the most significant contribution of the EU and NATO (Simić, 2011, p. 380), had a important impact on improving the security of the Balkans, promoting unity and multilateralism as the foundation of regional security community.

Security in the Balkans, after a period of traumatic events and processes, has largely been improved. It is believed that the commitment of Southeast European countries to join the EU and NATO, as well as the acceptance and promotion of the values of democracy, economic development and social stability and security had a positive effect on the stabilization process regarding the security of the states in the region. Relations between the countries have been normalized, there has been significant progress in joining NATO and the EU and the achievement of the requirements in terms of democratic development, human rights, minority rights and security. Although the reforms of the armed forces have not been fully completed, it can be said that the national security and defence strategies and doctrinal concepts of the armed forces of the neighbouring states provide balance and transparency of military power of the states in the region. Cooperation and intensifying the process of harmonization of policies and activities in the field of security, and other areas increasingly strengthen the processes of maintaining stability and forestalling crises in the region. The Balkan countries are involved in a number of regional initiatives and significantly participate in the EU peacekeeping missions and other activities of its Common Security and Defence Policy. Such activities lead to the conclusion that some basis of the security community have been adopted and

become patterns of behaviour in the field of security of the Balkan societies. However, there is general agreement that the security community in the Balkans is still in an embryonic stage of development (Kavalski, 2007, Ejodus, 2011).

## **CHALLENGES OF THE BALKAN TRANSITION TOWARDS A SECURITY COMMUNITY**

Security transition of the Balkans from the zone of conflict to the zone of lasting stability is faced with a number of challenges and problems, which is why the development of a regional security community is slow and the progress nonlinear (Grillot at al. 2010, p. 82). It turned out that the unambiguous European and Euro-Atlantic orientation of the Balkan states is not a guarantee for the full stabilization and improvement of confidence among the countries of the region, as well as strengthening the sense of community and belonging to the Balkan region.

Analysis of the effects of the efforts of the EU and NATO to promote regional cooperation in the Balkans suggests that it has some unexpected consequences (Simić, 2011, p. 376). Despite the desire of all countries of the Western Balkans to become part of post modern processes in Europe, it does not automatically affect the improvement of their relationships. The activities of regional cooperation are often seen as a side effect of the process of European integration, which excludes authentic regional impulses for improvement. Some researchers even estimate that efforts of some countries to accelerate their integration into the EU lead to a weakening of the regional cooperation (Simić, 2011, p. 377). Contrary to expectations, the regional cooperation initiated from the outside does not necessarily lead to improving confidence among countries in the region and thus the prospects for creating a permanent security community.

It seems that pleading of the Balkan elites for Euro-integration processes – with the hope that, in this context, they will find solutions to their problems arising from the economic and technological underdevelopment, as well as resolving backlog of ethnic and social conflicts, do not provide fully convincing results yet. Just because of that, overcoming the current state of the nations – as the dominant ethnic groups in the Balkans – their growing into mature civil societies, highly democratically integrated, will last a long time (Mitrović & Stjepanović, 2007, p. 164).

What to some extent specifically limits the scopes of regional cooperation in the field of security, and what has a negative impact on the improvement of measures of trust and cooperation, is the problem of underdeveloped identity of the region. Here, it should be emphasized that a number of authors think that sense of community is built on the elite level of the Balkan states and the EU, as well as between elites within the region, but when it comes to identifying the citizens of the Balkan states with regional affiliation, that sense is very weak (Grillot, 2010, p.

83). In the opinion of a number of theorists, the Balkans is treated as the alter ego of Europe, so it is not surprising that none of the countries in the region wants to be among the Balkan states, as a synonym for the Orient. The fact that an acceptable cultural and regional unity of the peoples from the Balkan states has not yet been established is the result of these negative political and value judgments about the Balkans. Hence, the Balkans can be regarded as a geographical concept, but not as a region whose countries are sufficiently related with social, economic, political and other ties (Simić, 2011, p. 368).

The quality of inter-ethnic relations, as well as lack of awareness of regional identity and the possibility of cooperation and integration in the Balkans suggest that in this area there are still strong social and ethnic contradictions that are manifested in various forms, most often through inadequate intensity of positive interethnic relations and the existence of ethnic distance. Although the process of forming a modern, pluralistic cultural identity is in progress, arrays of traditional consciousness are still strong enough, which also causes an underdeveloped awareness of regional identity.

Of course, when it comes to the achievements of the idea of regional security community, an unavoidable question is specific relations between the Republic of Serbia and NATO. Experience of the 1999 bombing, as one of the most drastic examples of violation of international law and partiality in solving one extremely complex problem, is something that significantly reflects on Serbia's relations with NATO. In addition, the support of most EU and NATO members to Kosovo independence and the absence of full commitment to seek compromise to this problem also limit the power of the EU and NATO as promoters of the idea of a security community in the Balkans.<sup>6</sup>

It should be emphasized that the complexity of a number of primarily internal problems of the countries in the region contributes to the fact that the Balkans is struggling to overcome the experience of ethnic tensions, border disputes, immigration and many issues of refugees, as well as corruption and organized crime (Grillot et al. 2010, p. 63). In terms of security, the most sensitive Balkan areas remain Bosnia and Herzegovina, Macedonia, Kosovo and Metohija, which is why the concept of establishing a multi-ethnic society as a European concept is still slow and difficult to achieve, and the peace that exists is not easily sustainable (Moustakis & German 2009, p. 2).

Different perception of the future of the Dayton Agreement and attempts to reconceptualize Bosnia and Herzegovina through advocating the concept of its

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<sup>6</sup> Today, after the current events in Ukraine, it is increasingly evident that the case of Kosovo, as a striking example of violating the principle of territorial integrity of sovereign states, will constitute cause for the increase of instability and insecurity around the world. The effort that the Kosovo case is seen as a precedent, which is in many ways hard to maintain, obviously does not solve the problem.

organization as a unitary state, remain a threat to destabilization of the security situation and formal existence of Bosnia and Herzegovina. The weakness of state institutions, economic difficulties and political instability are the social milieu that makes Bosnia and Herzegovina mechanical combination of three nations living there rather than a community that has a certain perspective (Simić, 2011, pp. 367-381). Such a situation, especially the lack of internal sovereign and functional constitutional and political system and the absence of internal consensus complicates the process of integration of Bosnia and Herzegovina into European and Euro-Atlantic processes (Šolaja, 2011, pp. 317-330).

Of course, a unilateral declaration of independence of Kosovo is an issue that potentially represents a major challenge for the fragile regional stability. The question of Kosovo's independence remains an issue around which there is a sharp confrontation and disagreement. There are authors who reasonably believe that the recognition of Kosovo's independence could represent a strong incentive for the revitalization of the "Greater Albania" project. This act, which is considered "the last phase of the break-up of the former Yugoslavia" for many people is not the last step in the "stabilization" of the region. In addition, it is evident that the declaration of independence of Kosovo and Metohija encouraged and strengthened serious separatist demands, both within the region and throughout not only the European space (Moustakis & German, 2009, p. 45). In this sense, there are numerous unknowns of sustainability of the Ohrid Agreement and the future of ethnic relations in Macedonia.

Extreme nationalism and obsession with the past continue to represent significant features of the social milieu of the Balkan societies, which, in combination with a number of other, primarily economic constraints and severe poverty and weak institutions has a negative reflection on the processes of modernization and creation of truly civil political communities. In this context, the strengthening of religious extremism, particularly Islamist, accelerates the processes of closure and mistrust towards other religions, which largely restricts the scope of a multi-ethnic social order and security community as a project of the EU and NATO. Substantial differences in the interpretation of recent history are also a powerful generator of divergence, which causes the persistence of negative stereotypes about others as enemies, and slows down the process of reconciliation and limits the ranges of the concept of multiculturalism. Significant features of communion that existed between the Balkan societies within the former Yugoslavia were seriously challenged and degraded during the armed conflicts in the still recent past and have no impact on the socialization process and the creation of a regional security concept.

Also, it is evident that some of the activities of the EU and NATO, as holders of socialization of the Balkans and establishment of a regional security community, fostered processes that have resulted in greater instability and slowed down the

process of reconciliation. Thus, some states have sought to take advantage of their membership in NATO and/or the EU for favouring their own national interests in relation to their neighbours in an unprincipled manner. The inconsistent application of some of the proclaimed principles of the establishment of new states in the Balkans, the lack of readiness for dialogue and agility in implementing the most drastic measures of violence, such as the bombing of the Republic of Srpska and the Federal Republic of Yugoslavia, contrasted strongly with the supporting ideas of the concept of security community. Powerful inclination to impose solutions rather than accept them often gave hegemonic aspects to the EU and NATO activities (Kavalski, 2007, p. 201). The lack of sensibility for sensitive Balkan issues, insufficiently balanced attitude towards all stakeholders of the Balkan conflicts, tolerating some nationalism, the persistence of the tendency to interpret the reality in the Balkans according to a simplified matrix, to some extent discredited the socializing power of the EU and NATO.

Likewise, the focus of the EU and NATO was primarily focused on the development of a sense of communion and belonging to the region at the level of the elites of the Balkan newly created states, and without significant influence among the citizens of the Balkan states, the idea of regional security community is rather difficult to achieve. The importance of membership in the EU and NATO have motivated a multitude of activities towards structural social reforms in each country, but these activities were primarily directed towards European and not Balkan identity, because it was more important to be European than Balkanian (Grillot at all. 2010, p. 83). Identity crisis and the abandonment of some of the basic ideas of the EU, the economic downturn of a number of the Member States, as well as a decline in its integration capacities, also has a negative impact on the strength and dynamics of integration processes in the Balkans and on the low level of regional unity and trust, without which peaceful expectations are not possible.

Of course, a significant constraint in the creation of a security community in the Balkans has reflected in the current international politics. A strong weakening of the idea of a global society and increasingly dangerous processes of global divergence reactivate real political approach to international politics (Kejgen, 2009, p. 10). The escalation of the conflicts in the Arab world, the civil war in Libya and, as it seems, easily made decision on the NATO involvement in it, as well as the controversial events in Syria, have opened up numerous dilemmas between the US, EU, Russia and China. The aggravation of relations due to Ukraine and the civil war on its eastern borders and the Russian annexation of the Crimea, as well as frequently simplified ideological perception of Western actors regarding Ukrainian crisis seems to announce the return of the traditional principles of practicing security. Instability in the periphery and the absence of a common vision of how to build reliable Euro-Atlantic security architecture, Cold War stereotypes, devalue the idea of the security community as a postmodern concept of organizing security.

Hence, although the security community in the Balkans is an important prerequisite for the involvement of the Balkan societies in the integration process in the European space, it turned out that it is still at the initial stage and not enough convincing or widely accepted model of permanent stabilization of the Balkans. Undertaken policies have not been fully effective, because of the absence of emphasis on building regional trust, shared responsibility and collective identity (Grillot et al. 2010, p. 84). All this has spread the areas for the influences that limited its scope and made its sustainability unimaginable without external impulse of the main socializing actors (Ejdus, 2011).

## CONCLUSION

Great efforts of NATO and the EU over the last decade were crucial to stopping the destructive processes of the civil war in the former Yugoslavia and beginning with the process of reconciliation, regional cooperation and the creation of new forms of community in the Western Balkans. Based on a common foreign policy orientation of all countries in the region to join the processes of European or Euro-Atlantic integration, efforts of NATO and the EU have brought certain results. The framework of significant social reconstruction has been set and the processes of modernization and integration into European and Euro-Atlantic community initiated. The idea of European unity has particularly encouraged the development of the European identity of the Balkan nations. Identification with European and Euro-Atlantic values has opened spaces for new practice of security and spreading experiences of European security community.

However, the Balkans is still far from achieving the security community that would be based on a basic consensus of the Balkan political societies on the most important issues of regional security. Its scope is now limited and mostly reduced to the initial forms and contents. The Balkans is not fully stabilized and has not overcome particular forms of pre-civil societies, making the process of building a security community non-linear and with challenges. The results are absent in particular when it comes to the development of regional identity that is still strongly influenced by negative stereotypes, legacy of war and the logic of “Balkanization”. Likewise, the problems the Union faces, in particular, the global economic crisis that hit the Balkan countries, in recent years have contributed to the waning influence of the EU and NATO in the Balkans and the mood of these societies for their membership. In addition, the weakening of the idea of global unity and return of real political instruments in international politics weaken the idea of multilateralism and joint action.

Processes of lasting stability in the Balkans and further development of values and institutions of regional security community will be accompanied by a number of uncertainties and significant limitations. It is certain that the idea of a security

community continues to be strongly related to the ability of the EU and NATO to manage the process of socialization and modernization of the region. However, these processes, as well as the further internationalization of European and Euro-Atlantic security community will depend on the attractiveness of membership in the EU and NATO and their overall credibility. Hence, it is particularly important that both actors, especially the EU, focus their actions on more effective instruments for the socialization of the general public of the Balkan societies and their faster integration into European political, economic and social trends. It is particularly important that external actors have substantially formed local approach and pay greater attention to the promotion of local security community. Hence, the activities that must focus on further affirmation of trust and building shared responsibility and collective identity of the region are of special importance. However, authentic regional impulses are of primary importance.

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Stanislav STOJANOVIĆ  
Jovanka ŠARANOVIĆ

### IDEJA O BEZBEDNOSTI ZAJEDNICE I BALKAN

*Apstrakt:* Ideja o bezbednosti zajednice koja se zasniva na poverenju, bliskim vrednostima i interesima i zajedničkoj percepciji bezbednosti i procesa koji ga ugrožavaju, predstavlja model koji može da stvori društveni kontekst za trajnu stabilizaciju i jačanje bezbednosne kulture na Balkanu. Inicijatori u zaustavljanju nasilja i promovisanju stabilizacije u post-konfliktnom društvu Balkanu, kroz proces socijalizacije i afirmacije modela bezbednosne zajednice su nesumnjivo u EU i NATO. Nakon zaustavljanja oružanog nasilja, pre svega kroz ideju članstva i unapređenje regionalnih veza i saradnje, obe organizacije su nastojale da podstaknu proces pomirenja suprotstavljenih naroda i da promovišu poverenje kao važne preduslove u izgradnji bezbednosne zajednice na prostorima Balkana. Takvi napori su dali dobre rezultate u eliminaciji najviše dominantnih faktora koji ugrožavaju regionalnu bezbednost. Međutim, bez poricanja doprinosa, ideja o bezbednosti zajednice se suočava sa mnogim izazovima. Iako iskustvo jedinstva u bivšoj zajedničkoj državi treba da bude faktor koji će ohrabriti koncept regionalne jedinstva, nasleđe nedavne prošlosti u velikoj meri ograničava domet koncepta bezbednosti zajednice. Poverenje i osećaj regionalnog jedinstva, kao važni aspekti zajedničke percepcije bezbednosti, veoma su kontroverzni i promenljivog intenziteta.

*Cljučne reči:* bezbednost, bezbednost zajednica, Balkan, EU, NATO, post-konfliktno društvo, integracija.

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## **THE IMPACT OF THE CREATION OF THE ISLAMIC CALIPHATE IN TERRORIST CIRCLES OF BALKAN ISLAMISTS**

Darko TRIFUNOVIĆ<sup>1</sup>

*Abstract:* Happenings on the Middle East have undoubtedly left remarkable mark among the Muslims who live on the territory of Balkan. The events in Syria and Iraq, and the crisis in other Middle Eastern countries pose a significant threat to the Balkan countries. For better understanding of the political, social, economic and security processes in the Middle East, it is necessary at least to analyze all the processes that led to the creation of a unified Arab state, its ideology and aims. This work will try to answer some really important questions about ISIS and the idea of spreading the territory of a Great Muslim Country with an attention on Balkan countries.

*Key words:* Islamic caliphate, terrorism, Arab Spring, Wahhabis.

### **INTRODUCTION**

For better understanding of the political, social, economic and security processes in the Middle East, it is necessary at least to analyze all the processes that led to the creation of a unified Arab state, and also the collapse of the Ottoman Empire in the early twentieth century, especially during and after the First World War. Powers like Great Britain and France did everything to crush the Ottoman Empire and expand the zone of its interests in the territory which is rich in oil and other raw materials. The United Kingdom, in particular, had fears that the Ottoman Empire could cut oil supplies from Persia (today's Iran), and encouraged the Arab tribes rulers to oppose the Turks and the Ottoman Empire as the only serious military force on the field at the moment. At the same time, everything was done to prevent Germans in their intentions to be in alliance with the Arab tribes and to turn an entire religion – Islam, against it (Mohs, 2008, p. 181).

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Hussein Ibn Ali was Emir (ruler) of Mecca from 1908-1917. The international community has accepted his self-proclamation as the King of Hejaz, namely, the territories that were under the control of the family Hashemites. Hussein Ibn Ali was the leader of the rebellion against the Ottoman Empire, and the leader of Arab nationalism. He decided to be in an alliance with Great Britain, which was the objective of combating the influence of the Ottoman Empire in the Middle East. This alliance was preceded by an intense exchange of letters between Hussein Ibn Ali and Sir Henry MakMahon, British High Commissioner in Egypt, in which Hussein Ibn Ali promised a large territory for his kingdom. It included what is now called the Arab East (Syria, Palestine, Iraq and the Arabian Peninsula). A possible reason why the British have decided on this pledge, is the important role Thomas Edward Lawrence, better known as Lawrence of Arabia, played in the Arab world. In his book, *Sir Thomas Lawrence*, one of the best British intelligence officers of all time, said: "We can observe the emergence of a new important factor in the East that we need, a force that is present and which exceeds the Turks in the number and also in mental abilities. It is about Arabs, a large component of the Ottoman Empire" (Lawrence, 1997). Arab nationalists have also supported Hussein Ibn Ali, and they were convinced that with him and with the help of the British, they will be able to free themselves from the Turkish occupation. All had their own interests. Emir Hussein Ibn Ali managed to organize a revolt against the Ottoman Empire, which has provided him with a leading position. Arab nationalists had no intention of forming a new government, thereby limiting its influence and power, while Great Britain wanted to control Emir Hussein Ibn Ali and Arabs together.

On June 10, 1916, Emir Hussein Ibn Ali declared war for independence against the Ottoman Empire symbolically firing a shot to its barracks in Mecca, which has marked the beginning of the great Arab rebellion (Mufti, 1996, p. 20). However, too old to fight, he left the command of the army to his third son, Prince Fajzulu. Limited temporal Arab forces, mainly composed of Bedouins, took out guerrilla operations against Turkish forces attacking garrisons in the cities and the fortified places, as well as key communication such were roads and railways. During the Arab-Ottoman conflict two secret agreements indicate that the United Kingdom multiple times betrayed their Arab allies.

The United Kingdom and France participated in the negotiations in late 1915, but in March 1916, Sykes-Picot signed an agreement under which they shared among themselves all of Arab territories that were occupied by the Ottomans (Sicker, 2001, p. 26). The second agreement, known as the Balfour Declaration (which was signed on November 2, 1917), is actually a letter of Sir Arthur James Balfour, the Secretary for Foreign Affairs of Great Britain, sent to the British Baron Walter Rothchild, who was the leader of the British-Jewish community. It highlights the following: "The Government of His Majesty looks approvingly on the establishment of a national home for the Jews in Palestine ..." (Yapp, 1987, p. 290).

Despite initial successes, such was the occupation of the strategically important city - the port of Aqaba in the Red Sea in 1917, the Arabs were not aware of the difficult political situation in which they found themselves.

As the revolt against the Ottoman Empire progressed, the Turks began with the killing of Arab activists and intellectuals in Damascus and Beirut. However, in October 1918, Lawrence of Arabia and the army of Prince Fajzela occupied Damascus. As a result the Turkish forces had to withdraw, and the great victory and liberation was celebrated throughout Syria. During that time, Hussein Ibn Ali, a self-proclaimed king of the Arabs, was preparing to take his throne. However, the idea of uniting the Arabs experienced another betrayal, and this time from unexpected side. Hussein Ibn Ali, to whom the British had promised the title of Caliph, was betrayed because they also promised the same title of Caliph to the Saudis, other Arab tribes, whose leaders wanted that title and position only for themselves. Sykes-Picot agreement has left a large mark in the Middle East. Not only that it has enabled the creation of the Jews state, but thanks to the provisions of this agreement were created the present states with its borders, as is the case with Lebanon, Syria, Saudi Arabia and Jordan. In the framework of the Paris Peace Conference which was held on January 3, 1919, a contract was signed between the Prince Fajzo and Haiman Weissman, outstanding Russian Jew, who later became President of the World Zionist movement. This agreement defines the return of Jews in a greater extent to Palestine, their deserved motherland (Friedman, 2000, p. 171). Regardless of the agreement between the Arabs, and the desire to create the Arab kingdom, the Western powers had other intentions with the former Ottoman territories inhabited by Arabs. First, the conquest and domination over the oil-rich territories. In July 1920, the French occupying forces already defeated the army of Prince Fajzo and occupied Damascus. It also meant the end of the idea of creating the Arab Caliphate. In 1923 French have connected the territory of today's Syria and Lebanon, and declared a state (Tucker, 2014, p. 686). Again, the Arab tribes came under foreign domination, and for the first time the Arab population was divided according to the newly-created state that did not exist even during Ottomans. Dreams of Arab nationalists of Arab unity and vision of Emir Hussein Ibn Ali about the unique kingdom under the leadership of the Arab Caliph, the successor of Prophet Muhammad, remained unfulfilled. Emir Hussein Ibn Ali, wanted to create a unified Arab state based on Islam and Islamic law. Arab nations who fought against Turkey, had not only aimed to liberate the territory, but religious and political goal - the restoration of the Caliphate. After the death of the Prophet Muhammad in 632, almost all the caliphs were from the Arab world. With Ottoman conquest, the Turks took over this title from Arabs, so in 1451, Mehmed II 'the Conqueror' added next to the title 'Sultan' - the title 'Caliph' (Karpát, 2000, p. 84). After Mehmed II, another thirty-one Kalif was from Turkey, and then the function of Caliph, therefore, "Islamic caliphate" was extinguished

by the decision of the Parliament of Turkey on March 3, 1924. The founder of the modern Turkish state, Mustafa Kemal Atatürk, regarding of extinguishing Caliphate, pronounced the following words: “The idea of a Khalifa, which represents a super religious leader of all the people who are adherents of Islam, is the idea taken from fiction, not from reality“ (Nigosian, 2004, p. 39). Regardless to the fact that Caliphate was formally extinguished, the idea has never ceased to be actual, especially in religious circles of Islamists. At the beginning of 21st century, it was not surprising the fact that Islamic fundamentalists entirely had the same position, the same attitudes, ideas and intentions, as those hundreds of years ago. The terrorist organization of Islamic fundamentalists took up large areas of today’s Iraq, the Levant (ISIL) and Nigeria (Boko Haram), proclaiming the establishment of the caliphate. At the same time, a call was made to all like-minded people around the world to come to the newly declared caliphate to help build an Islamic state, as well as, to do the same on the territory in which they live.<sup>2</sup> The Islamic Caliphate has its stronghold in the Balkans. For more than twenty years, in the wider Balkan area there are places and territories which have all the attributes of a caliphate. In BiH, parts of Serbia (Kosovo and Metohija, Raska), Macedonia, Montenegro and northern parts of Greece, operate communities of Islamic fundamentalists which are known as Wahhabis. Life in these communities is defined by the rules and principles of radical Islam, and members of this order are often a threat to local Muslim communities and frequently come into conflict with them. For instance, such example is Maoche village in Bosnia in which members of the state security services can be accessed only in heavily armed vehicles, along with the constant tension of the outbreak of the conflict. Upper Maocha, near Srebrenik, is the seat of Wahhabi communities, and residents are almost a decade under investigation by police and intelligence agencies due to suspicion that they are related to terrorism. Recently, in the village appeared symbols of the Caliphate and the so-called “Islamic state” whose leader is Abu al-Baghdadi, notorious terrorists from the Middle East.<sup>3</sup> Is this event actually a sign to other Islamic fundamentalists to create a caliphate on the territory of the Balkans? Islamic fundamentalists publicly announced their plans on social networks. They constantly published their aims within their circles, as well as the violent methods that they want to apply in the exercise of its goals. Disturbing news that appeared at the moment of writing this monograph brought great concern, both in professional circles as well as in the general public. The militant group - ISIL acting on the territory of Iraq and the Levant, has published on the social network Twitter its plans. According to them, the Islamic state would be

<sup>2</sup> “Halifa ebu Bekr Al-Bagdadadi invite all muslims in Islamic Halifate“, <http://vijestiummeta.com/halifa-ebu-bekr-al-bagdadadi-poziva-sve-muslimane-u-islamski-halifat/> Accessed 03.02.2015.

<sup>3</sup> „Flag of ISIL in Upper Maocha“, <http://www.nezavisne.com/novosti/bih/Zastava-ISIL-a-u-Gornjoj-Maoci-287291.html>, (accessed 03.02.2015)

stretched across the Middle East, large parts of Africa and western Asia, while the northern border would be stretched to the northern borders of Austria and Hungary. Spain would be under the Caliphate, as well. The Islamic State of Iraq and the Levant has also announced that it abolishes the regional benchmark from its name and establishes an Islamic state led by the caliph, which must be connected to all Muslims of the world and show full devotion. “He (al-Baghdadi) is Imam and Caliph of all Muslims,” said the spokesman of ISIL’s, Abu Muhammad al-Adnan, in a statement posted on the internet on the first day of Ramadan. ISIL plans to take control over all the Balkan countries - including Greece, Romania and Bulgaria, and to extend its rule up to Austria, which seems to be the plan based on the borders of the Austro-Hungarian Empire before II World War.



Caliphate according to the map published by members of the terrorist group ISIL and their intention to take shown territories including the Balkan countries in five years period.

### THE ISLAMIC FACTOR IN BALKANS

The Balkan Peninsula is primarily physical-geographical term, while Balkan has a dominant geopolitical, political-geographic and geostrategic definition. The Balkans is different from the Balkan Peninsula in territorial, qualitative and structural sense. The northern border of Balkans coincides with the northern border of Romania and the former “second” Yugoslavia. It is composed of Greece, Albania, Bulgaria, Romania and the European part of the Turkey and countries incurred

from the disintegration of Yugoslavia - Serbia, Montenegro, Macedonia, Bosnia and Herzegovina, Croatia and Slovenia (Stepić, 2012, p. 9-34).

Accordingly, the Balkans is a political and geographical term, but also synonymous for geopolitics and is used in other areas of the world, similar in ethno-political fragmentation, mutual confrontations and the importance of geographical location for the interests of the great powers (Brzezinski, 2001, p. 117-118). Western European and Central European stereotyped interests focus of this space, considers it its periphery that is prone to chaos, national and religious, border and social antagonisms, and the transitional zone of the Eurasian unstable state-territorial structure, open to external influences and profiling of priority interests of the world's centers of power (Sretenović, 2010, p. 53-75).

Immediately after the end of the war on the territory of "other" Yugoslavia, a new term for this territory is used, "Western Balkans". The reasons for its introduction are given major geopolitical changes that occurred after the collapse of the bloc division which found its origin in the framework of the Balkan geopolitical node. Today, the concept of "Western Balkans" represents the region composed of newly formed, but so far non-integrated countries of the former Yugoslavia. From the corpus of these countries are excluded members of EU - Slovenia and later Croatia, and then Albania was attached. So, it is about four poor and neglected states from "ex Yugoslav space" - Serbia, Macedonia, Montenegro, as well as Bosnia and Herzegovina, which were like Albania, faced with numerous political, economic, social, ethnic, religious and security problems, and are unable to successfully solve them independently (Gajić, 2012, p. 83-99). Even in the years after the end of the bloody conflicts, "Western Balkans" still represents a specific area due to its political, economic and security features. Obviously, this is all about a non-defined political space in which in the recent past armed conflicts took place, and political and security situation is still not stable. In terms of security, all states of the "Western Balkans" work the system of connected vessels. Simply, they are faced with the same or similar security challenges and threats. Ethnic and religious tensions, extremism, terrorism, organized crime and corruption are typical security concerns of these states (Mijalkovski, 2011, p. 398-399).

However, their specificity compared to other Balkan and European countries shows constant present security risks and threats that are based on traditional antagonisms of indigenous Christian and Muslim population from this region. Also, the growing security threats of a growing global presence of Wahhabis Islamism. Therefore, in terms of security, for all Western Balkan States, and also for Bulgaria, demographic factor plays an important role, respectively significant and influential Muslim population, which is settled in some parts of this territory and since the end of the last century, massively accepts the ideology of radical Arab form of Islam – Wahhabism.

Proportionally to its large population and share within the total population, the Muslims affect the internal and external socio-political developments in the Balkan countries and the creation of the geopolitical environment. Thus, in geopolitical terminology, all significant aspects of Muslim presence and social influence in the Balkans often determine the generic term of “Islamic factor”. Considered as a geopolitical phenomenon, the Islamic factor in the Balkans is determined by the historical, demographic, civilization, religious, cultural, social, geographical, political, economical, security and other significant aspects of social life of the local Muslims, which substantially affects the creation of internal and external socio-political milieu of each Balkan state. The same case is in the Balkan as a whole. The local Muslims, mostly Albanians and Bosnians, as well as other smaller Muslim communities, are the heritage of Islamisation which was led by Ottomans. They were implementing this process on the local, mainly autochthonous Christian population. Therefore, the Islamic factor did not exist in this area until Turkish invasions, and all that was left of it after the Turkey withdrawal is also a consequence of centuries of Ottoman domination.

In this significant and turbulent Balkan geopolitical area the Islamic factor is very important, not only from the point of creating opportunities within the state of West Balkan countries, but also their susceptibility to external political, economic, civilization, security and other trends. In the current global and regional geopolitical landscape, the Islamic factor participates in the creation of the geopolitical situation of the Western Balkan countries, and the entire Balkan region, affecting the character of all its physical-geographical and socio-geographical factors.

Therefore, Islamic geopolitical factor influences and represents one of the main questions in articulating geopolitical discourse of external centers of power in the Balkans, and on the other hand, the basis for the creation of geopolitical code of each Western Balkan country from which they, in the current geopolitical landscape, design and implement their objective as a possible geopolitical goal (Kilibarda, 2008, pp. 19-23).

As such, the Islamic factor in the Balkans for centuries influenced the change of state borders of the local indigenous peoples, and the structure of their homogeneous ethno-religious territorial entities, particularly Serbian national being. In proportion to the number and representation of the Muslim population in the total population of each Western Balkan country, the Islamic factor is affecting their demographic picture, flows to political events at local, national and international level. Depending on the level of education and industrial development in the areas where Muslims live, it affects the overall economic development of the Balkan countries.

Since the Muslims who live on Balkan area are in constant contact and permeation of various cultures and civilizations, the Islamic factor may be cohesive or destabilizing civilization factor. Despite its frequent use in negative

connotations, it can certainly be a strong and productive civilization link in the establishment and maintenance of international cooperation between the (post) Christian Balkan countries and the countries of the Islamic civilization. Still, looking in the context of traditionally frequent Balkan conflicts, based on many centuries of religious antagonisms of Muslim and Christian populations, which was often assisted and influenced of external power centers, the Islamic factor is a destabilizing factor in civilization, and it is the most widely used determinant in a geopolitical practice.

In accordance with the geopolitical (geopolitical and geo-economic) importance of the Balkans, and the fact that the Balkan history was marked by ethnic and religious extremism of the local Muslim population, the Islamic factor, as a destabilizing factor, proved to be an extremely convenient object of manipulation and misuse by external centers of power. Using its conflict potential, or managing the crises that in certain moments activate, the power centers establish their influence and control in this area, in order to achieve their own geopolitical (geo-economic and geostrategic) interest.

Geo-economic importance of this region lays in the fact that important international land, air and fairway corridors link western and central Europe with the Near and Middle East. Also, it was the projected significant competitive, mutually exclusive, energy corridors which are the subject of controversy of great powers. In geopolitical terms, this space represents a geo- buffer zone and on the other hand, the corridor for a breakthrough and making influential achievements of the great powers, both in the direction from east to west and vice versa, as well as in the direction from north to south and *vice versa*.

Although the Islamic factor was a subject of manipulation for the great powers for nearly a century and a half, such a phenomenon exists nowadays, and is still in their contemporary geopolitical combinations, primarily between the major Western powers and Islamic centers of power. The period of the Yugoslav crisis at the end of the last century as well as the post-conflict period on the beginning of a new, indicates that the Western powers use manipulation and misuse, or use threat of its conflict potential seeking to: exercise influence over domestic and foreign policy of certain Western Balkan countries; extort unacceptable political, military and territorial concessions; compromising their security and defense systems (pointing their weakness); overthrow the government unsuitable for the state regimes; provoke an armed rebellion; create conditions for military intervention or aggression; then they are making conditions for engagement of international forces under their auspices; and so on. Therefore, during and after the Yugoslav crisis, the radicalization of Balkan Islam, carried on the breaking wave of Wahhabism, served to the Western powers as a manipulative tool suitable for the destabilization of the Balkan situation and the realization of own interests in this area (Trifunovic, Stojakovic, 2011). On the other hand, within manipulation of Islamic factor, Islamic



centers of power act in the direction of further territorial fragmentation of existing state continent of autochthonous Christian (majority) Orthodox population, and based on that fact, the creation of religious homogeneous and territorially compact Muslim areas within Europe, with the prediction of further spread of Islam from that space to its interior.

Analyzing the performance of geopolitical Western powers and Islamic centers of power to this area during that period, it is noted that ethnic component of the national identity of Balkan Muslims, and also of their extremism, principally subject to public manipulation and misuse of the Western powers. Referring to international law, especially the human rights provisions and freedoms, including the right of peoples to self-determination, the Western powers, independently, operate within the European and Euro-Atlantic military-political alliances, or within international institutions, publicly favored ethno-separatist aspiration of Bosnians and Albanians. Thus seems encouraging for Muslim extremism in the Balkans in order to achieve its geopolitical interests. On the other hand, the Western powers concealed, covert actions, or noninterference, support the religious component of the national identity of Balkan Muslims and spread radical Islam among them, primarily with not obstructing spreading impact of the Balkan Muslims by radical power centers of Islamic civilization.

In regards of Islamic centers of power, the religious component of the national identity of Bosnians and Albanians is a subject to their public and secret manipulation. In the geopolitical approach towards this area, Islamic centers can rely on civilization aspect of the Islamic factor, i.e. the Islamic identity of the local Muslims and their sense of civilization connection with the originally non-Muslims. Also, and perhaps most importantly, they rely on the sacred right of all Muslims of the world that they live in one country which provide the “divine” legitimacy of their actions on this area.

### **BALKAN ATTACKED BY RADICAL ISLAM - WAHHABISM**

At the beginning of the new millennium, in conditions when they have already successfully accomplished indoctrination of part of the indigenous Muslim population and alignment of the interests of the Western powers and the various religious and political Islamic centers of power, radical Islamists and their militant organizations achieved successful penetration into the rest of the indigenous population of the Muslim religion in the Balkans. It is the target group, or object of attack of five million people. The massification of followers of Wahhabism is definitely part of the plan of Islamists in the Balkans, and it increasingly provides the conditions for realization of their long-term goals in this area.

The ultimate aim of radical Islamists, at the global level, is arranging the entire world society under Sharia law and create a unique community of Muslims – Ume.<sup>4</sup> The radicalization of the Balkan traditional Islam through indoctrination and gaining new supporters and empowering Islamist groups and organizations, the separation and connection of the Balkan Muslim territory, in order to achieve the “Green Route” and Sharia-established a unified Islamic state in the Balkans, called “Balkanistan” represent milestones, as a part of a global set aim of radical of Islamists. That state would include Albania, the greater part of the territory of Macedonia and Montenegro, the north-western part of Greece, southern and south-western part of Serbia and BiH (Mijalkovski, 2010, p. 68).

The achievement of this goal would create a Balkan Islamist base, as the foundation for the next one and the higher goal, and that is the Islamisation of the whole Europe.

However, in order to achieve the past targets of radical Islamists in the Balkans, we must first realize the full religious-ideological indoctrination of Balkan Muslims, which is indicated by an expert of islamistic terrorism - Yossef Bodansky: 'In the Balkans they intend to conduct the Muslim population through the radicalization in order to use them later to achieve their goals' (Drecun, 2008, p. 7). At the beginning of the new millennium, as a result of the previous indoctrination of Muslims in the Balkans, the followers of the Wahhabi ideology are the most numerous in Bosnia and Herzegovina, as a country where Wahhabism first appeared and then spread. It is estimated that there are around 400.000 of them. If the number of the followers of Wahhabism in Kosovo would be half less (regardless of Albanian later acceptance of Wahhabism compared to Bosnian people, in the following period, you could quite confidently expect to equalize the number of Wahhabis in Bosnia-Herzegovina and Kosovo. Such expectations are a result of the trend of rapidly increasing indoctrinated Muslims among two million ethnic Albanian population of Kosovo. Wahhabism is becoming more present among Albanians in western Macedonia and among Bosnians in the so-called territory “Sandzak”. It is also in progress in the southern parts of Serbia and Montenegro, inhabited mostly by Albanian population, especially in the municipalities of Presevo, Bujanovac and Medvedja (Mijalkovski, 2001; Potežica, 2007, p. 183).

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<sup>4</sup> Wahhabis are market oriented towards achieving the above objectives of the session in the Middle East, which includes the following: the expulsion of US forces from Iraq and Saudi Arabia, the territory of special importance to the Islamic civilization due to the seat of the holy Islamic cities of Mecca and Medina; Then, the overthrow of the Saudi royal dynasty Al Saud because of the close economic and political relations with the United States; restoration of the Saudi Arabia's Islamic roots, the destruction of the Jewish state of Israel and the release of Palestinian territories by the Israeli occupation. See: “International Terrorism Since 1945 Episode 2: The Al-Qaeda Menace”, BBC, *Great Britain*, 2009, Available at: [http://www.disclose.tv/action/viewvideo/55294/intl\\_terrorism\\_since\\_1945\\_Al\\_Qaeda/](http://www.disclose.tv/action/viewvideo/55294/intl_terrorism_since_1945_Al_Qaeda/), (accessed 7.03.2015).

Massive indoctrination of indigenous Muslim population ensures successful implementation of Islamists's plans in the Balkans and Europe. Those plans are occasionally published in the public, however, they are different due to the fact that global corpus of radical Islamists is not homogeneous, it is even conflicted. At the moment there are more Islamist transnational organizations that implement their own jihadist struggle, such as "Al Qaeda" and recently formed Islamist organization "Islamic State of Iraq and Syria - ISIS", which originated from the breakaway Iraqi branch of "Al Qaeda". Their common goal is to create a unified Islamic state of all Muslims of the world, but both see themselves as key holder of such a project.

As for the "Al Qaeda" is concerned, their aims can be seen in the plan documents called "Balkan 2020" (Trifunović, 2014, p. 195-196). According to the professor. Ivan Babanovski from the Faculty of Security in Skoplje, the plan "Balkan 2020" predicts that through Islamic charities and certain political structures of Muslim and Albanian ethnic groups until 2020, the entire Balkan would be islamized and would serve as an "aircraft carrier" for the wide opening doors to the penetration of Islam into Europe. On the other hand, the "Plan 3000" is aimed in the first phase to works on creating whole-islamic country which would spread from the Atlantic to the Urals and Spain, and in the second stage, by the end of year 3000, the whole world should be Islamized, and Christians would practically be liquidated.<sup>5</sup> On the other hand, in mid-2014, in the general public was published a five-year plan of the ISIS. The plan of the Islamist organization involves creating a caliphate in addition to the individual European states - Austria, Spain, Hungary and a part of Ukraine, the Middle East, North Africa and a large areas of Asia, would include the entire Balkans, together with the ex-Yugoslav states of Bosnia and Herzegovina, Serbia, Montenegro, Macedonia, Croatia and Slovenia.

In terms of outlined Islamist plans, the Balkans, as the area with the influential Muslim population, especially the area of "Western Balkans", is largely a subject of the operation of the Wahhabis from the Balkan and outside, which are primarily focused on its territories inhabited by a majority or influential minority of Bosnian and Albanian population. The objectives of these plans should be achieved in phases. This includes parallel process of mass indoctrination of Balkan Muslims, with the process of the creation of unitary (Muslim) Bosnia and Herzegovina, and sovereign state of 'Kosovo', then the separation of the territory of Presevo, Bujanovac and Medvedja from Serbia, then the annexation to the independent state of 'Kosovo' and then joining of those territories to so-called 'Great Albania'. At the same time, it is necessary to allocate the territory of Rasko-Polimska field (ie. Sandzak) from Serbia and Montenegro, and conjoin it to unitary Muslim State of Bosnia and Herzegovina (Drecun, 2008 p. 67). Towards this, in the following period

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<sup>5</sup> „Balkan će biti islamizovan do 2020“, Blic, 12. mart 2011. <http://www.blic.rs/Vesti/Politika/241019/Babanovski-Balkan-ce-biti-islamizovan-do-2020> (Accessed 09.04.2015.)

it is necessary to consider joint action of the Wahhabi ethno-separatist political entities of Bosnians and Albanians in the territory of the Balkan states, because their Islamic jihadist and ethno-separatist goals in this area, at this stage of operation, is currently identical (Potežica, 2008, p. 208-209). In the last phase there would be a complete Islamization of the Balkan region, and its suitable placement in the designed caliphate.

### **APPEARING ISLAMIC (WAHHABI / SALAPHISTIC) CALIPHATE IN THE MIDDLE EAST AND ITS CAUSES**

The Islamic State 'is not an essentially new organization in the region of the Middle East, emerged as an expression of the crisis triggered by the revolutions of 2010 in the Arab world. Contrary, the IS has several roots, and the product of more than long-term and widespread crisis in the Middle East. Today the explosive growth of this organization is actually the result of pre-existing conflicts that was worsen and caused from various roots (Weiss, Hassan, 2015).

First, the "Islamic State" is the product of terrible forms of despotism that has tortured the Middle East region. It is no coincidence that its foundation, as a source of power, are concentrated in Iraq and Syria, where Saddam Hussein and Bashar al-Assad ruled for decades. During that period they killed hundreds of thousands of people, destroyed political life, and deepened sectarianism transforming it into the mechanism of polarization.

Second, the IS is a descendant of the US invasion of Iraq in 2003. First of all, it was an exclusion of a huge part of Iraqi people from post-invasional political process and from formation of a new government. The government was discriminating and considered them collectively guilty for Saddam and his Baath party, which is in both cases allowed the formation of new groups, like the one Abu Musab al Zarqawi founded firstly, whose activities are carried out with the aim of making contact with the discriminated parts of Iraqi society and positioning among them. Who was Musab al Zarqawi from which, after a certain time, Abu Bakr al-Baghdadi took over an Islamist organization in Iraq? (Weiss, Hassan, 2015).

Musab al Zarqawi was Jordanian and he was executed in June 2006 in an air raid by US forces on his shelter. For many people it was the symbol of the Iraqi insurgency. Before the invasion on Iraq in 2003, Zarqawi was in connection with the "Ansar al Islam", an extremist group that was active in the northern parts of Iraq, where Kurdish dominated. Their base was destroyed during the attack on Iraq, but Zarqawi soon after the overthrow of Saddam Hussein's regime, emerged as the leader of the group "Tavid wave of jihad", which later changed its name to 'Al Qaeda in Iraq'.

It is well known that Zarqawi published loyalty to Osama bin Laden, who appointed him as his deputy in Iraq in October 2004. Zarqawi, whose real name

was Ahmad Fadil Nazal al Halaj, was called the prince “Al Qaeda in Iraq”. Zarqawi was the most wanted terrorist in Iraq, and he is believed to be responsible for the bloodiest incidents in the country since 2003. Initially he was an ordinary street robber, but he eventually became extremists who led the “holy war” to expel US forces from Iraq, which blackmailed his head on \$ 25 million. The terrorist Zarqawi seems to inspire a large number of militants across the Arab world to decide on the suicide attacks in which thousands of people in Iraq got killed.

Third, the IS is the result of an aggressive regional policy of Shia - Iran, which has deteriorated in recent years by treating Iraq, Lebanon and Syria for their yard, feeding (directly or indirectly) confessional divisions, the commission and the division of the backbone of ideological mobilization, and policy of revenge and retribution that has created a destructive interface.

Fourth, the IS is the result of Salafi networks in the Gulf (Saudi Arabia and other countries), which were created and developed during the 80s of last century, after the oil boom and “Afghanistan Jihad”. These networks have continued to operate and expand under different names in the last two decades.

Fifth, the IS is a descendant of the deep crisis that is deeply rooted in the way of thinking for some Islamist groups that are trying to escape from their terrible failure to meet the challenges of today concerning an insane model, (allegedly taken from the seventh century) believing that in their imaginary religious communities they can find the answer to all contemporary and future issues.

Sixth, the IS is a descendant of violence, or the environment, which is subordinate to the stunning brutality, which has allowed the growth of this disease and helped the formation of what might be called the IS-ism. Like previous Iraq, Syria today is abandoned powder keg that has become a laboratory, a training ground for violence, the daily massacres and their consequences.

Seventh, and perhaps the most important, the IS is a product of American policy in the Middle East, named the “Great Middle East”, which is aimed at, inter alia, overthrow of Shia regime in Syria and bringing to power of radical Islamists. For that purpose, the United States and its Western allies, profusely supplied this country with weapons. They trained Syrian rebels whose strength was presented in the crimes of the newly Salafist organizations “Jabat al-Nusra” with which, it turned out, leader of the Iraqi Salafists Abu Bakr al-Baghdadi maintained close relations from the beginning. US strong alliance with the Iraqi and Syrian Salafist caused a series of preterm conclusions in the sense that the US and Israel were behind the organization – ‘Islamic State’ and the formation of Sunni (salaphist) caliphate in the heart of the Middle East, with the aim of destroying of Shia Hezbollah in Lebanon, the Shiite regime in Syria, Iraq and finally Iran.

On a demonstrating the fact that the “Islamic state” is a product of US and Israeli policy in the Middle East, mostly insisted Iraqi, Iranian and Western

individual, but firstly, an independent US media, citing, inter alia, on the claims of a runaway American secret service agent of the NSA, Edward Snowden, who found refuge in the Russian Federation.<sup>6</sup> However, whatever is true, military and financial power is currently hiding behind the “Islamic state”, and it is certain that it is funded from multiple sources.

According to the *New York Times*, in 2013 Qatar has delivered 85 aircraft of weapons and food to Islamists in contrast to 37 from Saudi Arabia and even less amount of “help” from other entities such as, for example, Jordan. At the same time, although it was not as big financial sponsor as Qatar, Turkey is still used as a first-class technical base through which they were going, and most of the munitions, materials and “workforce” for foreign mercenaries in Syria. At a joint press conference with Prime Minister of Turkey - Recep Erdogan and Turkish President - Abdullah Gul, in August 2009, the ruler of Qatar, Sheikh Hamad bin Khalifa Al Thani, has expressed a desire to build a pipeline through Syria to Turkey to export natural gas of his country: “We are ready for the gas pipeline from Qatar to Turkey“. Hurrying to realize this goal, Qatar began helping foreign revolt in Syria immediately after Colonel Muammar Gaddafi was killed in Libya in October 2011. Before that, Qatar has played a major role in the overthrow of the Libyan regime by delivering weapons to the rebels, supply and training. In January 2011, in the American television channel CBS “60 Minutes” show, Sheikh Hamad bin Khalifa al-Thani said that he wants to oust the Syrian government: “In order to stop the killing ... some troops should enter into Syria”. Then in February of the same year, Prime Minister of Qatar, Hamad bin Dzasal-Thani confirmed: “We must do whatever is necessary to help (the Syrian opposition), among other things, by giving them weapons to defend themselves.”<sup>7</sup>

Deputy of Foreign Minister of Saudi Arabia’s, Prince Abdulaziz bin Abdullah al-Sud, founded the military command and control center in the Turkish city of Adana, which was a “home” for the US airbase Indzrlık, a comfortable place for forwarding “non-lethal” aid from Washington. Then appeared three Kuwaiti helpers and began to provide great support to ISIL, Safi al-Adzmi, Hadzadz el-Adzmi and Al Anisy.

The promises of the United States and Qatar that “after the victory” salafiti-jihadists would be able to transform into political players and participants of

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<sup>6</sup> You can see the photograph from 2014, making a connection between John McCain and Caliph Al-Baghdadi. See: „John McCain NEVER met with Caliph Al-Baghdadi and Al-Baghdadi was NEVER a CIA or Mossad Agent and the Vatican is not the Harlot of Babylon“, portal Shoebat.com – Awareness and action, 26.08.2014. Available at: <http://shoebat.com/2014/08/26/john-mccain-never-met-caliph-al-baghdadi-al-baghdadi-never-cia-mossad-agent-vatican-harlot-babylon/>, (Accessed 7.03.2015)

<sup>7</sup> “Teheran Times: Ko je stvorio ISIL; CIA, Saudijsci ili Katar ili MOSAD?“, internet portal Novi Standard, 29.08.2014, see: [www.standard.rs](http://www.standard.rs), (Accessed 8.3.2015)

“democratic process”, proved to be unrealistic. In an interview with Al-Jazeera on 7 September 2011, the former emir of Qatar, insisted: “You will see that extremism convert to civilian life and civil society.” But, instead of terrorists being transformed into political players, the US, along with their Saudi, Qatar, Turkey and the Western allies, have created a monster with more than 50 thousand killers out of control, that control area the size of Belgium. “What began in Syria in the spring of 2011 as an ordinary rebellion of several so-called rebels - developed and turned into a brutal and bloody movement headed by salafita located in Saudi Arabia, Qatar and Turkey, that would not only overthrew the Syrian regime, but also occupied Iraq and Lebanon “- complained Lebanese politician - Aga Shaukat Jaffrey.

Over time, the “Islamic state” has become a magnet for many Muslims around the world who flocked to the Middle East in order to join its ranks and their inspiration was a jihad.

### **THE IMPACT OF THE “ARAB SPRING” ON BALKAN MUSLIMS**

Period of the Middle East crisis, or the violent events known as the “Arabspring“, has been a great influence on the Balkan Muslims. On Balkan this period is marked by the mass departure of Muslims from Bosnia and Herzegovina, Kosovo and Metohija, Sandzak, Montenegro and Macedonia on the battlefields in Iraq and Syria, as well as with series of arrests of Wahhabi movement followers who wooed Balkan Muslims, for that endeavor. The exact number of Muslims on these fronts is not known, but it is assumed that it is over a thousand people. For the Balkans, this is an introduction to a new phase of action of local Jihadists. This phase is initiated, it is in progress, and for its specifics, it can be defined as the phase of “terrorist-insurgent manifestation of followers of Wahhabism “ on the Balkan.

Regarding to Kosovo, a large number of local Muslims responded to the call for holy war in Syria and Iraq. Kosovo police, on August 11th 2014, arrested forty people suspected of participation in the fighting in those countries who were supporting the Islamist organization “Islamic State” or “Jabat al Nusra” (Hasterman, 2015, p. 34). There were eight people arrested in Prishtina, seven in Gnjilan, eleven in Urosevac, five in Prizren, and in Pec and Mitrovica four people each. At least one person was arrested from NGO’s “The principle” an Islamic association, which is officially registered with the authorities in Prishtina, which recruited and sent men to war in Syria and Iraq. Among those arrested were the members of the association “The Islamic youth - Kachanik”. A few weeks before the mass arrests, from this Association exactly four people were arrested suspected of a terrorist activity.

Shortly afterwards, on 4th of September 2014, imam of a large mosque in Prishtina - Sefqet Krasnici was arrested by the Kosovo police, with charges of

inciting hatred against different religious and ethnic national elements. After the hearing he was released. Two weeks later, on 17<sup>th</sup> of September, with eleven Kosovo imams, imam Sefcet Krasnici was arrested again under suspicion of abetting the departure of young people from Kosovo to fight in the ranks of Islamist organizations “Jabat al Nusra” and “Islamic state” in Syria and Iraq. In the same action, another prominent Wahhabi leader from Kosovo, Mazlami was arrested. He was imam of the mosque, “Jenny Mahala “in Prizren.

In addition to Krasnici and Mazlami, Kosmet imams who were arrested under suspicion of provoking religious extremism and the emigration of young people from Kosovo to fight in Syria and Iraq were: Sabahudin Selimi, mullah from Viti; Enes Goga, chief imam of the Islamic community in Pec; Erol Nesimi, mullah and administrator of the portal “perkujtimi.net”; Idriz Bilibani, mullah from the Bosnian community and administrator of the portal stazomislama.com; Leonard Ruli, the self-styled Abu Beker Ruli, mullah from Prizren; Dardan Evil (Gjuka), imam from Pec, a lecturer at radio-udhezimi.com; Sefki Koraci, imam in Kachanik; Bedri Robaj, imam in improvised mosque in Dardania, in Pristina; Ekrem Obadiah, imam and lecturer at the mosque in the village of “Tavnik” in the southern part of Kosovska Mitrovica, a member of the Islamic community in that city, and the leader of the terrorist organization, “Abu Bekir Sidik”; Enis Rama, imam of the mosque, “Isa Beg” in Mitrovica; chief editor of Peace TV Shqip; Fuad Ramici, President of the Islamic Movement Bashkohu - LISBA.<sup>8</sup>

The number of Kosmet fundamentalists who took part in the fighting on the battlefields of Iraq and Syria on the side of the Islamist organization “Dzabat al Nusra” and “Islamic state”, is speculated for months, and the figures ranged to a few hundred.

Certainly, in the public is best-known a case of Kosovo-Albanian, Lavdrim Muhadzeri from Kacanik, who went to Jihad in Syria and there committed brutal crimes, which he released in late July 2014 on his Facebook profile. The photographs shows him holding a Syrian boy preparing to decapitate him with a knife, then holding the severed head in his hands and posing in front of camera. On 2<sup>nd</sup> August this year, in an interview for Dita from Tirana, Muhadzeri said that he did nothing more than members of UCK did during the war. Pristina media broadcast then that the extremist justified himself by saying that such a penalty Koran predicts. He said that the 19-year-old who was decapitated was caught as a spy, and according to the Koran, execution is planned for the one who betrays the Muslims. Muhadzeri joined extremists in late 2012, first the local association of “Principle”, which later formed an association “Islamic youth - Kachanik” where he earned the position of the Emir, the leader of the military wing of the organization. He joined to Syrian

<sup>8</sup> „Kosovska policija jutros uhapsila 12 imama“, Sandžacke novine online, 17.09.2014, <http://www.sandzacke.rs/vijesti/region/kosovska-policija-jutros-uhapsila-12-imama/>, (Accessed 8.03.2015)



mujahideen in 2012 from where he returned a year later, and then until the half of Ramadan in 2013 resided in Kosovo from where he returned to Syria.

The most famous member of the notorious Kosmet extremist organization “Islamic State”, was in the focus of the media in June 2014 because he published the photo where he sets on fire Kosovo passport. With other terrorists he set on fire the Albanian passport as well, on the grounds that all Muslims are united and that they do not need state passports because they belong to a single, Islamic state. According to Kosovo media, Muhadzeri, who called himself the leader of the Albanian fighters members within the “Islamic state”, worked prior to participation in the wars in Iraq and Syria to the US KFOR at Camp Bondsteel and for NATO in Afghanistan. During Ramadan in 2013, he participated in the activities of the Islamic Community of Kosovo, which is confirmed by a few photos. According to the Kurdish television KNNC, Muhadzeri was killed in August 2014 in a conflict with Kurdish defense forces.

As for Bosnia and Herzegovina, in the great action from the security agencies of the country, codenamed “Damascus”, on September the 3th 2014, sixteen people were arrested suspected of inciting and financing terrorist activities, and a large quantity of weapons, ammunition, military and other equipment was found. The arrested people were brought in connection with the recruitment of Bosnia and Herzegovina citizens to leave to Syria and Iraq, and participating in local conflicts on the side of radical terrorist groups and organizations. Most famous among those arrested was prominent Wahhabi preacher - Hussein Bosnic called Bilal, who is considered as one of the leaders of Wahhabis in Bosnia and Herzegovina. During the operation 17 locations were raided in the Sarajevo area, Kiseljak, Zenica, Maglaj, Osve, Upper Bocinja, Upper Maoca. The suspects are associated with the financing, organizing and recruitment of Bosnia and Hercegovina citizens to leave to Syria and Iraq, as well as taking part in armed conflicts in Syria and Iraq, fighting on the side of radical terrorist groups and organizations. Bilal Hussein Bosnic was calling for months young men to join the armed groups terrorist organization “Islamic State” and thus engage in jihad in Syria. He also requested that the Serbs and Croats in Bosnia and Herzegovina pay fees like it was during Ottoman Empire.<sup>9</sup>

Arrested Hussein Bosnić is Wahhabi leader and fierce preacher of Wahhabism from Buzim in Bosnia and Herzegovina. His call to young men from Bosnia and Herzegovina to join the IS was recorded on the video from the public lecture which he held in front of his followers from the Cazin area in northwestern Bosnia. In an interview with *La Repubblica*, which was released by many international media, he drew attention to himself by stating that for the “Islamic State” fights fifty Italians

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<sup>9</sup> „Akcija „Damask” u BiH: 16 uhapšenih u vezi sa teroristima“, *Večernje novosti*, 3.09.2014. <http://www.novosti.rs/vesti/planeta.300.html:508474-Akcija-Damask-u-BiH-16-uhapšenih-u-vezi-sa-teroristima> (accessed 09.04.2015.)

as well, in whose recruitment he participated personally. He said: “We believe that one day the whole world will be an Islamic state. Our goal is that even the Vatican becomes a Muslim place. I might not welcome that, but that time will come.”<sup>10</sup>

In the area of Sandzak, the course of the Middle East crisis produced a large number of losses within young people from the Muslim community in Novi Pazar, Tutin and Sjenica. Thus, even in May 2013 there was a recorded case of death of two young from Pazar known in Syria as Abu Bera. Their names were Eldar Kundakovic and his comrade Abu Merdiji, whose real name is not known. They died on the 15th of May in conflicts in Syria as “martyrs” in Allah’s way as they defend “the weak and the oppressed.” Few months later, the media published the death of another person from Sandzak, Mirza Ganic, a young follower of Wahhabism from Gornje Sebecevo near Novi Pazar, who had fought in Syria. He died in January 2014. Few days before the death, he wrote on his profile on the social networking site Facebook, to his parents: “I love you my parents. I know who took care of me when I was little, I know who escorted me, even in school, with sadness and greeted with joy. Be patient, Jannah (paradise) is near. If Allah has mercy on us we’ll see you there (in Paradise). If there was no Jihad nothing would stop me to do you good in a lifetime. We don’t have a knowledge of who would die first, but be patient.”

Mirza Ganic is, as his desperate mother Sadi said, recruited in Novi Pazar mosque and taken to the Syrian war hell. He often posted messages from Syria through internet portals and on his Facebook profile criticizing Muslims in Sandzak, as they don’t go in larger numbers in the Syrian Jihad. He made serious threats to an NGO activist - Aida Corovic, Serbian Deputy Prime Minister - Rasim Ljajic and Minister of Internal Affairs - Fahrudin Radoncic.

Events in the Middle East did not only encourage radicalization of Sandzak’s youth and their departure to the battlefields in Iraq and Syria. They also influenced the encouragement of extremist activity of political and religious subjects in the Sandzak who saw their chance in the general events atmosphere in the Middle East to destabilize local circumstances. In fact, on 4<sup>th</sup> of September 2014, SDA, led by Sulejman Ugljanin and Meshihata IVZ of Sandzak, whose leader is Mufti - Muamer Zulorlić, organized a gathering on the streets of Novi Pazar. It was organized under a name “Visitation to Hajet”. This gathering is supposedly aimed to mark historical events of 70 years ago, when the Chetniks and Partisans shot seventy Bosniaks in Novi Pazar. A spokesman for SDA, Edin Gudžević, said that the Partisans and the Chetniks shot on Hadzet 2,000 respectable Bosnians and that this city is treated by SDA Sandzak, as a symbol of the suffering of Bosniaks. “Hajj is Shehid cemetery,

<sup>10</sup> „Ko je Bilal Bosnić, vođa vehabija u BiH?”, portal Nezavisne novine, 3.09.2014. Available at: <http://www.nezavisne.com/novosti/hronika/Ko-je-Bilal-Bosnic-vodja-vehabija-u-BiH-261130.html>, (accessed 8.03.2015)

a sacred place where every Bosniak has its ancestors. Hadzet should become a place which Bosniak pilgrims should visit before going on the hajj to Mecca “- said Gudzevic.<sup>11</sup> However, what had far greater message than motive of gathering itself is a folklore of participants of the meeting led by Mufti Muamer Zukorlić personally with seniority of IVZ Sandzak.

Participants of the conference were dressed in green uniforms that were reminiscent of those worn by members of the Nazi “13. SS Mountain Division Handzar “ in whose ranks participated massively Sandzak Muslims during the Second World War, making horrible crimes against the Serbian population. Shown folklore exuded completely a military atmosphere, uniforms, fezzes, berets, belts, emblems, military flags, military echelons, that is military ancestry of young Sandzak who marched the streets of Novi Pazar. The message was clear - Sandzak Bosniaks are organized and this organization can always get its military character. Only the weapons were missing.

Shortly afterwards, a webpage “Army of Sandzak” appeared on the social network Facebook, with posted photos from the recent “Visitation at Hadzet” in Novi Pazar, and signed with the Liberation Army of Sandzak. The site opens with message - “We want Sandzak to be a Republic ... Sandzak tigers join us - let’s show everyone who the Sandzak sons are.” There is a message as well - “And my life for my Sandzak”. The so-called “army” supported the Mufti of Sandzak IVZ, Muamer Zukorlic, with the words: “They surrounded him from all sides to break him, and his reaction to all of that is silence, in an attempt to point out their weakness. Allah, help Sandzak Mufti, help him in Hajra and save him from enemies and covert friends, ‘Amen!’<sup>12</sup>

On the same page there was a message to Chetniks sent by the Wahhabi Sheikh from BiH Abdulmalik Basic: “If you want to play with fire, dare to jeopardize Novi Pazar.” Touch it, you are touching the Ummah of Muslims in the iris of the eye. It is no coincidence Pazar, right now, is ready to be a fuse. There are most proud of Bosnians here, Muslims, who we have and who won’t bow to anyone. If there were conflicts we all will be with them. But if the conflict starts we all are with them. For verbal battles answer verbally and for actual battles, we will provide real support. Not only Bosniaks of Bosnia and the Balkans, the Albanians of Kosovo, Macedonia, Albania, Montenegro, and the Turks, but all living Ummah. I say alive, because we aren’t counting on the one who aren’t and they aren’t needed. Allah is Able to revive them. Time of threats from Chetnik creatures, who do not know

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<sup>11</sup> „Približavanje Ugljanina i Zukorlića? SDA poziva u „Pohod na Hadzet““, Sandžačke novine online, 3.09.2014. See: <http://www.sandzaklive.rs/index.php/novi-pazar-sda/2589-priblizavanje-ugljanina-i-zukorlica-sda-sandzaka-poziva-u-pohod-na-hadzet>, (Accessed 8.03.2015)

<sup>12</sup> „Armija Republike Sandžaka na Facebooku“, portal MONDO, 15.09.2014. See: <http://mondo.rs/a/727866/Info/Drustvo/Armija-Republike-Sandzaka-na-Facebooku.html>, (Accessed 8.03.2015).

hygiene, internal nor external, has passed. Aren't they taking a lesson from Gaza and Sham itself? They shouldn't bother those who do not bother them. I swear we won't sit idly on humiliation, and certainly not, God forbid, on the killing of Muslims. I swear on the One that could only be sworn On, that river Drina won't be green, but red and Priboj won't be Priboj but Breakthrough."<sup>13</sup>

In the background of ongoing in the Middle East, where only a few months ago was declared the creation of the Islamic caliphate by the Salafist organization "Islamic State", the case of events "Visitation to Hadžet" in Novi Pazar, pointed to the strong link between political, religious and extreme fundamentalist entities in Sandzak with the clear aim of joint action - dividing Ras-Polimska area (the so-called Sandzak) from Serbia and Montenegro. In addition, just before the "Visitation of the Hadžet" in Novi Pazar, reis of the Islamic Community of Montenegro - Rifat Fejzic, accused Mufti-Sandzak, led by Mufti Muamer Zukorlic, to support Wahhabism and religious extremists in Montenegro. Condemning Zukorlic's role in the spread of Wahhabism in Montenegro, Fejzic said: "The Islamic Community in Serbia permanently supported marginal and radical groups in Montenegro and all those who were in disagreement with the local Islamic community."<sup>14</sup> It is concluded that Mufti Muamer Zukorlić is using radical Salafists in Montenegro, and that he wants to steal Muslim believers from the institutional IVZ of Montenegro, rounded to the territorial integrity of Sandzak, which lies partly in Serbia and in Montenegro, to destabilize the area, and secede of the Serbian state and Montenegro, and the so-called merger of Sandzak in future to the independent Muslim of Bosnia and Herzegovina. As a reminder IVZ Sandzak, headed by Mufti Muamer Zukorlić, is an integral part of the IVZ Bosnia and Herzegovina.

Extracting of so-called Sandzak from Serbia, and its annexation to the independent Muslim Bosnia and Herzegovina through previously obtaining autonomy, it is also the goal of the SDA Sandzak. Sulejman Ugljanin, SDA leader and creator of the Declaration of Sandzak Muslim National Council, who organized militaristic gathering "Visitation to Hadzet" in Novi Pazar in September 2014, in the same month advocated the organization of Sandzak based on the model of South Tyrol. He had publicly explained and confirmed that during the meeting of the Assembly of the Republic of Serbia at the meeting held on 2nd October 2014. (Lansford, 2015). He said it was just an idea to help the prosperity

<sup>13</sup> „Poruka mudžahida četnicima: Dirnete li u Novi Pazar, Drina neće biti zelena nego krvava!, Sandžačke novine online, 3.09.2014. See: <http://www.sandzacke.rs/vijesti/region/poruka-mudzahida-cetnicima-dirnete-li-u-novi-pazar-drina-ence-biti-zelena-nego-crvena/>, (Accessed 8.03.2015)

<sup>14</sup> „Zukorlić podržava vehabizam i verske ekstremiste u Crnoj Gori!“, <http://www.time.rs/c/f582b77e42/zukorlic-podrzava-i-huska-vehabije-u-crnoj-gori.html> (Accessed 09.04.2015)

of the country.<sup>15</sup> His statement provoked a storm of sharp response from the leaders of the Serbian political scene. Actual Prime Minister of the Republic of Serbia Aleksandar Vucic, upon the initiative of Ugljanin said in the media: 'Some politicians from Pazar might pay more attention to whether they behave responsibly, seriously, and whether they act in the interests of their people or not ... Does he (Sulejman Ugljanin) know a single place in South Tyrol, I do not see that they are close to secession. I think people in the Raska region or Sandžak have the same rights as people in South Tyrol ... In Serbia, there is only three municipalities with majority of Bosniak population. What would be Ugljanin's answer to some irresponsible people who talk about the 61 municipalities and two cities in the Republika Srpska? It's a little more than three, but I will not let anyone talk about it, because it is not responsible and serious policy.'<sup>16</sup>

## CONCLUSION

Middle Eastern happenings have undoubtedly left their mark among the Balkan Muslims, there was an escalation on the political scene, which was imbued with the separatist ideas in Macedonia, Montenegro, Serbia, through the simultaneous process of growing salafist fundamentalism. The events in Syria and Iraq and the crisis in other Middle Eastern countries pose a significant threat to the Balkan countries. On the one hand, radicalization of Balkan Muslims was done by amassing support the radical Islamists in the Middle East provide to their local Muslims by going and participating in the battlefields. On the other hand, upon the return of a large number of Balkan hardened jihadists in Serbia, Montenegro, Bosnia and Herzegovina, Macedonia and Albania, these returnees will be a great potential danger to the security of the state, and of the Balkans, and Europe in general. They are dangerous brainwashed people who are willing to do anything. They do not have almost anything with Islam, in Syria and Iraq they served as cannon fodder, but they are not aware of that. Currently, they are mostly hurting their parents and families who suffer because of their departure, mainly disapproving such their actions. However, the question is what will happen when they start to inflict physical harm to others in the communities in which they live. Unfortunately, it is one inevitability that follows, and it is only a matter of time.

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<sup>15</sup> „Ugljanin: Južni Tirol je samo ideja za boljitak“, Blic, 2.10.2014. <http://www.blic.rs/Vesti/Politika/499400/Ugljanin-Juzni-Tirol-je-samo-ideja-za-boljitak> (Accessed 09.04.2015)

<sup>16</sup> „Vučić: Sandžački političari da pripaze“, Vesti online, 25.09.2014. See: <http://www.vesti-online.com/Vesti/Srbija/436164/Vucic-Sandzacki-politricari-da-pripaze?mobile=false>, (Accessed 8.03.2015)

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Darko TRIFUNOVIĆ

**UTICAJ STVARANJA ISLAMSKEG KALIFATA U TERORISTIČKIM  
KRUGOVIMA BALKANSKIH ISLAMISTA**

*Apstrakt:* Dešavanja na Bliskom istoku nesumljivo su ostavila trag među Muslimanima na Balkanu. Kriza u Siriji, Iraku i drugim zemljama Bliskog istoka predstavlja značajnu opasnost za balkanske zemlje. Za bolje razumevanje političkih, socijalnih, ekonomskih i bezbednosnih procesa na Bliskom istoku, neophodno je analizirati sve procese koji su doveli do stvaranja jedinstvene arapske države, njene ideologije i ciljeva. Ovaj rad će pokušati da odgovori na neka važna pitanja o ISIS-u i ideje širenja teritorije velike muslimanske države sa posebnim osvrtom na zemlje Balkana.

*Ključne reči:* Islamski kalifat, terorizam, Arapsko proleće, vehabije.

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### IMMUNITY OF STATE OFFICIALS FROM FOREIGN CRIMINAL JURISDICTION REGARDING THE WORK OF THE INTERNATIONAL LAW COMMISSION

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*Abstract:* This paper analyzes the issue of immunity of state officials from foreign criminal jurisdiction, the content of the Institute itself, its position in the existing sources of International Law and its relation to related institutes. Special attention is given to the issue whether the work of the Commission has provided answers to the two most controversial theoretical-legal dilemmas of this institute – the issue of immunity holders and the relationship between *jus cogens* norms and the norms of criminal law immunity, what is the content of the given solutions and whether these solutions will influence the increase of legal certainty in international relations.

*Key words:* Immunity of state officials. – International Law Commission. – Immunity of *ratione personae* and *ratione materiae*. – *Jus cogens*.

#### INTRODUCTION

The principle of sovereign equality of states, expressed by *maxim par in parem non habet imperium*, is one of the most important principles of international order. In that manner, the provisions of immunity of state officials from foreign criminal jurisdiction before bodies of other countries should be analysed. States, as basic subjects of international law, communicate mutually through their authorised representatives – state officials. When the issue of criminal liability of those state officials is brought on, in front of bodies of a foreign state, then a delicate

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relationship is created, which undoubtedly concerns the state that awarded such liabilities. If those interests were ignored, there would be a distortion of proclaimed equality and principles of states' sovereignty, which would significantly complicate their cooperation and jeopardise the whole international order. On the other hand, if all officials would be given the widest type of immunity, it would significantly make the international relations more difficult. Therefore, the Commission has quite a delicate task to precisely define the immunity holders and its scope in order to reconcile the undisturbed international relations among states and sovereign authority of a state in its own territory.

### **HISTORICAL DEVELOPMENT OF IMMUNITY OF STATE OFFICIALS FROM FOREIGN JURISDICTION**

Awareness about the importance and special status of persons who establish and maintain international communication existed at ancient nations. Herodotus, in his History, mentions the special status of messengers, through which the ancient nations communicated with each other.<sup>2</sup> Rules that regulate diplomatic representing make “civilization heritage of the international community”, since those rules were applied in all parts of the world (Kreća, 2007, p. 223-224). However, attempts of their codification are connected to the recent period of history. Rules on the inviolability of diplomatic representatives have found their place, among other things, in the Treaty of Westphalia of 1648 and Achen protocol (within the Congress of Vienna) of 1915 (Kreća, p. 223-224). Still, the most important steps in the process of codifying this matter were made after the World War II, within the United Nations. In that sense, the following conventions were made: Vienna Convention on Diplomatic Relations of 1961, whose subject is regulating the position of diplomatic staff and the functioning of permanent diplomatic offices; The Vienna Convention on Consular Relations of 1963 and the Convention on Special Missions of 1969, which regulates the work of special mission as a form of *ad hoc* diplomacy. This introduces certainty and legal security in a greater part of inter-state relations, but still not completely. States do not communicate solely through diplomatic - consular offices and special missions. Their mutual relationships are created through other state bodies as well, whose tasks are not exclusively connected to performing external activities of the state, but they still perform them to a certain extent, because of the nature of their businesses. What is their status abroad, is that status affected by the fact that their activities are of a private type, is there a different degree of protection

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<sup>2</sup> Median King, the Spartans have sent us as a reward for those killed messengers in Sparta.” When he was told that, Xerxes generously replied that what had happened to the messengers in Sparta, would not happen to the Spartans. By killing the messengers, they violated the international laws and he strongly objected that. However, he is not going to do the same nor is he going to kill them in order to free the Spartans of the guilt.” (Herodotus, 2009, p. 318).

depending on the position of officials in state hierarchy, do former state officials have the protection provided by their criminal law immunity abroad – and if they have it – to what extent, what is the status of the family members of state officials protected by criminal law immunity, is it possible to use this immunity freely, is there a difference between a holder of immunity and the beneficiary of immunity – and if it exists – what is it, etc. These are just some of the issues related to this matter. The Convention on jurisdictional immunity of states and their property of 2004 partially provides answers to these questions. For instance, Article 2 of this Convention says that the term “state”, to which the rules on immunity relate, includes the following: state bodies, agencies and other government representatives acting in that capacity. There are absolutely no doubts that the officials’ immunity – that is, state’s representatives – stems from the state immunity, so at the beginning, these issues were treated together.

### **WORK OF THE COMMISSION AND THE INSTITUTE FOR INTERNATIONAL LAW**

The work of the Commission for International Law of the United Nations and the Institute for International Law is of a special interest for the development of this Institute, regarding the issue of jurisdictional immunity of state officials. Upon the establishing of the United Nations, certain activities were started, both direct and indirect ones. The Secretariat sent a report “Jurisdiction over foreign countries” to the Commission for International Law in 1948. This report dealt with a wide scope of jurisdictional immunities in the fields of state property, public vessels, sovereign immunity and immunity of armed forces. The Commission dealt with this issue again in 1949, preparing the Declaration on the Rights and Duties of States, whose Article 2 stated the following: “Each State has the right to exercise jurisdiction within its territory and over all persons and things, according to the immunities recognized by international law” (Kolodkin, 2008, p. 5). The work of the Commission for International Law also influenced the establishing of this Institute in 1950, when certain rules of the international law were made based on the Charter of the International Tribunal at . One of those rules stated: “The fact that a person who committed a crime, something which is considered a crime by International Law, acting from the position of the head of state or a state representative, shall not release that person from liability by International Law.” A similar provision was formulated during the Commission work when codifying the rules governing crimes against peace and mankind security in 1954 (Kolodkin, p. 5). It can be said that these are important moments in the development of the institute. However, this approach was in fragments and the problem was approached as a whole, but as a part of another problem. Finally, a decision was made that the issue immunity of state officials from foreign criminal jurisdiction, as a delicate issue of international relations,

deserves special attention,<sup>3</sup> so the General Assembly of the UN accepted to include this issue in the agenda of the Commission for International Law.<sup>4</sup> The Commission included this issue in the agenda in the same year, based on the recommendations made by the Task force, and it hired a Special Rapporteur Roman A. Kolodkin in December 2007 at the 59th Assembly. Between 2008 and 2012, he made three reports that analyze the issue of immunity of state officials from foreign criminal jurisdiction in more detail, analyzing the current national legislation, court practice of national and international courts, presenting theoretical distinction regarding this institute and giving proposals for possible codification. Upon the expiry of his mandate, Concepcion E. Hernandez was hired, who made three reports by the end of 2014 regarding the issue of immunity of state officials from foreign criminal jurisdiction. Conceptually, the reports by Hernandez are a continuing part of the reports made by the previous Rapporteur and there are no significant differences on key terms regarding this institute. The accent of this work is on the issues of division of immunity to *ratione personae* and *ratione materiae* which determine both types of immunity, determining the criteria which say which person is the holder of immunity in foreign countries, defining the term of a state official and some issues regarding the procedures about this institute.

The institute for International Law considered the issues of immunity in 19th century and in 1981 it made the first draft of the rules on treating the national courts versus foreign countries, sovereignty and heads of states (Kolodkin, 2008, p. 12). The draft related the concept of immunity generally and it did not separate the immunity of state officials from foreign criminal jurisdiction as a separate whole. According to it, a civil lawsuit against a head of foreign state would be possible only in certain, very limiting circumstances (Kolodkin, 2008, p. 12).

The institute dealt with this issue again at the beginning of this century, when this issue started attracting a more significant political and legal attention. This resulted in issuing a resolution “Jurisdictional and executive immunity of heads of states and governments in international law” at a session in Vancouver in 2001 (Kolodkin, 2008, p. 13). Article 2 of the above mentioned Resolution states that the head of state or government, while abroad, has a full immunity, regardless of the severity of the deed he has been charged with.” The resolution limits the immunity in two cases: the first is the mutual agreement of the countries that limit the immunity of the head of state, which has to be clear and unambiguous, mutual agreement of the countries that limit the immunity of the head of state, which has to be clear and unambiguous, and the other case, this immunity is limited before

<sup>3</sup> What supports this claim is the fact that in the period from 1990 to June 2008, a total number of 65 cases were registered - the cases in which the issue of immunity of state officials and their liability (both current and former ones) was brought up before national courts. Kolodkin, 2010, p 7.

<sup>4</sup> Resolution 61/34 of 12 December 2006.

universal and regional international courts, regarding the most serious crimes defined by international law. When it comes to former heads of states and governments, the Resolution does not put these persons into separate position and they are not entitled to the immunity, except in cases when their activities are of the official type, that is, when those cannot be considered official responsibilities.

### **REASONS FOR THE EXISTENCE OF IMMUNITY AND ITS HOLDERS**

The issue of immunity stems out from the rule on jurisdiction, where the rules on immunity are the boundary in performing the inner jurisdiction of a country (Milisavljević, 2014, p. 22). A question is raised - what are the reasons to award certain persons such a privilege that they are exempt from liability in a state where they committed a crime. Does that make them totally exempt from liability?

The preamble of the Vienna Convention on Diplomatic Relations states that the objective of these privileges and immunities is the successful performance of functions of diplomatic missions, rather than awarding priority to individuals. The preamble of the Vienna Convention on Consular Relations contains a similar provision. This provision *mutatis mutandis* is applicable to other state officials. An individual, *de iure*, is not the holder of immunity. That immunity belongs to the state on whose behalf the holder performs the activities. In the third report of Special Rapporteur Kolodkin, in the part that deals with the issue of calling for immunity, he states that the immunity belongs to a state, while an official is just a beneficiary of that right (Kolodkin, 2011, p. 7-8). In that manner, only a statement made by the country, calling for immunity, is legally relevant and, as such, produces a legal action. This does not mean that a statement made by the individual, by whom he points out his right to immunity, is insignificant, but that statement can only be seen as an indicator of the existence of a certain right.

Debating on the issue of calling for immunity and its waiver, the members of the Commission for International Law did not have any disputes about the fact that such right should belong to the state, that is, the individual is not entitled to waive the immunity since the immunity does not belong to him, but to the state. Moreover, the state calling for immunity, has an obligation to notify the other state that the persons concerned are also the holders of immunity (although there is an assumption of the existence of immunity at certain persons, and this matter will be discussed later on).

Convention on Jurisdictional immunity of states has also determined that the state is the immunity holder, noting that this term means state management bodies, various agencies and representatives acting in that capacity.

The court ruling in the case *Djibouti v. France* (Case Concerning Certain Questions of Mutual Assistance in Criminal Matters), also points out that the immunity belongs to the state, and that it is necessary that the state, which calls for immunity, notifies the state forum about that, so that its authorities would not take any actions that are not in accordance with the rules on immunity of state officials.<sup>5</sup>

The rules on immunity of state officials balance between the needs of undisturbed mutual communication among states, in accordance with the Rule on their sovereign equality, on the one hand, and emerging needs of the international community to the liability of individuals for the most serious crimes, on the other hand (Cassese, 2002, p. 874). Therefore, the scope of immunity is limited for the greatest number of officials, in the sense that it covers only those actions that fall within the official category. These officials are protected by the so-called *ratione materiae* immunity. Only a very small group of the highest state officials enjoy an extra level of protection. This immunity protects those persons in cases when their acts are of a private nature, as well.

The term “official” has been used several times so we should clarify which persons belong to this category, bearing in mind different definitions and diverse national practices. There is not a definition of this term in international law. However, certain characteristics can be emphasized for the needs of immunity. Firstly, this term includes the persons to whom both personal and functional immunity refers to. Secondly, substantial differences in the position of officials-holders of both immunities must be taken into account. Thirdly, because of the differences in terminology, we should take into account the practice and previous activities of the Commission for International Law in order to homogenize this term (Hernández, 2014, p. 9-10).

When dealing with the issue who can be considered an official and to what extent he is given the protection through the rules on immunity, one should pay attention to the adopted decisions in conventions that deal with the related issue. The Vienna Convention on Diplomatic relations recognizes different categories of officials. The term “diplomatic agent” implies the chief of mission and members of diplomatic staff. The other categories are “administration staff and technical staff” and the third one is “serving staff”. Each of the mentioned categories is subject to different rules regarding the immunity. The first category of persons has the full immunity. The Convention stresses that the diplomatic agent is inviolable and that it enjoys the immunity from the criminal jurisdiction of the state where he is accredited. When it comes to administration staff and technical staff, the scope of immunity is similar, and the civil-legal immunity is somewhat shorter.<sup>6</sup> When it

<sup>5</sup> Case Concerning Certain Questions of Mutual Assistance in Criminal Matters (*Djibouti v. France*), Judgment, p. 196, ICJ Reports, 2008, p.71.

<sup>6</sup> Art. 37. par. 2: Members of the administration and technical staff of the mission, as well as their family members, who are a part of their households, enjoy the privileges and immunities referred

comes to the serving staff, the immunity is functionally limited, that is, they are not responsible for those deeds done while performing their official duties.

The Vienna Convention on Consular Relations contains a similar division of officials in three different categories. The first category is “consular officials” and these are all the persons who are authorized to perform consular functions. The second category are “consular officials”, that is, persons who perform administrative and technical tasks of the consulate, and the third category are “members of the serving staff” – they are persons who deal with the serving duties in the consulate.

The first two categories are protected by functional immunity, that is, they are not subject to the jurisdiction of judicial and administrative authorities of the state for the deeds committed within the framework of their official duties. An interesting fact is that the immunity of serving staff is not mentioned, and that is something which is different when compared to an earlier decision adopted in the Convention on Diplomatic Officials.

Convention on special missions, on the occasion of the categorization of state officials, adopts the identical division set out in the Convention on Diplomatic Relations.<sup>7</sup> Also, the rules of immunity follow the decisions adopted in the Vienna Convention on Diplomatic Relations. Thus, the Convention on Special Missions provides complete protection to diplomatic and administrative-technical staff, while the servicing staff is protected by functional immunity, that is, it is not subject to criminal liability before the authorities of the receiving state for offenses committed in the line of official duty.

Convention on jurisdictional immunity of states and their property, by term “state” implies “the state and its various management bodies” as well as “representatives of the State who act in that capacity.”

Since the above mentioned Conventions do not contain an explicit definition of a state official, some of the decisions may be used from other international instruments, whose subject is not related to the issues of immunity of state officials.

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to in Articles 29 to 35, providing they are not citizens of the country where they are accredited or providing they do not have a permanent residency in it. However, the immunity of civil and administrative jurisdiction of the country where they are accredited, mentioned in par. 1 of Article 31, does not extend to acts committed outside the exercise of their functions. They also enjoy the privileges and immunities mentioned in paragraph 1 of Article 36 regarding the things imported during the time of their first arrival.

<sup>7</sup> Art. 1 of the Convention on special missions: x) term “members of diplomatic staff” implies members of staff of a special mission who have a diplomatic status for the purposes of the special mission;

i) Term “members of administrative and technical staff” implies members of staff of a special mission who are employed in administrative and technical service of the special mission;

j) Term “members of the serving staff” implies members of staff of a special mission who are employed at that mission, doing the tasks of house service or some other similar activities;

So the United Nations Convention against Corruption from 2003, in Article 2(a) states:

“Public official” means: (I) any person holding a legislative, executive, administrative or judicial office of a Contracting State, whether appointed or elected, whether it is permanent or temporary, paid or unpaid, regardless of that person’s rank; (II) any person exercising a public function, including one in a public body or public enterprise, or performs a public service as defined by domestic law of the Contracting State in a way the law of that State is applied in a relevant field;

(III) Every other person defined in the law of a contracting country is defined as a public official. However, regarding some special measures in Chapter II of this Convention, the term “public official” can imply any person who performs public function or public service according to definitions of legislation of the contracting country and pursuant to applications in the given area of law of the contracting country;

Analyzing this provision of the UN Convention against corruption, it is clear that, when determining the term public official, the relationship between a certain person or his activity and a country of citizenship is taken into account. It is not of the biggest importance that such person is employed and paid for his activities by the country. It does not have to have any position in the country’s hierarchy whatsoever. The possibility to establish relationships between specific activities of a certain public official and a country’s order or its bodies is important. Therefore, the functional approach to defining the term of public official is suitable in issues of immunity. When the issue of liability of a person is brought on for a deed committed abroad, that is, whether that person has the right to immunity, the first thing which should be examined is whether such action of his is of the official character or not. If such action cannot be viewed as a part of regular activities of an official, is there an order of the authorized body for such actions?

## **RATIONE PERSONAE AND RATIONE MATERIAE IMMUNITY**

Division into these two types of immunity is widely present in legal theory, and the members of the International Law Commission have not had any debates on this issue (Kolodkin, 2008, p. 37; Hernández, 2012, p. 12). The mutual characteristic is their purpose: keeping the interest, values and principles of international community as a whole (Hernández, 2012, p.13.). Both types of immunity are designed in order to protect the individual, but their main goal is protection of the country (Hernández, 2012, p. 16.).

Key differences hide in the basic characteristics of these institutes, pointed out by a Special Rapporteur E. Hernandez:



- a. *Ratione materiae* immunity implies all the public officials regardless of their position in the country's hierarchy, while *ratione personae* immunity implies a limited circle of the highest state officials
- b. At *ratione personae* immunity both official and private activities of an official are covered, while *ratione materiae* immunity is limited to official acts only.
- c. *Ratione personae* immunity is limited, since it is valid only during the performing of the function, while *ratione materiae* immunity does not have any time limits and it is valid after the individual leaves the function he had (Hernández, 2013, p. 16).

Personal immunity, bearing in mind it covers both private and official acts and therefore provides an extremely high degree of protection, implies the most immediate circle of state officials who personify the state they come from. The activities of a foreign country, regarding the determination of criminal liability of such officials, would influence regular performing of foreign policy functions of the country of nationality. Therefore, this immunity is of an absolute nature and does not recognize limitations or exceptions in its application. The debatable issue is to what persons personal immunity refers to. In the same way, the government of the United States of America was adamant that the Chinese Minister of Trade, based on customary rights, owns a personal immunity. The opinion of the British government and its court bodies is the same, regarding the issue of the above mentioned Chinese Minister, that is, his right to immunity. Germany refused to arrest Rwandan Chief of Protocol, by the French arrest warrant, under the excuse that this person owned *ratione personae* immunity (Akande and Shah, 2010, p. 822) while the International Court of Justice, in case *Djibouti v. France*, following claims by Djibouti's representatives that there have been violations on immunity rules, points out that there are no grounds in the rules of customary law, and neither in the Vienna Conventions that the personal immunity belongs to the Head of the National Security Service and the Public Prosecutor.<sup>8</sup>

Symbolic sovereignty and the principle of non-intervention are stated as additional reasons for the existence of personal immunity in criminal law matters. In the past, the sovereignty of states was reflected as the sovereignty of the crown or in the person having the crown, and those persons contained the sovereignty of the state. Therefore, the head of state is not protected by personal immunity just to be able to perform his function undisturbed, but because of the fact that his personality symbolizes the country, as well. So, the personal immunity which is awarded to him is a way of respect towards the country he represents. The principle of non-intervention stems out from the rule on sovereign equality of the countries. The arrest or detention of a head of state can cause a change in executive power, and this would be the most blatant interference in internal affairs of an independent state (Akande and Shah, 2010, p. 824).

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<sup>8</sup> *Djibouti v. France*, Judgment, par. 192-194.

According to the rules of the Vienna Convention on Diplomatic Relations, the personality of a diplomatic agent is inviolable. He cannot be subjected to any form of arrest or detention, and protection in criminal matters is absolute. Convention on Special Missions also establishes the inviolability of representatives of the sending State, which appoints special missions and the members of diplomatic staff. Article 31 of the above mentioned Convention gives members of diplomatic staff the absolute criminal protection, without exceptions. Article 21 is also very important since it regulates the position of the head of state and the minister of foreign affairs, as members of a special mission:

1. When the head of the sending state leads a special mission, he enjoys benefits, privileges and immunities in the receiving state or in a third country and those benefits are also acknowledged to the heads of state during their official visits.
2. When the head of state, the minister of foreign affairs and other persons of higher ranks participate in a special mission of the sending state, they are acknowledged benefits recognized by international law and those benefits and immunities acknowledged by this Convention in both the receiving country and third countries, as well.

The Vienna Convention on consular relations does not provide personal immunity to consular representatives, which can be seen from Article 41, paragraph 1, which states that consular officials can be detained or imprisoned only in the event of a serious criminal offense. In the course of solving the dilemmas of personal immunity holders, one should take the stance of the International Court of Justice in cases *Djibouti v. France* and *Congo v. Belgium*, where the head of state, head of government and foreign minister are distinguished as holders of personal immunity – the so-called “troika”.<sup>9</sup> In both cases, the court notes that the rule of personal immunity “troika” is entrenched and widely accepted, but it also leaves the possibility that other persons are covered by this immunity. This seems to be a rather elegant solution in a way that it clearly defines the institute, solves the problems that occur in practice and also leaves the option to upgrade depending on the needs within multicultural and bilateral relations. One of the strongest arguments in favor of the thesis on personal immunity of the “troika” is a provision of the Vienna Convention on the Law of Treaties, which states that the heads of state, heads of government and foreign ministers are superior officials of their own countries and they do not have the obligation (like other state officials) to present the power of attorney. Another argument regarding the special position of the “troika” is the previously mentioned decision in Article 21 of the Convention on Special Missions, which emphasizes particularly the head of state (the term implies both the president and the head of government) and the minister of foreign affairs,

<sup>9</sup> Arrest Warrant of 11 April 2000 (*Democratic Republic of the Congo v. Belgium*), Judgment of 14 February 2002, par. 51, 21; *Djibouti v. France*, Judgment, par. 170, 63.

in a way that they are given additional protection, in accordance with the rules on international law, apart from the protection given by the Convention.

The thesis on “troika” immunity is supported by both Special Rapporteurs of the International Law Commission. In his second report to the Commission, Special Rapporteur Hernandez emphasizes that the holders of personal immunity are heads of state, heads of government and foreign ministers, but leaves room for a broader interpretation of this rule and lists ministers of defense and trade, and some other senior officials, who perform foreign policy activities within their functions, as possible holders of immunity (Hernández, 2013, p. 18). He explains his attitude by the evolution of the institute of criminal immunity of state officials. He points out that, in the beginning, the immunity was reserved for the head of state only. Afterwards, it has been expanded to the head of government, while some recent court judgments in case *Djibouti v. France* and *Congo v. Belgium*, have expanded it to the minister of foreign affairs, as well (Hernandez, 2013, p. 18). Special Rapporteur Kolodkin also holds the same opinion, opting to observe the immunity of the head of state, the head of government and the minister of foreign affairs as a whole, defining it as “complete”, “full”, “integral” and “absolute” (Kolodkin, 2010, p. 20-21).

International Law Commission expresses a less rigid stance on the subjective components of personal immunity by accepting the position of the International Court of Justice so as to enable other senior state officials in certain cases to be the holders of personal immunity. Constant intensifying of the international cooperation and the diversity of legal systems of the international community member states are in support of this stance.

Still, the stance on “troika” immunity is not generally accepted. The position of minister of foreign affairs causes the greatest disputes. In the case of *Congo v. Belgium*, the most important one regarding this issue, there was no unanimity among the judges. Judge Van den Wyngaert, in his dissenting opinion, states that there is not a customary rule on personal immunity of the minister of foreign affairs, adding it does not have the ground in rulings of national courts. He also states that it is not correct to make an analogy between diplomatic representatives and the minister of foreign affairs since the receiving state has the ability to control the election of a diplomatic representative through *persona non grata* institute, while that ability is excluded when it comes to the selection of the minister of foreign affairs. In the dissenting opinion of the judge Al-Khasawneh in the same case, it is pointed out that the minister of foreign affairs is undoubtedly a significant figure in the state hierarchy, but it is added he does not personify the state as the head of state. It is also pointed out that immunity, by definition, is an exception to the rule that the man is morally and legally responsible for his actions, adding he should be interpreted narrowly. Cassese, in his commentary to this ruling, emphasizes the dissenting opinion of Judge Al Khasawneh pointing out that the Court significantly expanded the scope of protection afforded by international law (Cassese, 2010, p. 855).

It is important to point out that the rules on immunity only apply to internationally recognized states and their official representatives. Thus in the case *Kadic v. Karadzic*, some persons, including the head of state, are holders of immunity, but since the Government of the United States did not recognize Radovan Karadzic as the head of state, he could not be the holder of immunity (Kolodkin, 2008, p. 63). In the case *United States v. Noriega and Others*, the Court pointed out that a person who claims immunity, the head of state, must be recognized as the head of state by the laws of that state or he must be explicitly recognized by the United States. Since in this case the subject person did not fulfill any of the criteria, the court did not accept his claim to immunity. Special Rapporteur Kolodkin asked a rather interesting question here, which he did not provide the answer to: What if one country decides to establish criminal jurisdiction over the highest official of a state it does not recognize, but the state which is recognized by a significant number of other states? (for example, Serbia issues an arrest warrant for the Prime Minister or the President of Kosovo) In the absence of precise provisions, in my opinion, a combination of applicable rules of the sovereign equality of states and effectiveness is applicable here. This means that other countries do not have a legal obligation to act upon the request of the state which wants to establish jurisdiction over a particular person. However, if that person is available to the authorities of the forum state, then this state has the full right to establish jurisdiction.

As far as the family members of persons covered by personal immunity are concerned, the rules provided for in the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations are applicable. Those rules state that family members, who live in the same household with the immunity holder, are entitled to the immunities and privileges. What supports this stance is the ruling in the case *Marcos et Marcos c. Office fédéral de la police* where the Swiss court confirmed that the wife of the former president of the Philippines owns an immunity, the Supreme Court of the State of New York in the case *Kline v. Kaneko*, where the immunity of the wife of the President of Mexico was recognized, and the ruling of the Belgian court in the case *Mobutu v. SA Cotoni* where the children of the President of Zaire were denied the right to immunity since they were not the members of his household (Kolodkin, 2008, p. 64-65).

When it comes to *ratione materiae* immunity, it is indisputable that it applies to all state officials, former or current ones, but it does not apply to private acts of these persons. This stance was supported by the International Court of Justice in the case *Djibouti v. France* where the court accepted Djibouti's claim as a valid one, which said that every official who performed the activities within his jurisdiction, is entitled to protection given by the rules on immunity. From the practice of national courts it can be concluded that the functional immunity is set on a large scale and that it covers documents of former officials. The verdict of Cassation Court of France recognized

the immunity of former Prime Minister and Minister of Defense (Association des familles des victimes du Joola case), House of Lords voted in favor of the immunity of Minister of Internal Affairs of Saudi Arabia (Jones v. Ministry of Interior of the Kingdom of Saudi Arabia case), Federal Supreme Court of Germany confirmed the immunity of the head of Scotland Yard (Church of Scientology case), similarly, the highest court instances of the Republic of Ireland and Italy acted in the same way regarding the immunity of senior police and military officials (Schmidt v. Home Secretary of the Government of the United Kingdom case; Mario Luiz Lozano case)(Hernández, 2014, p. 11-12). It is notable that the functional immunity, in terms of personnel, is placed on a much larger scale in relation to *ratione personae* immunity. It covers all the persons who perform tasks abroad in the name of a country. This type of the relationship is the base of their immunity. As it has already been said, the immunity belongs to the state, so by protecting the official, the state itself is being protected. The prerequisite is, of course, that the official acts within the awarded jurisdiction. Private acts are not subject to protection. What can be debatable is the distinction between private acts and those within the official activities. Since it is difficult to separate those acts by one norm (the same category can be classified as an official act or a private act), one should act from case to case. In this sense, the test of attribution is used as the basis to determine whether there exists a material immunity or not. If a certain action from an official can be attributed to the state, the immunity would apply there; otherwise, it would not (Hernández, 2013, p. 14). Within the debate in front of the International Law Commission, regarding the issue of defining a certain activity as private or official, the following was pointed out – the internal condition of a state official, his motives, hidden intentions or possible abuse of public jurisdiction are irrelevant. What is important is the material framework, that is, whether his actions are beyond the scope of powers given by the state or not (Kolodkin, 2010, p. 15-16).

During the debate on functional immunity, the question was raised whether there is any influence on the rules on immunity and whether a certain act of the state official is *jure imperii* or *jure gestionis*, that is, the act of public character or a commercial one. The attitude of the Commission on this matter is that the official is protected by immunity in commercial actions as well, if they are within the scope of given authorities. In this case, the immunity is complete both for the state and its official, and the country could refer to liability in a civil case in front of a domestic forum (Kolodkin, 2010, p. 16).

Illegal acts and against the law, carried out by civil servants abroad are covered by functional immunity, if they are made within the order of the sending state. The attitude of the Canadian Court of Appeals in the case of Jaffe v. Miller and Others is that “illegal” and “malicious” actions of American civil servants belong to official acts, because they are made in accordance with the orders of the state (Kolodkin, 2010, p. 18).

Former government officials or those persons who do not have a formal position within the state structures are also entitled to the protection provided by

functional immunity. They are protected even when they visit another country privately, provided of course that they performed activities by order of the home state and in accordance with the delegated authority. They can submit appropriate evidence on such actions, as well (Kolodkin, 2010, p. 19).

### **THE MOMENT OF CONSIDERATION OF THE RIGHT TO IMMUNITY AND ITS WAIVER**

Issues which dictate the point of criminal proceedings at which the existence or non-existence of the right to immunity is raised, together with the way of calling for and waiver of criminal law immunity, do not belong to the material part of this institute. Those are primarily procedural matters. However, as such, they deserve attention and it is necessary to analyze them, because it is possible that, during the application, they lead to abuse, various procedural practice and thus rendered senseless established rules of the game.

Talking about the moment of considering whether a certain person has the right to immunity, it is difficult to precisely bind oneself to a certain performance of the state apparatus, i.e., to what is the exact stage of the proceeding in which it is necessary to consider the issue of immunity. As the fundamental rule of the sovereign equality of states is incorporated in the institute, logic dictates that the issue whether a person is a holder of immunity or not is determined at an early stage of the proceeding. British court case against the Israeli defense minister took the view that the moment in which one should consider whether that person possesses immunity or not, should be the first hearing before the court, after the warrant of arrest is issued (Kolodkin, 2011, p. 6).

The Special Rapporteur of the International Law Commission Kolodkin expresses disagreement with such an attitude, and insists that the issue of immunity is to be considered even earlier, during the investigation stage, because, by doing so, one maintains normal relations between states and respects the rules on state sovereignty. Any other behavior would constitute a violation of those rules, and therefore the rules on immunity (Kolodkin, 2011, p. 6-7).

The International Court of Justice occupies the attitude of establishing the existence of immunity *in limine litis* as a part of the advisory opinion delivered on 29 April 1999, in the case *Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights*. The court points out that the respective person is the holder of immunity, and that the issue of immunity is a preliminary one, which calls for an expeditious treatment *in limine litis*.<sup>10</sup> The Court also points out that this

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<sup>10</sup> *Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission of Human Rights*, advisory opinion, ICJ Reports 1999, par. 63.

is a generally accepted principle of procedural law, and that Malaysia is obliged to act in accordance with it.

The issue directly related to the moment of consideration of immunity is the calling for immunity, or whether it is something a state official or the state itself calls upon. The solution to this dilemma should be found through the rules concerning the holder of immunity. Since it has been established that immunity belongs to the state, the legal force is carried only by the statement of the state. The official who calls for immunity, i.e. his statement made in that regard, only carries declaratory effect. The Special Rapporteur, in his report to the International Law Commission, expresses the mentioned attitude and points out that the statement of the state official on immunity serves as a basis for the forum state to address the official citizenship state in relation to the given statement. The burden of proving the existence of immunity is on the citizenship state and if it does not act according to the required application, the forum state is under no obligation to independently establish facts on that issue and may continue the proceedings against the official. In that case, there would be no violations of international rules on immunity (Kolodkin, 2011, p. 8-9).

The previous statement, however, could not be taken as absolute, but rather related to the officials who are the holders of material immunity. The situation would be somewhat different with top state officials, the holders of personal immunity. As the Special Rapporteur points out, *ratione personae* immunity, which refers to the head of state, the head of government and the minister of foreign affairs, is a widely accepted practice, and the forum state has to be aware that these persons are protected from acts done both in private and official capacity. What is available to the country that has the ambition of establishing criminal liability of holders of personal immunity is to file a claim to a citizenship state in order to deprive, i.e. to waive immunity for such persons (Ibidem, 10-11.).

In the *Djibouti v. France* case, the court pointed out that Djibouti was obliged to submit data on immunity for persons who in that case did not occupy the position of holders of personal immunity, while in the part of the decisions which referred to the head of state, the court did not mention any obligation of notification of immunity, supporting the view that the international law firmly establishes principle on the head of state, the head of government and the minister of foreign affairs as the holders of personal immunity.

The issue of waiver of immunity is related to the holder of immunity. As already defined, the state is the holder while the official is only the beneficiary of immunity. As part of the sovereign rights which the state owns, immunity can be revoked by state authorities, holders of authorizations. Concerning the issue, the Vienna Convention on Diplomatic Relations states the following:

1. The sending state may waive jurisdiction immunity of diplomatic agents and of persons enjoying immunity under Article 37.
2. Waiver must always be explicit.

Convention on Consular Relations contains a similar provision and besides, points out that the notice of waiver of immunity should be granted in writing. Convention on Special Missions contains an identical solution regarding the waiver of immunity. Therefore, it is reasonable to draw the analogy between diplomatic, consular officials and members of special missions with other government officials on the issue of immunity, and there is no reason that the same rules do not apply to them.

There is no dilemma with the waiver of immunity of material immunity holders. The issue of competent authority is governed by the internal legal order and is of no particular importance from the aspect of international law. Waiver of immunity of a head of state, as the bearer of supreme power, creates certain ambiguity. Does that person, by one's own statement, may waive the protection which is provided by criminal law immunity? Resolution of the Institute for International Law on jurisdictional and enforcement immunity of Heads of States and Governments in international law contains the following solution in relation to this dilemma:

1. The head of state is no longer a beneficiary of rules on integrity, jurisdictional immunity or immunity from enforcement measures established by international law, in case that the state withdraws from those measures. Such waiver may be explicit or implicit, provided that it is safe.

Domestic law of the concerned country determines the competent authority to make a decision on the waiver.

2. Such waiver should be granted if the head of state was suspected of committing criminal offenses, particularly of a serious nature, or if it was unlikely that certain measures of the forum state would affect the regular performance of activities performed by the head of state.

In my opinion, the proposal of the Institute for International Law contains certain shortcomings. It is not justified to link the gravity of the offense with the waiver of immunity, in terms of mandatory standards. In that way, one interferes with the exclusive competence of the state and its sovereignty on that issue. This can be given as a recommendation, a suggestion, but not as a binding norm, especially as this article does not define which acts are of a serious nature, i.e. a clear boundary which would make an act become "serious nature" has not been defined. Also, the alternatively appointed second condition, which points out that the waiver of immunity is also given in the case the activities of the forum state do not interfere with the performances of the head of the state, is not acceptable. The rules on criminal immunity are designed not only for the smooth performance of a function, but they also have a symbolic component, especially with top state officials, as they



protect the dignity of those representatives and facilitate the functioning of the international legal order on the basis of sovereign equality of states. The sovereign equality would probably not exist if such a rule became a reality.

There are disagreements in legal theory as to whether the head of state has the right to waive immunity by one's own statement or is it the exclusive right of the state. According to one view, the head of state is the ultimate authority and the highest authority, so the waiver of immunity done by the head of state would be valid. According to another view, the waiver of immunity is the right of the state, because the immunity is designed to protect the rights of the state and not of an individual (Kolodkin, 2011, p. 22-23).

The author of this article considers, the issue whether the head of state is entitled to waive immunity by one's own statement is purely a doctrinal matter, and is quite rare in practice. That issue is not supposed to be something that international law is directly interested in, i.e. that should be regulated by international law. As countries are politically organized in a different way, there are systems in which president is elected by parliament, and in that case it would not be possible to say that it represents the highest state authority. Again, there are solutions in which the prerogatives of power are concentrated in hands of one man, i.e. the head of state, and it would be quite difficult to establish authority which could reach a decision to waive the head of state of immunity without its consent. It would be best to leave the issue to internal legal systems of states.

### **RELATIONS BETWEEN THE RULE OF *JUS COGENS* AND THE RULE ON IMMUNITY**

The relations between the rules of *jus cogens* and immunity cause the most controversy. Peremptory norms or rules of *jus cogens* are imperative rules which have been accepted by the whole international community, from which there is no derogation and which can be changed only in case of the creation of a new imperative norm by the international community. Therefore, it is clear that the rules on immunity should not be in conflict with the fundamental rules of the international community. In case the action of a state official is characterized as a crime of genocide, war crime or crime against humanity, can he (or the country of citizenship) call for criminal justice immunity?

One of the cases that caused the most controversy regarding the relations of immunity and the most serious crimes was the Pinochet case. Former Chilean President Augusto Pinochet was arrested in Great Britain after the request for extradition from Spanish authorities, on suspicion of being the perpetrator of the most serious crimes, among other things, torture, hostage-taking and crime against humanity. Since the issue of immunity was raised, the House of Lords, in the

context of its decision, discussed the issue itself. With the majority of six to one, the court decided against the existence of immunity, referring to the Convention against Torture (Bianchi, 1999, p. 237-277.). The majority attitude of judges was that, by signing the Convention on Torture, both Chile and Great Britain accepted the extra-territorial principle for such acts (Bianchi, 1999, p. 245). In the explanation of their views, they pointed out that criminal acts, which present a violation of the rules of *jus cogens*, due to their seriousness, present “an attack on the international legal order” so that every country has the right to establish jurisdiction in cases of violation of fundamental international rules (Bianchi, 1999, p. 246-247). Besides that, the French court in the Gaddafi case took a similar stand, and pointed out that the right to prosecution in cases of violations of *jus cogens* could not be derogated (Orakhelashvili, 2009, p 8). Australian court in Nulyarimma case accepted that, in the case of universal crimes, there are two options: the extradition or prosecution (Orakhelashvili, 2009, p. 9). The Italian Court of Cassation, in the Ferrini case, pointed out that international crimes are a gross violation of fundamental rules of human rights and universal values of the international community, that those values are protected by peremptory norms of international law, which give national courts the possibility of establishing universal criminal and civil jurisdiction (Kolodkin, 2010, p. 37). The issue of immunity of an American official in Italian courts, and in relation to alleged crimes committed in Iraq was raised in the *Lozano* case. The Italian Court of Cassation understood that the rules on state immunity did not apply to international crimes and that, in the conflict between the norms in relation to immunity and rules that are a part of *jus cogens* norms, the latter outweighed (Kolodkin, 2010, p. 37). Judge Van den Wyngaert understood similarly in a dissenting opinion in the judgment of *Congo v. Belgium*. The judge argued that international law permits universal jurisdiction for war crimes and crimes against humanity. The judge further claims that there is no explicit license to exercise universal jurisdiction for crimes against humanity, but there is no explicit prohibition. As for the criminal acts of war crimes, the judge points out that Article 146 of the Fourth Geneva Convention allows universal jurisdiction for these acts.<sup>11</sup> In the same case, Judge Al-Khasawneh, in his dissenting opinion, said that *jus cogens* norms are of vital interest to the international community, and therefore deserve special attention. In case that these norms, of hierarchically higher type, come into conflict with the rules of a lower type, such as the rules on immunity, hierarchically higher rules prevail. In regard to that, in his opinion, the rules of immunity should be restrictively interpreted.<sup>12</sup> Theory emphasizes the stance on the alleged transformation in relations between rules of sovereignty and human rights, together with the fact that states can no longer hide behind the rules of sovereignty in order

<sup>11</sup> *Congo v. Belgium*, Dissenting opinion of Judge ad hoc Van den Wyngaert, par. 59.

<sup>12</sup> *Congo v. Belgium*, Dissenting opinion of Judge Al-Khasawneh, par. 7.

to avoid liability (McGregor, 2008, p. 916). Cassese also supports the view of universal jurisdiction in the case of the most serious criminal acts, and presents an interesting thesis that one should draw a parallel with piracy as a *jus cogens* criminal act, which accepts universal jurisdiction, so there is no reason for the same not to be applied in the event of violations of peremptory norms by state officials (Cassese, 2010, p. 857). Some practical reasons are given in support of this position. The protection given by the international legal order is negligible in effective terms. It is emphasized that there is no general consensus in terms of providing clear and broad powers to international bodies in terms of punishing the most serious crimes, and that it is not realistic to expect, even with increased competence of international bodies, to prosecute all crimes within reasonable time frame. It is also pointed out that the establishment of *ad hoc* tribunal represents the selective approach, which does not fully contribute to the establishment of international legal order (Bianchi, 1999, p. 250). Again, in the Al-Adsani case, with the Saudi senior official being sued before the British courts over alleged torture, the court rejected the lawsuit referring to the rules on immunity, which was confirmed by the European Court of Human Rights (Talmon, 2012, p. 2-3). In the Kalogeropoulou et al. v. Greece and Germany case, The European Court of Human Rights stressed that it did not notice the existence of a common practice of exception to immunity in cases of crimes against humanity, i.e. it expressed the viewpoint that the rules on immunity were applied in the said case (Kolodkin, 2010, p. 38-39). In the Jones case, with the issue of liability for the acts of torture by a Saudi official, British court acted contrary to the Pinochet case, and sided with the attitude that the official had immunity. It was emphasized that the immunity did not mean that there was no accountability, but that the rules on immunity were of a procedural type, and therefore did not come into a conflict with substantive rules. Canadian Court, in the Bouzari v. Islamic Republic case, expressed the viewpoint of the existence of criminal immunity of state officials, even in cases of torture (Orakhelashvili, 2009, p. 10). American courts generally took the stand of the existence of immunity, referring to the so-called FSIA (Foreign Sovereign Immunities Act), which lays down the rules on the immunity of foreign officials, agencies and organs of criminal prosecution in the United States of America, except in cases in which the damage or injury occurred on the territory of the United States of America. Thus in the Chuidian v. Philippine National Bank case, the court pointed out that the official who acted in official capacity and under the orders of one's own country is subject to the rules, namely the protection that it provided by FSIA (Bradley and Goldsmith, 2009, p. 11-12). The attitude of the Supreme Court, in the Saudi Arabia v. Nelson case, was that the rules on state immunity, i.e. state official immunity, were applicable in matters of alleged acts of torture and police abuse (Bradley and Goldsmith, 2009, p. 21). In the Mugabe case, the president of Zaire was brought to trial on charges that he was responsible for rape, murder, torture and other serious crimes with the aim of dealing with political

opponents. In that case, the State Department suggested to the court that President Mugabe had criminal immunity, and that his trial would be contrary to the objectives of US foreign policy. The court acted in accordance with the directives of the State Department (Tunks, 2002, p. 673-675).

It seems that the turning point in resolving the dilemma is the explicit attitude of the International Court of Justice in the *Germany v. Italy* case. Considering the relations between the *jus cogens* rules and the rules of immunity, the court pointed out that the killing of civilians in the occupied territory, forced labor of prisoners and civilians fall under the indisputable violation of peremptory norms of international law. In addition, it pointed out that there was no conflict between *jus cogens* norms and rules on state immunity, and that the rules on immunity were of a procedural nature and define whether a court of one state may establish jurisdiction against another state. The rules on immunity thus do not affect the fact whether behaviour is legal or illegal. The Court also notes that the rules on immunity are clearly established and that they are a part of customary law.

The majority attitude of the court on the repeatedly mentioned *Congo v. Belgium* case should be viewed in this respect. The verdict says that the immunity of the minister of foreign affairs does not include minister's non-liability regardless of the seriousness of the offense. Jurisdictional immunity and individual criminal liability are separate concepts. While jurisdictional immunity is of procedural nature, the rules on criminal liability are substantial. It is also pointed out that the liability for the allegedly committed crimes may be established in courts and in accordance with the rules of the country of nationality, and that the immunity is not applicable before international judicial bodies.

This position is supported by both Special Rapporteurs of the International Law Commission, and they both point out that the arguments, which should allow the universal jurisdiction of national courts regarding the violation of peremptory norms of international law, are "insufficiently convincing" (Kolodkin, 2010, p. 56). Besides, the immunity abroad is a procedural issue which has no impact on the substantive law of the country which has the right to establish jurisdiction on the issue (Hernández, 2013, p. 14).

## CONCLUSION

Based on all the things previously state, it seems the International Law Commission is on the right path to harmonize the text of Convention on immunity of officials abroad, since there is a consensus on the majority of issues. Together with the conventions governing the issues of immunity of diplomatic representatives, consular representatives, the immunity of members of special missions and jurisdictional immunity of the state, this will constitute an entire legal entity.

Regarding the two most controversial issues, it seems that the problem in the first issue, that is, the issue of persons who are the holders of personal immunity, is the problem of theoretical and doctrinal nature. Whether the minister of foreign affairs will be the holder of that immunity or not will not create serious problems in application. Practice has shown that the national courts tend to grant immunity to those officials who have a much lower rating compared to the minister of foreign affairs, such as various military and police officials or intelligence officers, who do not have international communication as an integral part of their regular activities. Therefore, the stance of the International Law Commission regarding this issue is balanced and harmonized with the international practice. The issue of establishing national jurisdiction over the holders of immunity, regarding the violations of peremptory norms, is somewhat more complex. The author of this article considers that we should not allow the practice of establishing such jurisdiction. It is indisputable that the most serious crimes, which are part of the rules of *jus cogens*, require special attention of the entire international community and that their possible perpetrators should not go unpunished. The fact is that the countries of citizenship sometimes lack the will or capacity to implement real procedure against such persons, and the international legal order is not developed enough. However, this should not give rise to individual countries to take justice into their own hands. In the case where it would be permitted to establish universal jurisdiction, this would be more favored to economically and politically powerful countries. This way, political criteria would prevail the legal one, and the more powerful countries would decide on criminal liability following the principles of political opportunity, as it has been the case so far. Take the example of the conflicting parties in two out of three most significant cases before the International Court of Justice regarding the immunity. *Belgium v. Congo* and *Djibouti v. France*. Congo and Djibouti were considered the injured parties and they filed a complaint to the International Court of Justice regarding the question of immunity of their officials. Belgium and France mainly based their defense on the rules of universal jurisdiction. In both cases, the court largely voted in favor of the petitioner. Djibouti is a former French colony and Congo a Belgian one.

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## KRIVIČNOPRAVNI IMUNITET DRŽAVNIH SLUŽBENIKA U INOSTRANSTVU

*Apstrakt:* Rad analizira pitanje imuniteta državnih zvaničnika u pogledu strane krivične nadležnosti, poziciju ovog instituta u postojećim izvorima međunarodnog prava kao i njegov odnos sa sličnim institutima. Posebna pažnja se posvećuje pitanju da li je rad Komisije za međunarodno pravo pružio odgovore na dve najkontroverznije teorijsko-pravne dileme koje karakterišu imunitet državnih funkcionera u pogledu strane krivične odgovornosti- pitanje nosilaca imuniteta i odnos između *jus cogens* normi i normi krivično pravnog imuniteta.

*Ključne reči:* imunitet državnih zvaničnika, Komisija za međunarodno pravo, imunitet *ratione personae* i *ratione materiae*, *jus cogens*.

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### THE BEGINNING OF ECONOMIC DIPLOMACY IN SERBIA

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**Abstract:** The Republic of Serbia is facing, as many other countries with similar characteristics, disastrous consequences of the recession that has captured the global economy since 2008. All this is happening today, in the time of intense and painful reforms, as a prerequisite for its entry into the European Union. This represents a long-term strategic goal of Serbia. According to the conception of the author, one of the ways that the foreign policy and foreign economic performance of Serbia become productive is to help Serbia step out the recession and make economic progress. Therefore, the key is to have a modern, well-organized and effective economic diplomacy. Unfortunately, we are faced with the inherited practice with formalized and out-of-date managers, who do not have enough understanding or faith in the possibilities and the importance of economic diplomacy. This is disappointing because the experiences of successful economic diplomats were supposed to be implemented in Serbia. Failures of the proper and qualitative selection of the first generation of 28 young economic diplomats, who were sent into the world in 2010, are used as an excuse so that the development of economic diplomacy can be aborted. Instead of correcting the mistakes of the most promising staff and their performance in the capital economic centers, it is easier to keep everything the same. The goal of this article is to underline, once again, the importance of real, well-chosen and prepared economic diplomacy for the communication with a lot of governmental institutions in charge for the economy and our performance on the global markets in the fight for consumers, foreign investments or strategic partnerships for the economic prosperity of Serbia. There are also a number of positive evidence on the successes and achievements of economic diplomacy. What the author wants to show is the first understandings of the importance of economic diplomacy in Serbia, in “Načertnije” (Program of foreign and national politics of

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Serbia), wrote by Ilija Garašanin in 1844. Maybe this will help for a better understanding of the significance of today's modern economic diplomacy in Serbia.

*Key words:* Economic Diplomacy, Recession, Economic Recovery, Recovery from the Crisis, Developed Countries, Garašanin, "Načertanije", National Economic Interests, Foreign Investment.

## **THE ROLE OF DIPLOMACY IN THE ECONOMIC DEVELOPMENT OF A COUNTRY**

Is the time when the positions of diplomats, ambassadors and advisers in major world centers were received for merits in politics (i.e. in the ruling party) or in the economy behind us? Is the ignorant attitude that everyone or anyone, can engage in diplomacy as well as economic diplomacy rejected forever? Have the democratic changes and priority of our country to get involved in the Euro-Atlantic integration brought the awareness that our diplomacy needs highly educated and professional staff? Has diplomacy, except in declarative statements, recognized the crucial importance of quality economic and diplomatic activity in overcoming economic and developmental problems?

My impression, as well as the answer to these questions is, unfortunately, negative. Great expectations of the democratic forces and the people are invested in a more aggressive, a better quality and more effective diplomatic approach of our country, would counterbalance the consequences of unwise politics from the former regime and bring our country back into the world family of nations. On political and classic diplomatic level some results have been achieved - in the field of economic diplomacy. Unfortunately, we have moved very little from a standstill.

Do we need other evidence to support this claim, besides a disastrous and false understanding of the EU facilities for the export of our sugar to that important market?

It is difficult to understand, before the authorities determined the magnitude of the problem, uncovered possible infringement, and announced possible culprits, that any fault on our side had been denied from the highest position. But the bundle of errors begins to untangle later and 'breaking the spirit of the regulation and not its literal meaning' became more visible. This kind of procedure does not seem serious or realistic, let alone wise in the diplomatic sense.

All in all, this is the expert and professional role of the diplomatic apparatus and network in the world to alert the state leadership or anticipate any possible measures against our economy and country.

It is obvious that one criterion, belonging to a party when selecting staff has been replaced by another, is not necessarily less devastating and showed results at a similar economic and diplomatic level, i.e. unsatisfactory.

Demonstrated in another more recent example, the invitations (in the previous regime those would be orders) to our companies to get involved in the

reconstruction of the destroyed Iraqi infrastructure seemed really demagogic and bombastic. Especially before the return of the huge Iraqi debt to our country was secured in a vigorous diplomatic activity, because of which the same companies, and partly our whole economy, suffer major problems. Will the state compensate our companies that had previously rebuilt the destroyed Iraq of today? Will it protect our firms, which it invites to participate in business in Iraq from experiencing the same fate? Or are they sent there at their own risk on the basis of governmental international and political arrangements? How has the issue of Iraqi debt been dealt with by others? Has our economic diplomacy provided enough information and arguments for and against, before some euphoric minister should start working on their own image with the help of bombastic (Outrageous – maybe instead of bombastic can be used) statements? Can companies live on those arrangements?

What still needs to be done to help our weak economy benefit from high quality economic and diplomatic activity and reliable analysis of the global situation?

Of course, neither the diplomatic nor economic diplomatic activity has magical powers nor can they resolve the basic internal structure problems of the economy and the country. They need to serve the economic and political recovery along with stabilization of the country, but also its successful presentation and breakthrough in the world. Therefore, they should not only monitor but also help economic development, foreign policy and foreign economic performance in the world.

Like most countries in transition, and especially given our need for the accelerated process to adjust to EU standards and the *Acquis of EU*, with the aim for the fastest possible EU accession, it is necessary to learn from the more successful and developed countries and nations of this area.

With globalization of the world economy and international politics, the interests of some economies to be promoted abroad and fight for greater participation in the world market and a share in the profits have also become the national interests of each country.

Therefore, the main function of state administration, the mechanism of the so-called foreign activity, diplomatic and foreign trade missions, various delegations, ministers, prime ministers, and even heads of state, during their stay abroad, automatically receive the function of an economic diplomat - i.e. to advertise and sell products of the national economy in the world, ensuring that companies from their countries make deals and agreements in foreign markets.

### **HOW DOES ECONOMIC DIPLOMACY HELP THE DEVELOPMENT OF A COUNTRY?**

Economic representatives today are a sort of observers for economic trends in the global market and economic situation of the country to which they have been

sent. Their observations, in the form of substantiated analyses and their suggestions based on these observations are important for a successful economic performance of their company or country in the market of the host country, have to be regularly submitted to their 'headquarters'. Of course, accompanied with recommendations on how businessmen of their country can successfully penetrate this new market, and capture it with their own products, technologies and investments.

### **THE FIRST TRACES OF ECONOMIC DIPLOMACY IN SERBIA**

We have concluded with confidence that France could be considered the cradle of modern diplomacy. The first thoughts on economic diplomacy could be found in the well-known 'Instructions to French Ambassadors' written in 1648. This was a mandatory preparation of French ambassadors before starting work in foreign countries. Of course, it was the preparation of French ambassadors for classic diplomatic work. The purpose of the 'Instructions' was for future ambassadors to become acquainted with the economy and the specifics of the host country they are sent to. Much later in 1937, Henri Hauser, a professor of economics at Sorbonne, published his work, 'Economy and Diplomacy', which could be considered the first analytical work in the field of economic diplomacy.

### **THE FIRST IDEAS ON ECONOMIC DIPLOMACY IN SERBIAN HISTORY**

As a specialty and science, economic diplomacy is of recent date. Therefore, it can be considered that the first evidence of economic diplomacy of the Serbs is truly a pioneering undertaking. It is crucial to understand the importance and development of the discipline and such an approach to diplomacy in general.

The undertaking in question is 'Načertanije' (The program of foreign and national politics of Serbia at the end of 1844) written by Ilija Garašanin, directly influenced by the American Declaration of Independence, the French bourgeois revolution and its Declaration of the Rights of Man and of the Citizen, and in consultation with the greatest Slav minds of the time such as the Poles: Prince Adam Jerzy Czartoryski<sup>2</sup> and František Zach, (1807-1892) later a Serbian general. It was also written in

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<sup>2</sup> Other Polish slavophiles also played an important role in advocating for the liberation of Serbia from the Ottoman vassalage: the emissaries Adam Veresinsky and Adam Liscinski-Linoh who visited Serbia in 1840 and in 1841, then the writer Mihail Tchaikovsky who acted in Istanbul (where he was known under the Turkish name of Mehmet Sadik Pasha), then Ludwig Zverkovsky, a secretary of Tchaikovsky, who visited Serbia in 1842. Tchaikovsky's visit to Serbia in 1843 was also important, according to a text written by Slavenko Terzić in 'The Politika' addition: 'Načertanije Ilije Garašanina', p. 16 and 17.

consultation with the diplomatic British agent David Urquhart.<sup>3</sup> He submitted to the foreign office a significant detailed report on his visit to Serbia on December 21, 1833. Later, in cooperation with the Poles (a group of activists who acted from the Paris 'Lambert' Hotel), David Urquhart inspired the appearance of 'Načertanije', as a Serbian national program. On September 15, 1843, Prince Czartoryski sent a letter to Serbian Prince ('The Council for action that Serbia should follow...'). It was on that foundation that his intermediary, František Zach created *The Plan of the Slavic Politics of Serbia* during his stay in Serbia in the following four months, from which 'Načertanije' was compiled (Ekmečić, Krestić, Popov, 2012).

According to a historian, dr. Ćedomir Antić, 'The essence of Ilija Garašanin's idea, a great conservative born in 1812, considered the liberation of the Serbian people, but also the formation of the South Slavic community of the free Balkan peoples' (Ekmečić, Krestić, Popov, 2012, p. 15). It is probably for this reason and because of the very conflicting interests of the present and later great powers that were opposed to Serbian national interests. Therefore, this text of 'Načertanije' was unjustifiably declared the project of the creation of Greater Serbia and the backbone of the Greater Serbian ideology. As interpreted by geopolitical experts today, this was the time of conflicting geopolitical interests of the later great powers. Serbia had to use great diplomatic skills to fight for its independence, freeing itself from the Turkish oppression. 'Starting from 1815 the Serbs won certain degree of independence, which however, contained two distinct geopolitical directions embodied in the two Serbian dynasties – the Obrenović and the Karadžević. The Obrenović dynasty, although Orthodox, turned to the close Austria, in what played a substantial role in the activity of particular political and intellectual circles from Vojvodina, the territory closer to Austria. On the other hand, the Karadžević dynasty turned only to Russia. In 1903, the Obrenović dynasty was overthrown not without the participation of the Russian special service, therefore Serbia took the pro-Russian orientation' (Dugin, 2004, p. 348-349).

## THE ROLE OF DIPLOMATIC AGENTS ABROAD

In this work Garašanin, underlines a huge importance of diplomatic and intelligence work and agents who need to gather crucial information in foreign centers, on the basis of which a foreign policy strategy of a country is made. Talking about how the objectives of this national program of Serbia could be achieved, in the section: *Introduction*, Garašanin in 'Načertanije' underlines: 'In order to decide what could be done and how to act in business, the government must know in

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<sup>3</sup> The Serbian Government document, 'Projet de Memoire', published on August 1, 1843, in the Parisien 'Portfolio' magazine edited by David Urquhart, considered to have been the first version of 'Načertanije', according to academician Milorad Ekmečić.

which position the people of the various provinces surrounding Serbia are. This is the main condition for the exact allocation of funds. To this end, sharp-witted people without prejudices, loyal to the government should be sent firstly to check the condition of these peoples and countries, and upon their return, they would have to give a precise report on that in writing. It should particularly be reported on Bosnia and Herzegovina, Montenegro and Albania. At the same time, it is also necessary to know the exact condition in Slavonia (Slovenia?), Croatia and Dalmatia. This of course, includes the peoples of Srem, Banat and Bačka’.

It is amazing how in late 1844, Garašanin was quite clever to observe the importance of meticulous information gathering and analytical reporting to the government on all aspects of the position and function of the neighboring countries and the areas inhabited by the Serbs, and methods of intelligence work. It is evident that today’s teachings on the role of traditional intelligence agents and economic diplomats in gathering confidential economic information, also known as economic intelligence work and economic espionage, logically rely on the teachings of Ilija Garašanin.

Speaking further about what information they should gather he stresses the four groups: 1. political situation in the country, main political parties and better understanding of the people and their public and secret aspirations; 2. military situation in the country, military spirit, armament of people, organization and moral of the army, locations of military warehouses and factories of arms and ammunition, i.e. the location from which they are delivered; 3. list and characteristics of the most important and most powerful people in the country, and especially those who would be Serbian opponents, and finally 4. what is the opinion about Serbia in each country, what do the country’s people expect from Serbia, i.e. what relation do they have towards Serbia. In listing the activities that these Serbian ‘intelligence’ agents should conduct in the neighbouring countries, he finally states that they need to promote and explain Serbian politics and interests, and on the basis of that, develop a friendly bridge of spirit and relationship between those people and Serbia. So this is quite a modern approach and concept of the role of diplomats and intelligence officers, even modern economic diplomats when gathering information and compiling a base for making strategic decisions of a country in foreign policy and foreign economic performance.

Let us move on from the political and geopolitical aspects of this document, which reflects the program of Serbian national liberation from the Turkish vassalage and discuss the parts of the economic program of ‘Načertanije’, which represent the first traces of modern economic diplomacy *par excellence* in the planned direction of Serbian foreign policy for the future.

Before this, it is necessary to say that under the political influence of the Serbian prince, crucial and the most important foreign trade partner (in today’s terms) at the time was Austria. Few, but high quality Serbian exports of the time, included

indigenous Serbian pigs ‘mangulice’ and their products (fat, bacon, ham, prosciutto, pork scratchings), prunes and brandy, different types of cheese, wheat, corn and other agricultural produce, which were exported only to Austria<sup>4</sup> via the Austrian border port of Zemun. The low prices of Serbian exports were dictated by the Austrians, while the Principality of Serbia, as a Turkish vassal, had to tolerate the economic rules of Austria. It was the only way into the world, except Turkey. In addition, all the products imported into Serbia, at the imposed relatively high prices, would come exclusively from Austria. Everybody noticed this well and grumbled at it. But it was Garašanin in ‘Načertanije’ who first found the strength to set the new foreign economic priorities for Serbia, which caused consternation and a great opposition of Austria and the pro-Austrian circles of Serbia. To avoid paraphrasing or free interpretation, first we shall cite the whole item 5 from ‘Načertanije’, in which in our opinion, the first evidence of economic diplomacy with the Serbs can be found. The text is cited according to the then version of the Serbian language:

In this work, the government would have to make the first step by appointing one commercial agent in Dulcinj who would show a Serbian trader where to go from there. This agent, upon getting in touch with the traders from our country, would have to study how our trade would benefit there, and when the government secures the benefits, which would come to our trade from that side, it can announce it in the newspapers. That would mean that we should direct our traders to that busy place. Only if some of the traders would have a successful business there, others would quickly follow... Bit by bit the route of trade would open without the government constantly worrying about it; because traders would pave their way themselves, with a government agent only taking care that our traders do not suffer any oppression there. This order would mean that the price of Serbian products exported in the South, would rise in the North, while the price of goods coming to Serbia from the North would fall due to the competitive imports from the South. In a nutshell, in this way a Serb would buy cheaper products and sell at a higher price.

In the political sense, this method would not be less important because a Serbian agent would be among Serbian people, and these actions would have a stronger influence of Serbia on the northern Albanian and people of Montenegro. These are the very people who hold the keys to the doors of Bosnia and Herzegovina and to the Adriatic Sea. Setting up the Serbian agency and its establishment there, we are confident that as a political move it would be considered of extraordinary importance among those nations and closer alliance of these inhabitants with Serbia would be achieved very easily.<sup>5</sup>

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<sup>4</sup> According to the chroniclers of the time, if there were not for Serbia, the Austrians would not know what quality bacon is, or the ham made of ‘mangulica’. They loved those products so much.

<sup>5</sup> Cited from the text ‘Načertanija’ published in the above mentioned.

## THE IMPORTANCE AND ECONOMIC CONSEQUENCES OF GARAŠANIN'S IDEAS

It is amazing how fresh, modern, and topical the ideas presented in item 5 of Garašanin's 'Načertanije' are a part of today's economic diplomacy.

Establishing the idea of the necessity of foreign trade diversification, as a condition for the stability of export and import policies, is also very important today.

The concept of recruiting and sending and an important role of 'commercial agents and agencies' abroad has inspired today's government of Serbia to declare economic diplomacy the fourth foreign policy and foreign economic priority. The Serbian Ministry of Economy and Regional Development also sent 28 economic diplomats to the most important world centers that are of interest to Serbia.

The role of economic diplomats in determining the most rational destinations for our exports or imports is also very important and necessary today. The idea of rejecting dependence on one destination or one economic partner for the export of ours or import of essential goods is extremely important even today.

Different progressive ideas of the role of competition in decreasing import and increasing export prices of goods has become a prerequisite for the economic development of the country. A very modern idea of the necessity of the importers' and exporters' independence from the state authorities is a favourite assumption of liberal capitalism.

Finally, Garašanin's forward-looking ideas about the positive impact of the economy, i.e. trade, on political and other relations with neighbouring countries and the great powers of the time, are still considered very popular.

It is important to emphasize that, on the eve of the Serbian liberation from the Turkish vassalage and immediately before the declaration of the Kingdom of Serbia, Serbian minds were influenced by France, England and America, and under direct influence of Slav intellectuals, all propagated the first ideas on the importance of economic diplomacy for a country/ Focusing on its economic, but also political

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"The whole foreign trade of Serbia is in the hands of Austria. This is an evil against which accurate conclusions are up to people from finance to make, and I will just say as much about it as it is necessary for this plan, to contribute to its importance. To make an immediate trade alliance with the foreign countries over Zemun will certainly remain a very painful thing. Therefore, Serbia has to take care and provide a new trade route, which would take Serbia to the sea and create a port for it. The only such route possible for the time being is the one over Shkodres (today known as Skadar) that leads to Dulcinj (today known as Ulcinj). Here a Serbian trader with his natural products would find his kinsmen among Dalmatian natural shipmen and traders, and at the same skilled and capable people who, when buying foreign goods, would be honest and of help. Therefore, it would be necessary to open Serbian commercial agency there, and put buying of French and English goods and selling of Serbian products under the defence and protection." (Ekmečić, Krestić, Popov, 2012, p. 21).



development in the future. Not to mention the political ideas of the impact on the neighbours and the relations with the great powers (France, England) and their attraction and harmonization to Serbian interests that are still very relevant today.

By careful analysis of Item 5 of Grašanin's 'Načertanije' and its comparison with the already above-mentioned texts of the French pioneers of economic diplomacy, Jusserand and Hausere are the first precious records and thoughts on economic diplomacy in the Serbian political thought.

This has so far passed unnoticed and neglected, primarily due to the political and geopolitical features of this first Serbian national program. This was also the case because of the odious feelings aroused by 'Načertanije' in biased (we would say anti-Serbian) analysts intimidated with alleged ideas of 'Greater Serbia' supposedly announced already by the text.

The analysis clearly shows fresh and modern ideas on the necessity of diversification of foreign trade and exchange as a condition for economic development, and in particular, on the important role of diplomatic officers abroad, providing key information for establishing foreign policy and the foreign economic strategy of Serbia.

The idea on the necessity of using the port (he suggests Ulcinj, and today we discuss about the Port of Bar) and maritime transportation for the shipment of Serbian exports to other markets, as well as receiving imports that Serbia needs, also sound modern. Therefore, the competition in supply and demand would be a key regulator of prices in favour of Serbia.

Because of all the above-mentioned, we claim with certainty that the first thoughts on economic diplomacy of the Serbs appeared in Ilija Garašanin's 'Načertanije', the whole century before the appearance of Hauser's 'Economy and Diplomacy'. That increases the significance of these ideas, not only for the Serbians but also for others.

## **HOW ARE WE REPRESENTED IN THE ECONOMIC WORLD TODAY?**

Carefully thought out and rational, but also combative concept of economic representation of our country in the world, harmonized with the needs, interests and abilities of our economy and the planned future of the country has not been yet developed. This is something that is even today very slowly in the process of development, as if that were not of utmost importance. Many critical remarks in this section apply exactly to this lack of enthusiasm in the creation of this important segment of our economic position and intended return to the world, which in the earlier period has been quite neglected.

The republic and regional Chambers of Commerce, Ministry of Foreign Affairs of Serbia, Ministry for Foreign Economic Relations, Agency for Foreign Investments and promotion of export of the Republic of Serbia, entrepreneurial and professional associations, regional chambers of commerce, professionals and scientists, our successful business people from around the world and other specialists in this field would all have to combine efforts on this task. Our business people from abroad and potential foreign investors monitor the events in the country and are interested in obtaining additional information. Their sources of information are diverse, but people do not have much time to look for them everywhere. Therefore, it is necessary to find them in one place, and we believe that the Serbian Chamber of Commerce is exactly that place. Some individuals have made initial contacts, but larger investments have not been realized since local and foreign investors follow the political and security situation in that country which doesn't appear stable to them. They are also waiting for certain systemic laws that guarantee the safety of the investment to be adopted, i.e. the improvement of the investment climate.

### CONCLUDING REMARKS

“French ambassadors, from now on you will represent the ambassadors of French economy abroad”, shouted the president of the Republic of France, Francois Mitterrand, in August 1988 at an annual briefing for French diplomats at Quai d’Orsay.

There is no shame that the head of state should also participate in promoting its countries export products. This was demonstrated by the French president, Jacque Chirac, who participated as an economic diplomat at the commercial exhibition “French 97” at Shanghai at May 17-23, 1997. This resulted in making great business deals between France and China. For example, the constructions of the longer route for the super fast train TGV from Peking to Shanghai.

Time that followed only confirmed the thesis that it is necessary to put diplomacy together with important economic interests and the promotion of state economy because the so-called smoking or classical diplomacy cannot survive in today’s globalized world.

France is not only the cradle of modern diplomacy, according to the two examples. This is the country that in 1648, after the Westphalia war, put an accent on the diplomatic action of economic cooperation between countries in the well-known “Instruction for French ambassadors”. Much later, in 1922, the French ambassador in the USA and winner of the *Pulitzer Prize* for history, J.J. Jusserand in his work “Ambassador’s school” established that a French representative must know the host country’s economy exceptionally well in order to send recommendations on how to enhance economic

operations of other countries with France. Henri Hauser, a professor at Sorbonne University, wrote in 1937 a piece of work “Economic Diplomacy”, in which he establishes what consider good diplomatic work. This includes both economic interests and break up with courteous diplomacy. This is the only country in the world that founded “School for economic warfare” in 1997. This is a school for master studies and a staff which come from French governmental institutions and large companies. The students at this school want to be trained in the techniques on how to approach and compete on a global scale.

This is just an illustration of the content and purpose of economic diplomacy for modern diplomats. Especially, the economic diplomats that are present right now. Today’s so-called classic diplomacy is well known for centuries, has good organized tasks and elaborated mechanisms on the bilateral as well as multilateral grade. Red or other telephones for urgent consultations, official emissaries and visits, shuttle diplomacy and international forums, round tables and conferences, are the usual way of functioning.

Although new, productive and efficient economic diplomacy protects economic interests of the diplomat’s country, it also promotes modern ways of economic possibilities and offers, calls from foreign investors and partnerships, using even economic informative agencies which directly contribute to a country’s economic recovery. It fills the budget from which classical and courteous diplomacy funded.

The Republic of Serbia is a small country on the road towards EU membership. It decided in 2010 that it will send 28 young economic diplomats in the most important world centers for economy and markets. The economic diplomats worked as part of the official embassy, but were subordinated to the Ministry for economy and regional development. Why those special economic diplomats have not achieved, except few examples, expected successful results?

The reasons for their lack in performance were: weakness in the selection of candidates, insufficient training before taking over their responsibilities, weak coordination with economical and financial institutions, tendency in embassies and the reserved behavior that the classic diplomats had towards them.

Specific examples of success or lack of action of economic diplomacy in the modern world are shown in 42 case studies in this book. I believe that it can help readers to better understand the importance, role and great potentials of organized and planned economic diplomacy.

Finally, the experience of most developed countries states that thoughtfulness, good organization, coordination and efficient economic diplomacy are an important part of a country’s development in a globalized world.

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## RAZVOJ EKONOMSKE DIPLOMATIJE U SRBIJI

*Apstrakt:* Republika Srbija se suočava, kao i mnoge druge zemlje sličnih karakteristika, sa pogubnim posledicama recesije koja je zahvatila svetsku ekonomiju počev od 2008. godine. Sve se to događa u vreme intenzivnih i bolnih reformi, kao preduslovu njenog ulaska u Evropsku uniju, što je dugoročni strateški cilj Srbije. Po koncepciji ovog autora, jedan od načina da se spoljna politika i spoljno ekonomski nastup Srbije učine produktivnim činiocem njenog izlaska iz recesije i njenog ekonomskog napretka jsete – moderna, dobro organizovana i efikasna ekonomska diplomatija. Nažalost, suočavamo se sa nasleđenom praksom, ali još više sa formalizovanim i zastarelim shvatnjima rukovodilaca, čak i stručnjaka starog kova, koji nemaju dovoljno razumevanja, nite vere u mogućnosti i značaj ekonomske diplomatije. To je razočaravajuće saznanje za napore koji se čine da se iskustva najuspešnijih ekonomskih diplomatija najrazvijenih zemalja primene i u Srbiji. Neuspesi u pravom odabiru i kvalitetima prve generacije od 28 mladih ekonomskih diplomata poslatih u svet 2010. g. i skromnih njihovih rezultata, se koriste kao povod da se od usavršavanja metoda ekonomske diplomatije odustane. Umesto da se koriguju kriterijumi izbora najperspektivnijih kadrova za naš nastup u glavnim ekonomskim centrima globalizovanog sveta, lakše je da sve ostane po starom. Cilj ovog članka je da ponovo podvuče značaj prave, kadrovski dobro izabrane i pripremljene ekonomske diplomatije, u komunikaciji sa brojnim državnim institucijama zaduženim za privredu i naš nastup na svetskim tržištima u borbi za potrošače, za strane investicije ili strateška partnerstva, za ekonomski prosperitet Srbije. Osim brojnih pozitivnih dokaza o uspesima i dometima ekonomske diplomatije, autor želi da pokaže da se prvi počeci shvatanja značaja ekonomske diplomatije u Srbiji, nalaze u „Načertanju“ (Programu spoljne i nacionalne politike Srbije) Ilije Garašanina, još 1844. godine. Možda će to doprineti da se bolje shvati današnji značaj moderne ekonomske diplomatije u Srbiji.

*Ključne reči:* ekonomska diplomatija, recesija, privredni oporavak, izlazak iz krize, razvijene zemlje, Garašanin, „Načertanje“, nacionalni ekonomski interesi, strana ulaganja.

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## **ECONOMIC DIPLOMACY: PRIORITY SUPPORT TO ECONOMIC RECOVERY**

Igor FERJAN<sup>1</sup>

*Abstract:* Nowadays, economic diplomacy is a priority within overall diplomacy in many countries, especially in the conditions of economic recovery. Economic recovery is one of the most important priorities in almost all countries in the world. Therefore, primary goal of this paper is affirmation of economic diplomacy as priority in activities related to solution of the problems related to economic recovery, and with the aim to achieve that goal, the paper presents the most important characteristics of economic diplomacy, institutional aspects of economic diplomacy, and position of economic diplomacy in its support to the country. Within scientific explanation of the topic and proving proposed hypothesis, during the research of economic diplomacy as priority in economic recovery, a special attention has been paid to the role of economic diplomacy in the support given to the country and its equilibrium, specifying the measures which, together with economic diplomacy, may be utilised to significantly accelerate economic recovery of any country. The paper, at its very end, elaborates the economic diplomacy of the Republic of Serbia which is facing a major crisis due to its high expenditure and inability to present actual results.

*Key words:* diplomacy, economic diplomacy, economy, development, institutions.

### **INTRODUCTION**

In today's globalized world, economy is a key criterion in the power distribution. Based on that, each country sees that its economic recovery can be made through solution of economic power issues and coming out of the crisis that has affected the whole world in recent years. That is why, in recent years, a lot of countries started to understand economic diplomacy as an essential factor in the international influence and economic recovery. Because of its importance, the goal of this paper is to explain the position of economic diplomacy and its role and support in economic recovery

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of each country, which is an inexhaustible topic and the basis for this paper research. Therefore, the task of this paper is to research actual problems and phenomena of economic diplomacy and its influence on economic recovery. In accordance with the topic, the basic hypothesis has been set: By focusing on economic recovery and with the help of economic diplomacy, each country can expect significant contribution to its overall effort to gain economic recovery.

The goal of research results within this paper is to contribute economic diplomacy expansion, that is, to give their contribution to further economic diplomacy expansion in economic recovery of each country particularly in the Republic of Serbia, where an active campaign against economic diplomacy is being led.

### **FOUNDATION AND FRAMEWORK OF ECONOMIC DIPLOMACY**

Nowadays, economic diplomacy is a foundation of modern diplomacy, and it, through various economic tools, tends to achieve national interests of the country. It is not limited to import, export, investments, credit financing, aid, free trade agreements, and it includes other economic activities (Van Bergeijk and Moons, 2014, p. 2). Furthermore, interests and tasks of economic diplomacy are also related to the economic policy issues. For instance, economic policy sets standards in organizations such as the World Trade Organization. Economic diplomats, as economic diplomacy executors, monitor and inform about economic policy of other countries, and they advise their governments what the best way is to make influence on economic policies of foreign countries. Therefore, economic diplomacy engages economic resources with the aim to achieve a certain goal or goals in foreign affairs of the country, and it is sometimes called economic statecraft (Saner and Yiu, 2014, p. 10).

Economic diplomacy promotes prosperity of the country, but also, in accordance with needs, it manipulates international and financial relations with the aim to help the international policy of the country. Therefore, economic diplomacy is a foundation of international relations in almost all countries in the world. Within any country, different bodies such as ministries of economy and trade, investment promotion bodies, chambers of commerce, as well as ministers of foreign affairs participate together in various economic activities. Today, government and non-government agencies are cooperating more, and a special attention is paid to the issues related to the World Trade Organization, free trade agreements, preferential trade agreements, investments, double taxation avoidance, financial services and similar issues. In foreign countries, embassies, consulates and trade offices manage economic diplomacy, and their activities are focused on promotion and attracting foreign investments, technology and tourists. That means that economic diplomacy

is closely related to political, public and other segments of overall diplomatic work (Diplo, 2014).

Although economic diplomacy is traditionally defined as creation of policies and decisions, and commitment to increasing of business interests of the country, it requires certain technical skills when it is necessary to analyse effects of economic situation in the country on political climate and economic interests of that country. Countries, international business leaders and governments, cooperate and work together on the most important foreign affairs issues, such as technologies, ecology, HIV, Ebola virus, and traditional issues related to trade and finance. Therefore, different skills such as versatility, flexibility, ability to make decisions, and strong business skills are necessary for successful work in economic diplomacy.

Economic diplomacy scope covers both international and domestic economic issues. That includes established rules in economic relations among the countries that have been implemented since World War II, and because of growing globalization and the emergence of new countries, economic diplomacy strongly affects domestic decision making, and that includes policies related to production, movement and exchange of goods and services, instruments, and financial information and regulation of them. Although government agencies sometimes do not seem to be participants in economic diplomacy, all of them which have economic function, and which work internationally, participate in economic diplomacy. In addition to government institutions, non-government sector which is engaged in international economic activities also participates in economic diplomacy. Therefore, participants in economic diplomacy can be both state and non-government bodies. Together with these two groups, companies and investors also participate in economic diplomacy, especially if diplomats initiate or facilitate the establishment of relations between them and governments.

Therefore, economic diplomacy is defined as a process in which countries are getting closer to other countries in the world with the aim to maximize their national interests in the area of activities which include trade, investment and other forms of useful exchange, in the fields where they have comparative advantages, and which have bilateral, regional and multilateral dimension, each of them of equal importance (Rana, 2011, p. 201).

The examples of developing economies clearly show that those countries which want to attract international businesses have to be proactive, not passive, and that they have to search opportunities and look for the best ways to bring them into their countries. Although tax reduction and making different concessions seem to be expensive in short-term period, they are necessary if a country wants to attract new business opportunities since they are likely to lead to big opportunities for success and new business opportunities. That means that those creative activities are also part of economic diplomacy.



### **THREE ELEMENTS OF ECONOMIC DIPLOMACY**

Generally, economic diplomacy consists of three elements:

- Use of political influence and relations for promotion and/or influence on international trade and investments, with the aim to improve market functioning and/or to solve problems on the market, and to reduce expenses and risks in cross-border transactions which include property rights. This element of economic diplomacy usually includes commercial policies as well as various activities of non-government organizations.
- Use of economic instruments and relations to improve and strengthen mutual benefits arising from cooperation as well as politically stable relations, that is, to increase economic security. This element includes structural political and bilateral trade agreements whose goal is to achieve specific geographic trade models, and political arrangement of trade and investment in case of boycott and embargo.
- A way to consolidate right political climate and international political-economic environment to facilitate starting of those goals. This element covers multilateral negotiations, and it is in domain of supranational organizations and institutions such as World Trade Organization, Organization for Economic Cooperation and Development and European Union (van Bergeijk, 2009, p. 14).

### **INSTITUTIONAL ASPECTS OF ECONOMIC DIPLOMACY**

From institutional point of view, diplomatic mission of each country is basic structural unit within the procedure of presenting information about the country. Adhering to the key principles, structures and development of the host country, diplomatic mission presents plans, programmes, currency, financial conditions, development of economic relations, and situation on the market, export and import potentials, as well as possibilities for direct investment in its national economy. With the aim to gather all necessary information, mission, through its official sources collects and makes available necessary information, which finally enables them to create foundation for possible further cooperation. Based on this, many authors share the same opinion about the basic methods used in work of economic diplomacy. They are the following (Gotişan and Molendowski, 2014):

- Analysis;

Diplomatic mission is of key importance in its country and ministry whom it belongs within activities related to collection and delivery of information about market through a number of available sources in host country. The information includes information about basic principles and structure of host country economy, export and import, direct investments, technological and industrial capacities, economic movements, etc. Identification of products and sectors that have potential for economic cooperation is a special part of analysis.

- Creating guidelines for presence on market;

One of fundamental functions of diplomatic mission economic activities is to provide help and encourage domestic firms to overcome barriers based on ignorance and inadequate knowledge about foreign markets. In addition to this economic function, behind the scene, there is a mission directed to fulfilment interests and needs of its citizens. In fact, it is one of basic principles of public administration. Selection, processing and make of necessary materials require that diplomatic mission members understand well the country economic profile, especially issues related to competences of economic institutions, tax and customs system, import and export presumptions, financial market effects, modalities for dispute resolution, identification of major players, on both overall market and labour market, business practices and similar necessary information. This can be said to be one of the most important functions of economic diplomacy by which diplomatic mission proves its credibility. Furthermore, it would be good that mission is focused on predefined interests, and to pay special attention to create market reports for particular products or groups of products, economic sector, activities of competitors, etc. Nowadays, industrially developed countries often employ domestic experts to conduct market analysis for them. That has proved as successful practice since a professional diplomat cannot be expected to have all specific knowledge necessary for this task.

- Team work within diplomatic mission;

This method of work and organization requires stronger engagement of diplomatic staff than it is formally prescribed. For the purpose of this engagement, diplomatic mission has to identify and organize so-called mission "working group" on time, and it requires that all diplomatic mission staff is engaged and focused on economic tasks. Besides diplomatic mission staff, working groups can include individuals who are not formally related to diplomatic mission, for instance, individuals in important positions in the host country, respected economists or persons from political and public life of the country can be included in those working groups. Head of such team work is always head of the mission, who with his personal approach and openness to innovative diplomatic mechanisms aligns course and working methods of diplomatic mission with current situation and needs and instructions of domicile country. Unlike other aspects of diplomatic activities, economic diplomacy activities allow wide range of application of innovative models of work. This form of activities requires active approach toward work, instruments, use of connections and development of interdependent connections which, on the first sight, do not have to express clear correlation between the elements, but in the end, they will create quality effects and affirm national economic interests.

Table 1. Typology of economic diplomacy  
(Rana, 2014, p. 22)

	Traditional	Focused	Developmental	Innovative
External economic management	Under control of Ministry of Trade and Relations (MTER); Ministry of Foreign Affairs (MFA) slightly involved	Promotion focused on identification of defined segment	Certain coordination between MTER and MFA; there is possibility of mutual denial	Jointly organized work
Management policy	Limited role of MFA, often frequent turf battles	Good internal coordination	Coordination between ministries or coordination on the level of cabinets; requires improvements	Institutionalized management, strong team work
Role of non-government actors	Sporadic, depends on individual character	Variable	New procedures, strong connecting	Harmonization with all interested parties
Economic aid: recipient	Managed by economic agencies, rarely coordinated with MFA	Limited coordination	Linking of management, aid agencies and MFA	No aid receiving
Economic aid: donor	Unlikely to be a donor	Unlikely to be a donor	Poor effects, usually covers technical cooperation	Expands the program lead by MFA in accordance with trade promotion
Trade promotion	Often made by commercial staff out of MFA control	Limited focus on commercial promotion, out of focus area	Mutual arrangements, often integration of political and economic work	Good coordination of activities, an example for various other activities
Investment promotion	Managed by domestic agencies, limited role of diplomatic system	Active use of embassy network	MFA and embassies work actively with domestic agencies, often based on individual initiatives	Strong team work based on institutional arrangements
Regional role of diplomacy	Generally reactive	Focus on preferred focus areas	Active	Innovative, uses potentials

## **ECONOMIC DIPLOMACY & SUPPORT TO THE COUNTRY**

All aspects of economic and diplomatic work can be linked to promotional activities related to trade, investments and technology of the country. In addition to these activities, economic diplomacy touches other areas as well, such as development of positive picture in media and in public, promotion of destinations to attract tourists, as well as activities that can include development of institutional connections in research, developmental and educational cooperation. The truth is that business knows no boundaries and it often works when subject countries have hostile relations, and in certain situations, business can even maintain diplomatic relations. However, business operations are always better developed in friendly environment.

In last ten years the experience in this area has been growing, so a lot of countries and regions started to implement programmes to attract and search for direct foreign investments. Still, it is clear that efforts made by individuals are not enough, since attraction of investments largely depend on competitors who also look for the best way how to attract investments. In the process of the country promotion, web sites, brochures and other promoting materials are just products of domestic agencies, and diplomatic mission works as a distributor. However, diplomatic mission can and should use their knowledge to adopt the mentioned materials to local circumstances. In this sense, diplomatic mission staff uses the knowledge they have about the host country and choose those data that will gain optimal influence and put them on the web site. Mission staff often has opportunity to make quality contacts on local level, and in that way participate in attraction of direct investments without official order to do that.

Today, it is quite often, that regions within the countries appear as subjects which make their own external relations, especially in economy sector. For instance, German province Sachsen esteem their neighbouring regions of Poland and Check Republic as their special partners in development of Euro region of high growth. Similar situation happens in Baden-Württemberg province, since they see themselves as the best place to develop entrepreneurship based on medium-sized industry and concentration of scientific and research institutions which no one can compete. Unlike Germany, such regions of high growth in France and Italy search for different external identities, and a lot of important USA member countries have their own representation networks abroad. Such regional initiatives whose goal is to attract business can be used for development of the region, but also the country as a whole. Other relevant methods include the following:

To study perception of the image and to use the results as precondition to set the referent point in development of the image in the country promotion. This method is rarely used. That means that precise basis necessary for issues important for the image creation are often insufficient. That is generally expensive and research

can be done by the Headquarters only. However, that cannot be an excuse for embassies if they do not make good assessment of local challenges when they promote the country.

Official representatives are expected to present their country in the best way, although statements of the target country and third countries citizens often have greater credibility which does not need any research. Still, official statements are important, especially if they can be proved through performance.

A lot of various activities are included in promotion of any country. They include social events, such as welcome parties organized in the mission premises. There are documented examples which show that effective consular services are positive factor in image creation and promotion of the country.

Within overall activities related to foreign affairs, promotion of tourism is closely related to the country promotion, and the best way is to use synergy of available combinations or at least to coordinate two activities.

Regional approach is a special instrument of any mission. Productivity in approach fulfilment can be increased in the way that groups of ambassadors or regional groups of delegates are involved locally in mutual promotional efforts (Rana, 2002, p. 75-78).

Role of initiatives and innovations must not be neglected, since the practice has shown that these characteristics significantly improve economic promotion activities.

## **EQUILIBRIUM OF ECONOMIC DIPLOMACY**

The question “Can there be too much economic diplomacy?” was answered by a certain commentator who claims that, despite of numerous signals, British Embassy in Teheran was not able to foresee fall of the Shah in 1979, and that one of the reasons was the fact that the entire mission was completely involved in promotion and in forcing British export to Iran market. That means that primary obligation of each mission is to inform their Headquarters regularly about political situation in host country. This obligation must not be neglected because of any other tasks including economic diplomacy. Other sources which include analysis of CIA and other agencies have proved that unwillingness of the Headquarters members to listen those who offered advices opposite acceptable opinions was the main reason for lapse made in Iran. Besides this, there are other examples of diplomatic missions which failed to predict significant changes, but those were more result of attitudes based on conventional understanding and keeping status quo situation. Like all other professions, diplomacy needs people who think creatively and who are ready to search for unthinkable things and solutions which is a great challenge for those who are planning policies in diplomatic mission headquarters (Rana, 2002, p. 79).

Although there is a strong need for economic diplomacy activities, mission should not neglect its primary purpose, and that is permanent monitoring of political situation in host country.

## **ECONOMIC DIPLOMACY LEADS TO ECONOMIC RECOVERY**

At time of economic crisis, economic recovery is priority of all governments. To achieve this goal, it is necessary to make relation between import and export, that is, current account, and results on foreign market. That is especially expected from diplomatic missions of those countries that have well-developed diplomatic network in the world. Similarly, positive contribution of economic diplomacy is also expected in countries with less developed diplomatic network. That means that economic diplomacy is supposed to give significant contribution to overall efforts of the country, and it should be priority of each Ministry of Foreign Affairs. Therefore, economic diplomacy, as support to economic recovery, should strive to fulfil three basic complementary goals:

- to support domestic companies on foreign markets,
- to attract foreign investments and, in that way, to increase employment,
- to promote economic interests of the country, and set economic diplomacy as priority of its policy. To set quality organization of Ministry of Foreign Affairs that will meet conditions of globalization, and encourage the staff to develop knowledge in economics that will help in economic recovery.

Considering actual situation and economic crisis, each country has to urgently set the plan about economic diplomacy that will be implemented by Ministry of Foreign Affairs in cooperation with other competent bodies. The established plan should be focused on activities which will contribute fulfilment of the three goals. Some of those activities can be:

- Ministry of Foreign Affairs should establish the International Economy Headquarters, and appoint their representatives in important countries who will help in economic relation strengthening,
- To mobilize domestic network abroad, (embassy action plans should increase economic aspect and determine their goals in that area, to start with key countries and make strategy to participate in international tenders),
- Ministry visits should include economic dimension, especially in key countries,
- To promote domestic innovations and technologies, (appoint experts who will promote domestic innovations and technologies that are unknown in the world),
- To attract foreign investments, (embassies should participate in activities related to search, promotion and attraction of foreign investments),

- To attract knowledge, (to attract foreign students and experts in disciplines important for the country economic interests, that will contribute development of “brand of the country”),
- To determine more quality visa policy, (since visa policy is included in overall perception about any country attractiveness, the procedure for obtaining visa should be promoted and simplified, especially for chosen groups such as students, business people, possible investors and tourists,
- To encourage travelling abroad, (to simplify administrative procedures for business trips abroad),
- To communicate better with companies, entrepreneurs and businessmen,
- To train and educate Ministry staff in economic and trade issues, (to attract economic profile candidates, encourage and increase participation of diplomats in economy).

### **AFFIRMATION OF ECONOMIC DIPLOMACY OF THE REPUBLIC OF SERBIA**

In order to represent the economic interests in the best possible light and to increase the attractiveness of the Republic of Serbia as an investment destination, 28 economic diplomats were sent abroad in 2010. More than two million Euros a year were allocated for the successful implementation of economic diplomatic missions. The economic diplomats were required to submit reports and to comply with the requests made by the Ministry of Trade, Tourism and Telecommunications, but in some cases their competencies corresponded to the responsibilities of diplomatic missions. A total of 28 people were selected and assigned to the following countries: Russia (3 people), Germany (3 people), Italy (2 people), Greece, China, France, USA, Slovenia, Great Britain, Bosnia and Herzegovina, Croatia, Macedonia, Belgium, Canada, Japan, Ukraine, Hungary, Romania, Bulgaria, Turkey, Slovakia, Austria, Montenegro, Sweden and the Czech Republic (1 person per country). Registered monthly expenditures of these economic diplomats occasionally amounted to more than 210,000 Euros per month, which is extremely high, especially when compared to the standard of living in Serbia. Such high costs and unknown results stirred the public dissatisfaction in the Republic of Serbia, with the question being raised whether Serbia actually needed such economic diplomats and whether there were any actual results of their work. The pressure imposed by the public, combined with the unknown benefits of such economic diplomacy to Serbia, resulted in reduction of economic diplomats to 16, with the cost of their operations being reduced to 900,000 Euros (Network for Business Support, 2015).

However, since there are two sides to every coin, the effects of economic diplomacy cannot be simply perceived exclusively through the expenditures. A

longer period of time is required in order to ascertain the actual effects of economic diplomacy, particularly in the field of promotion and improvement of a country's image. Nowadays, due to political and strategic problems, modern diplomacy is primarily oriented towards economy, which also represents the ultimate interest of the Republic of Serbia. Thus, although the economic diplomats were sent out into the world with the purpose of representing the interests of the economy and attracting foreign investments in Serbia, such act is simply insufficient by itself. Economic diplomacy is now an integral part of the overall diplomacy, meaning that Serbia should not and must not abandon economic diplomacy, but its model of economic diplomacy should be reformed and adapted to international standards.

One of the main prerequisites for attracting foreign investments is the investment incentives created within the state of Serbia. Therefore, economic diplomacy cannot attract new investments and help domestic companies in the field of increasing exports simply by lobbying and by "using a magic wand". Consequently, economic diplomacy cannot be regarded as a field separated from entire diplomacy since it should be a part of an overall economic trend promoting the interests of the economy and attracting foreign investments. The role of economic diplomats should be awarded to any person who, by any means, participates in diplomatic relations, regardless of whether it is the president, prime minister or any other diplomat. In order to promote the business interests of the Republic of Serbia, the Government should accomplish such goal through economic diplomacy, where the key of promoting business and economic diplomacy lies within an international network of missions, including embassies, consulates, business support offices, without simply being focused on a certain number of economic diplomats. In order to properly organize the entire process, the Government and business support offices should work together to support companies abroad.

One of the key links in the chain of economic diplomacy is the internationalization of local companies. Although internationalization is perceived simply as one of the stages in the globalization process, its role in any of the world's economies is particularly significant since the national GDP growth is directly associated with internationalization. Appearance of SMEs on the international market is one of the key decisions that entrepreneurs should make in their development. Since they require assistance in the process, the states may greatly aid their entrepreneurs through their diplomatic channels. One of the key roles in the process lies with the economic diplomacy, whose access to embassies, consulates and business support offices may significantly facilitate the internationalization of products and SMEs. Economic diplomats should promote the products of their countries through such channels, which are considerably noted in today's diplomatic relations, particularly through mediation by German Chancellor Angela Merkel and US President Barack Obama, who have successfully supported and assisted in



achieving the economic interests of their states. Such examples of economic diplomacy should particularly be emphasized in the diplomacy of developing countries, including the Republic of Serbia, since economic diplomacy represents the core of modern diplomacy (Ferjan, 2014, p. 109-117).

## CONCLUSION

Although economic diplomacy has special place in diplomacy of each country, it is important to ask “Can there be too much economic diplomacy?”. During the research it has been concluded that diplomatic mission should not neglect its basic purpose which is constant monitoring of political situation in the host country. However, depending on current circumstances, economic diplomacy can and have to play an important role in economic recovery in each country, especially at the time when economic crisis is present in almost all countries in the world.

Because of economic crisis which has been experienced in the world for some years, a lot of countries think that solution is economic diplomacy and arrangement of export and import, that is, balance of payment with foreign countries. Within the research, the author has proposed basic goals and measures which should be taken by each country with the aim to achieve economic recovery on international market through economic diplomacy.

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### **EKONOMSKA DIPLOMATIJA: PRIORITET PODRŠKE EKONOMSKOM OPORAVKU**

*Apstrakt:* Ekonomska diplomatija, danas predstavlja osnovni prioritet diplomatije mnogih zemalja, a posebno u uslovima ekonomskog oporavka. Ekonomski oporavak je jedan od najvažnijih prioriteta skoro svih država sveta. Prema tome, primarni cilj ovog članka predstavlja afirmacija ekonomske diplomatije kao prioriteta za rešavanje problema ekonomskog oporavka, a kako bi se ostvario taj cilj, članak prezentira najvažnija obeležja ekonomske diplomatije, institucionalne aspekte ekonomske diplomatije, te poziciju ekonomske diplomatije u podršci državi. Prilikom naučnog obrazlaganja teme i dokazivanja postavljene hipoteze, u toku istraživanja ekonomske diplomatije kao prioriteta za ekonomski oporavak, posebna pažnja je posvećena ulozi ekonomske diplomatije u podršci državi i njenom ekvilibrijumu, a na kraju članka su navedene mere kojim se može uz pomoć ekonomske diplomatije značajno ubrzati ekonomski oporavak svake države.

*Ključne reči:* diplomatija, ekonomska diplomatija, ekonomija, razvoj, institucije, oporavak.

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## **THE IMPORTANCE OF PROFESSIONAL SERVICES BRANDING IN INTERNATIONAL TRANSACTIONS**

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*Abstract:* International exchange of services is gaining more and more significance. It has both direct and indirect effects on the overall trade and economic growth and development. As a powerful part of service activities, business services, in particular professional ones, have shown to be quite effective in improving the overall productivity and economic growth across economies. Also, this sector contributes considerably to poverty reduction, thus making the overall market situation more dynamic and complex. The aim of this paper is to show that the branding process of professional services has become inevitable and mandatory for achieving the desirable market position. Successful professional companies use the valuable branding strategy for developing a sustainable competitive advantage in professional services market, as this strategy could be a valuable source for differentiation, satisfaction and client retention. The ultimate goal of professional services branding is to make the brand understandable, which is the basis of a good relationship with clients. Research results indicate that customization of consulting services adds value to the interaction with clients. Having that in mind, branding of professional services can be an important source of market power, “living business asset”, which generates different quality value, optimizes costs and stimulates loyalty.

*Key words:* professional services, international transactions, branding, commercial services trade, commercial services networks, brand identity.

### **INTRODUCTION**

International economy is based on mutual economic cooperation between all countries in the world, whether bilateral or multilateral. The substance of this

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cooperation is reflected in the international economic transactions. Contemporary economic practice combines all economic transactions on the level of same economic subjects, so only in rare cases do we see isolated economic transactions.

International exchange of services is gaining more and more significance. Because of their inconsistency and close ties to service providers, services in international economy assume a lesser role in the of many countries. The exchange of services in the international economy has been observed separately from the exchange of goods over the last three decades.

The World Trade Organization deals with and analyses commercial services on the global level, part of which is professional services sector. Services sector represents the driving force of development in many economies, in particular professional services. This evidence indicates the dynamics, creativity and improvement in this sector, triggered by scientific and technological innovations aimed at creating explicit supply for a specific target group. In order to be attractive and differ from competition, professional services companies should create a professional brand. Professional service brands may reflect professional reputation, and thus need to be precisely defined. These brands can build and sustain goodwill to lead professional services companies over a challenging environment and time.

The most famous professional brands attempt to maintain positive perceptions of long-term relationships, service quality, value, as well as to reduce perceived client risk, retain clients and enable transmission of positive “word of mouth”. As the situation may be changeable, many professional service companies have launched new brands over the past years or rebranded the existing brand, in order to overcome possible challenges in the crowded marketplace.

## **SERVICES SECTORIAL REGULATION AND CLASSIFICATION**

Commercial services contribution to the is significantly greater in many countries, given the nature of commercial services, in particular its ties to the domestic market. The trade of services has both direct and indirect effects on the overall trade and the economic growth and development. Direct influence implies new job positions, bigger investments and transfer of technology in the form of services. Indirect influence of services trade contributes significantly to greater economic efficiency and a better quality of goods and services.

The World Bank proposed the presentation that highlights higher contribution of growth in the services sector to poverty reduction than the contribution of growth in agriculture or manufacturing sectors (World Bank, 2012). Furthermore, it indicated relative flexibility in the current financial and economic crisis in terms of the decreased degree of downturn, fewer

coincidences between countries and earlier recovery from crises. Such flexibility has led many countries to consolidate services trade towards their post-crisis trade and growth strategies.

Owing to the new technologies and greater mobility of production factors, many of services became internationally important during the era of globalization. Due to such changes and changes in consumer behaviour, it was necessary to establish the rules on the global level and manage multilateral negotiations. In order to achieve standards, transparency, competitiveness and enlargement of international trade of services on the multilateral level, the exchange of services has been regulated by the General Agreement on Trade in Services (GATS) as part of the World Trade Organization (WTO), ever since 1995.

This agreement includes some *universal commitments*, as the scope of services covered and the basic principles: transparency in regulations, *non-discrimination* (most favoured nation - MFN and national treatment – NT), recognition, international payments and progressive liberalization. The *Principle of recognition* means that when two governments have agreed to recognize each other's qualifications, other member countries must allow negotiating analogical arrangements, which is of vital importance for professional services.

*Further liberalization* of international trade in services should be more encouraged in developing countries that do not have modern infrastructure in the services sector, or highly sophisticated market for business services, to carry out the appropriate reforms domestically (Bjelić and others, 2010, p. 224). *One of the basic elements* of the GATS is the groundwork under which countries decide which service sectors they want to allow foreign suppliers to enter and under what conditions. The commitments undertaken by each WTO member are contained in individual schedules of the commitments annexed to the GATS (Nielson and Taglioni, 2003).

Trade in professional services confronts numerous access and working operational obstacles. In some cases, these obstacles are the consequence of a country's spotlight on defending and evolving its domestic personnel. Restrictions on commercial establishment can also obstruct professional services, as well as the government and private sector certification and licensing requirements - such requirements are often intended to protect consumers, but they can be unclear and unequal across countries.

For better view and understanding of diversity and profitability of services, it is necessary to introduce and analyse services sectorial classification according to the GATS coverage.

According to GATS, the following services are incorporated in commercial services: *Business and professional services* (Accountancy services, Advertising services, Architectural and engineering services, Computer and related services, Legal

services), *Communication services* (Audio-visual services, Postal and courier, express mail services, Telecommunications), *Construction and related services*, *Distribution services*, *Educational services*, *Energy services*, *Environmental services*, *Financial services*, *Health and Social services*, *Tourism services*, *Transport services* (Air transport, Land transport, Maritime transport, Services auxiliary to all modes of transport) and *Movement of natural persons* (WTO, GATS, Services).

In order to address the needs of a variety of producers and users, it was necessary to propose the way to collect and present statistical data. The Manual on Statistics of International Trade in Services 2010 (MSITS 2010) is primarily a guide for statistical compilers.

The revised manual provides a more detailed classification of services delivered through the Extended Balance of Payments Services (EBOPS 2010) classification. In global statistical statements, professional services are part of "other business services" compact of miscellaneous business, professional and technical services (UNCTAD Statistics).

The GATS recommends to WTO member governments (160 members since June 26th 2014) to progressively liberalise trade in services through subsequent rounds of negotiations. Negotiations in the Doha Round (November 2001) are being conducted essentially on two tracks: bilateral and/or and multilateral negotiations. Within *Business and professional services*, negotiations are distributed among the following services:

1. *Accounting and auditing services* establish the basic activities of accountancy firms. However, a wide range of further services may also be offered, particularly merger analysis, investment and tax advisory services, as well as management consulting.
2. *Advertising services* in corporate purchase or leasing of advertising space or time; planning, design and placement of advertising services outside advertising, and distribution of sampling and other advertising materials.
3. *Architectural and engineering services* incorporate work by engineering companies to provide master plans and layouts for buildings and other systems, as well as work performed by engineering companies to obtain planning, design, construction and management services for building systems, instalments, civil engineering performance and industrial procedures.
4. *Computer services* incorporate consultancy services related to the installation of computer hardware, software application and data transformation services.
5. *Legal services* in corporate counselling and representations services for host, home and/or third country law, international law, legal authorization and confirmation, other counselling and information services.

There are intentions for each of the above-stated professional services to realize effective and comprehensive cooperation and communication benefits

and establish long term relationships with their clients. As a result, professional services network emerged.

### **Professional services network**

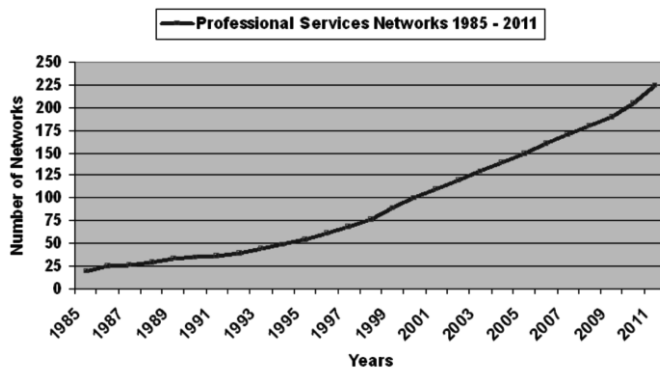
Professional services networks are networks of autonomous firms who come together to cost-effectively provide services to consumers through an organized structure (Nohria and Eccles, 1993). Members usually have specific reasons to join the network: to have respectable firms, maintain autonomy, meet consumers' needs, exchange knowledge that can reduce risks or gain access to other resources, etc.

The objective of a network is to create a scheme that can allow its members to expand their services. Within the network, they can operate to pursue their interests, the scope defined by the network. Such interests can include referrals, joint venturing, access to expertise, publishing articles for clients, branding, technical information exchange, etc.

Any network from the accounting networks such as PwC, law firm network such as Lex Mundi and interdisciplinary World Services Group uses “network clause”. This clause states that networks don't provide the service. They serve for the interest of the members by supporting their activities. The network can incorporate resources of their members without risking their personal reputation or damaging their personal names or financial autonomy (Ring and Van de Ven, 1992). Also, the network is a body that has a common joint identity or brand, a name as a standard required of all its members.

The exceptional growth of professional services networks at the beginning of 21<sup>st</sup> century is presented in Graph 1, which is established upon the analysis of catalogue of law and accounting networks.

*Graph 1: Growth of professional services networks*



Source: Based upon a review of directories in Martindale Hubbell, Chambers and Partners, HG.org and Accountancy magazine

Networks are principally found in law and accounting, then in investment banking, insurance, real estate and architectural services (M&A International). Any profession that acts locally and has consumers in numerous locations is likely to be a member of a network. This access focuses on accounting, legal, interdisciplinary and profession practice networks. In the first decade of the 21<sup>st</sup> century, there were more than 175 known networks in law, 40 in accounting, and 20 professional services networks (Chambers and Partners).

One of the currently most acrimonious debates in the international economy is kept over the question whether modern information technology, which enables to carry out certain economic operations from considerable distance, will lead to a dramatic increase in the new forms of international trade. With the development of international production and the extensive use of information technology, many services will be provided electronically. When a service that was previously being provided within the country, moves its activity to some country abroad, such a change is known as *outsourcing services* (Krugman and Obstfeld, 2009).

## COMMERCIAL SERVICES TRANSACTIONS

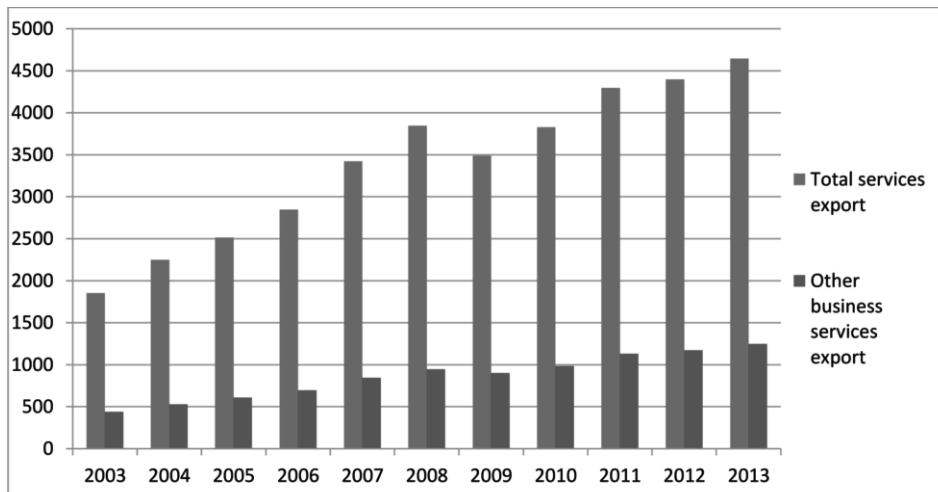
Numerous factors make it difficult to perform statistical monitoring of services. There are many classifications of services that either include or exclude all types of services that may arise, in particular some specific types of services. Some services are provided in the export and import of goods, as they are inseparable from concrete goods, and are recorded not as a stand-alone service but as value of exports/imports of goods. Also, the statistics of the International Monetary Fund and the WTO do not include services based on capital, as well as services of workforce employed abroad, and register only “Non-Factor Services” (Kovačević, 2002, p. 58-59).

There is a huge difference in the covering of data on the international trade of certain types of services, among different institutions. International institutions such as the WTO, UNCTAD, regional such as the OECD and the national statistical institutions are making efforts to mitigate the problem of coverage and reliability of international trade in services (Kovačević, 2002, p. 58). For the purpose of this article, we have employed the WTO objectives and coverage, as well as UNCTAD statistics, with regard to these business services.

Over the last decades, the rapid growth achieved by the services industry compared to the goods industry has led to an increase from 15% in 1980 to almost 25% of total goods and services trade in 2013, as stated on the official WTO site (WTO, WTR, 2014). Global services export and other business services export (including professional services) for the period 2003-2013 are presented in Graph 2 (UNCTAD Statistics).



*Graph 2: Commercial services export/ US dollars at current prices and current exchange rates in millions*



Source: Author's work on the basis of the UNCTAD statistics.

According to the data from 2013, the most important sector is the tourist industry (25.4% of total service trade), followed by transport services with 19.4%, and other services with 55, 0%. Among other services, 26.8% relates to other business services, followed by financial services with 7.1%, transfer technology with 6.7%; IT services 6.1%, communication and insurance services each 2.5%, construction 2.2% and services related to the recreation and culture 1.3%.

In 2013, the global value of other business services, including professional services, amounted to 1247, 2 USD million, 64% of it referring to the European Union, 11% to the United States and 6% to China (UNCTAD Statistics). Legal, accounting, management and public relation export shares in total services export were most considerable.

Services sector at global level indicates the dynamics, creativity and improvements, triggered by scientific and technological innovations aimed to create specific supply for a certain target group. With the development of information technology, many services will be provided electronically, thus creating the phenomena of outsourcing services. Moreover, outsourcing helps in the process of implementation and technological transfer and is particularly applicable to the professional services, as the most growing part of services sector.

## **PROFESSIONAL SERVICES CHALLENGES**

*Professional services* are activities in the tertiary sector of the economy, which help improving the overall productivity and economic growth across economies.

Some professional services require professional licenses (architects, auditors, engineers, doctors, lawyers). There are some other professional services which provide specialist business support to businesses of all sizes and in all sectors, such as tax advice, marketing and management advice (*PricewaterhouseCoopers-PwC*).

Professional services can be obtained by a sole trader, partners or companies. The election of professional service jobholders depends on different factors, such as competence, knowledge, background, character, scope, ethics and vision (Project Management Institute).

Over the past decades, professional services development has triggered prequalification or change in business orientation of the young population. This statement is supported by the figures showing the number of those employed in services sector during the period 1996-2006 in the USA, with professional services being the third in a row, after wholesale, retail and government services. According to the forecasts for the year 2016, professional services have the tendency to grow compared to other sectors (Hoffman and Bateson, p. 34).

Due to the complexity of most professional services, it is not constructive for users to evaluate their quality, as it is not always possible. Namely, a patient cannot be expected to appraise whether an operation was well performed nor financial statement users can be expected to evaluate audit performance. Most of the users do not have any competencies or time to do such assessment and confidence about the quality of professional services connected with high standards of services performance. In order to build trust in various professional services (lawyers, public accountants, physicians, etc.), professional responsibility extends beyond the official legal norms and regulations. Some members of the accounting profession realize a responsibility to the public, to their employers and clients, and to fellow practitioners, that includes honourable behaviour even if it implies personal sacrifice (Arens, et al. 2013, p. 81-82).

Professional services face special challenges in their positioning, but they can be overcome by effective communication. Due to its specificity, the communication strategy for these services becomes more complex. Client uncertainty regarding services outcome increases along with the price and expertise (narrow specialization) services. The quality of professional services will depend more on the professional service providers. Their engagement and supervision in the processes of defining, delivering and promoting services is a source of competitive advantage. Additionally, it is also a challenge for individual providers as it requires maximum engagement in their professional fields and marketing activities. Possibilities of differentiation in professional services are limited due to the increasing number of competitors in this field and significant differential advantage of *the Servuction Model* (service space, service providers, other customers and invisible organizations and systems) (Hoffman and Bateson, p. 8-13). The database of the existing clients

represents a broad potential for additional revenue and those clients are considered the priceless asset of the services company.

### **Branding Professional Services**

Hoffman and Bateson point out that the first impression (about staff, service space, brochure, website, etc.) in interaction with clients can be crucial for further communication. Visual identity reflects the quality of service and is determined at the beginning/by the impressions during the first phases of services process. The lack of good employee communication with clients is immediately visible and may invalidate all other marketing efforts that attempt to present the best aspects of the services company (Hoffman and Bateson, p. 193).

In order to overcome the above-mentioned obstacles and gain competitive differential, professional services have to create a brand. Professional services are complex and demanding. Professional service brands define what clients want to do – or be, become, or belong to – rather than what services do. Nowadays, brands reflect the clients' dreams and ambitions. A brand builds on the aspiration of business, expressing and visualizing it in a clear and irresistible way, dedicate to clients differentiating clearly from competitors and establishing deeper connection with people (clients, employees). Brands must also change as markets and clients evolve (Kompella, 2015).

The famous professional services brands are not designed for everyone, but for specific clients, the best customers, with the aim to build their loyalty, introduce new services, and encourage advocacy. The brand identity, communication and experience are designed to reflect the target customer. In order to find a brand's purpose, we must see the world like the clients do, by capturing aspirations and priorities as they see them, using their language and by recognizing their liberating feeling (Kompella, 2015, p. 48).

The adaptation of branding process to professional services requires comprehensive view and should be deeply connected with their clients. It means that more sophisticate determinants are used in defining creative platform for marketing activities.

Table1. *What are brands about?*

<b>Brands are not just about</b>	<b>Brands today are more about</b>
Image	Aspiration
Promise	Experience
Difference	Resonance
Values	Spirit
Consistent	Coherence
Awareness	Participation
Personal	Shared
Engaging	Enabling
Like	Love
Relationship	Movement

Source: Kompella, K. (2015), *TheBrand Challenge, Adapting Branding to Sectorial Imperatives*, Kogan Page Limited p. 48-49

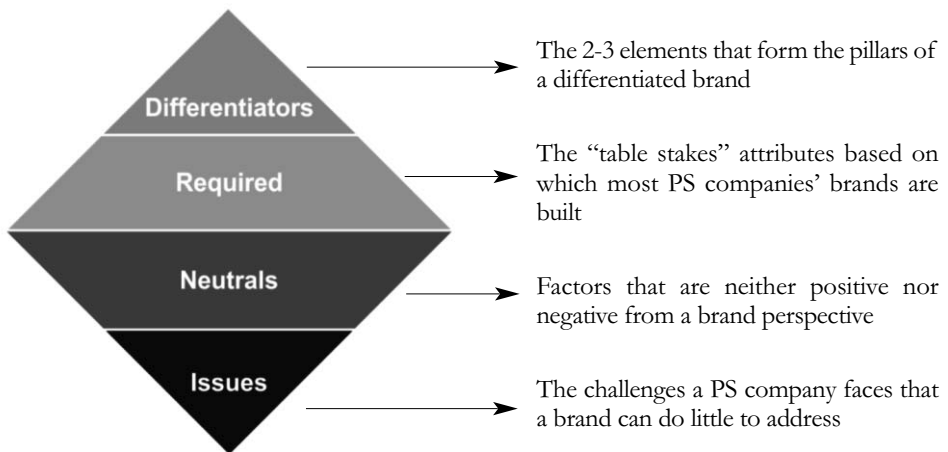
The most common brand attributes in professional services used in communication are: client-focused, global, service, long relationships, trust, experience, results-driven, quality and integrity. Those attributes are mandatory elements in basic communication platform (Amonini, et al. 2010; DeSantisBreindel, 2015).

Professional Service Company or an organization must include rational and emotional attributes (Gobe, 2009) by building a brand that will attract clients. By assuming a strategic approach, the companies can create brand identity in order to be well perceived. Many elements work together to build and reinforce a brand, including marketing communications, customer relationships, quality, and value. Services success depends on reputation, confidence, and a brand helps to announce these qualities to clients, stakeholders and staff. If they want to attract prospective clients, a brand should help to attract prospective employees and high-quality consultants to whom they need deliver outstanding services (Whiteman, 2011).

In order to successfully build a differentiated brand, companies should focus on internal (employees) and external (clients and prospects) audience in their research. Research can identify various attributes, required attributes and unique attributes, and the unique attributes should be pillars for building a differentiated brand. Required attributes, are called “experienced team” or “dedicated client service” and most professional services brands are built on them. The most essential/valuable attributes are those that truly support a differentiated brand. Those are the truly unique attributes that will be communicated and only they can be credibly claimed (DeSantisBreindel, 2015).

Brands are about engagement and experiences. They are the platforms through which clients can participate with a company, enabling them to achieve more (Kompella, 2015, p. 51)

Picture1. *Brand differentiate analysis*



Source: DeSantisBreindel. (2015). From One to Many to One in a Million: Creating a Differentiated Professional Services Brand. p. 5. Accessed January 31, 2015, from <http://www.desantisbreindel.com/brand-differentiation-professional-services/>

According to *the diamond shaped model* – most professional services have a lot more neutral and required factors than issues and differentiators. Two or three factors that support brand should be carefully chosen. A unique brand needs to be based on safe ideas and realistic promises in order to ensure a winning position (DeSantisBreindel, 2015).

*Whiteman* recommends eight steps to create strong professional services brand. Firstly, a well-defined positioning statement should reflect distinct value to clients and competitive advantages will distinguish a company from competitors. Then, each element (firm’s name, logo, tagline, services benefits, marketing materials, pricing, etc.), and every person in company should align with the brand. It is important to make consistency across external marketing communications, using online marketing resources. Tagline is a valuable connection and a significant benefit for the company (KPMG’s tag line is “cutting through complexity.” It is recommended to avoid taglines that are generic, such as Booz Allen’s tagline “Helping clients succeed” could apply to any consulting firm.). Additionally, more complex professional services imply that client confidence should be based on the consultants’ delivery of high-end services. *The next important condition for a successful brand is to keep the promises.* A brand can create awareness, but in order to sustain a

tenable advantage, the accomplishments of the consultants must be consistent with the expectations set by the brand identity.

Brand preference is built during the delivery of the service and the success of the company needs to be visible to the clients. *Promotion of the famous PS company means that* short success stories and client impression should be included in brochures, websites, and newsletter, bulletin and increase credibility and build the company's brand. Professional services brand is influenced by personal interactions between the employees and clients. Employees need to "live the brand", and many professional services companies establish client interaction processes and codes of conduct, and invest in employee training. Each positive interaction with prospects and clients contributes to winning their trust. Winning a customer's trust leads to doing more business with the same clients and referrals to new clients. Satisfied clients become loyal clients and make positive word of mouth. That's how a PS organization builds a long-lasting, stable reputation, and the proof of a strong professional services brand (Amonini, et al. 2010; Whiteman, 2011).

The most recognized brands in the accounting sector include *PricewaterhouseCoopers, McGladrey, Ernst & Young, Deloitte, KPMG and Grand Thornton* and they have already launched new brands in order to differentiate positions in the accounting services market. Successful accounting firms can build and sustain competitive position in the busy market only if they build their brands around "client centricity". It means that their communication platform should be developed on the "client experience", "lasting relationships" and "attentive service." Attributes such as value, quality, integrity and attention are considered mandatory. The similar situation could be observed in the famous consulting companies whose brands represent client service, emphasise "customized solutions" and "global reach" (DeSantisBreindel, 2015).

This can be supported by the findings of the research conducted with professional service providers in Australia – respondents stated that services quality, value, relationship, and strong reputation are very important to their clients. It means that professional services require a high level of client's trust and credibility, and consequently developing a strong brand which reflects service quality and minimized client risk.

A strong brand supports attracting and retaining clients, establishing a position that emphasizes long-term relationships, service quality, value, and protects the PSFs image by preventing negative *word-of-mouth*. Consequently, the benefits of establishing relationships include a better understanding of clients, a better ability to meet specific needs, a better chance to build trust and loyalty, greater familiarity, more positive *word-of-mouth* referrals and reduced costs (compared to attracting and servicing new clients).

Due to the specific features of professional services and in order to provide a sustainable competitive advantage, many PS firms motivate a team of employees to handle clients, tailoring services to meet their needs. As the professional services companies try to differentiate in the market, they rely on long-term relationships, providing better services quality and greater value, and developing brands with a strong reputation. Additionally, if they want to be competitive, they have to build service quality and value-added services, as well as a strong brand, establish and maintain relationships (e.g. speedier service delivery, keeping track of client 'gets' compared with 'gives', staff living the brand).

When the clients wish to minimize their risk, they select services brand with positive connotations as the brand name evokes and the characteristics often associated with it (Davis, 2007, p.10; Amonini, et al. 2010).

### **New Communication Platform**

Recent technological developments suggest different communication and relationship between companies and clients. Online marketing trends influence professional activities and marketing activities as well. Strategic marketing is relatively new in professional services and traditional marketing mix strategy is revised in accordance with the professional services features. The 4Ps are replaced by the „SAVE“; Product is replaced by the Solution, Place is Access; Price is Value and Promotion is Education. Connection between marketing and professional services is a relatively recent development, but it provides clients with clear messages about the company's brand, positioning, differentiation and value proposition (Berkovi, 2014, p. 25).

Montgomery realized that technology has brought down the barriers of communication, both temporal and spatial. In accordance with that, social media has become modern word of mouth marketing which can encourage or discourage from purchasing or being loyal. They have the possibility to supervise reputation and credibility of PS Company anytime and everywhere. If the PS Company wants to have a strong brand, it should be visible and reputable online 24 hours.

With digital media, each message can be clearer and the idea becomes a reality. The real advantage of digital media is converting message/story in an appropriate/desirable idea and then tailoring it to meet the needs of many different individuals. That tailored story can be powerful when it reaches the clients who are engaged (or searching for something they are interested in) (Harvard Business School, 2008). Online society has strongly transformed the perceptions of client services. According to the Economist Intelligent Unite Report, 61% of respondents think that client expectations have increased and 63% stated that clients want more

tailor-made services, while almost 82% agree that clients want faster service than five years ago (Economist Intelligence Unit, July, 2011).

Social networks enable facilitating connections between clients with similar lifestyles and interests. In order to have better clients' insight and build long-term relationships, companies have the opportunity to connect people within a community. The community-oriented approach provides a comprehensive understanding/vision for engaging clients and making a high degree of market control (Harvard Business School, 2008).

In modern communications, professional services companies focus their efforts on content marketing as it is a popular communication tool nowadays. White papers, videos, webinars, surveys and newsletters are an increasingly important component of their communications platform considering sophisticated clients of professional services who want to be informed, educated, and enlightened. Content is becoming the lifeline B2B marketers and demonstrates expertise, thus making meaningful connections in an increasingly complex environment. The top ten ranking firms have content-driven marketing platform, which considerably enhances the power of branding. Another important argument for effective communication are employees; they must be committed, informed and empowered ambassadors of a specific brand (DeSantisBreindel, 2015).

Mass marketing with broad messages is being replaced by targeted marketing with tailor-made messages delivered to very specific clients. Thoughtful *online content (thought leadership) can improve your reputation*, while *social media can expand the reach of your reputation*. PS companies are interested in attracting and nurturing clients and they try to define appropriate content, create valuable, educational content on a daily basis. Those could be blogs, articles, e-books, video, white papers, etc. (Hinge Research Institute, 2013; Montgomery, 2015).

A further step in the branding process should be relationship marketing. However, since the perceived risk and consumer involvement are high, relationship marketing acts as a supplementary tool enabling the clients to maintain cognitive consistency and psychological comfort. As regarding financial services, Riley and Chernatony stressed the importance and use of corporate brand identity as the basis of relationship in the overall organization in order to provide different but homogenous and consistent service delivery. Finally, the concept of the service brand as a holistic process begins with the relationship between the PS Company and its staff and it gets revived through the interaction between employees and clients.

## CONCLUSION

Services sector determines the dynamics, creativity and improvements, triggered by scientific and technological innovations aimed to create specific



supply for a certain target group. With the rapid development of information technology, many services will be provided electronically, thus creating the phenomena of outsourcing services.

Also, trade in services indicates relative *flexibility* in the current financial and economic crises in terms of the decreased degree of downturn, fewer coincidences across countries and earlier recovery from the crises. According to the World Bank working papers, higher contribution of growth in the services sector to poverty reduction is more visible than the contribution of growth in agriculture or manufacturing sectors.

It is important to emphasise the importance of professional services and their branding process as a significant tool for competitive positioning. The professional services company established or defined brand strategy in order to evoke different responses (rational, physical and emotional) among their clients, and are trying to find a unique brand position in the competitive professional services market. Modern clients are very sceptical, but have rather sophisticated needs and wishes. Such clients will force companies to develop and shape new services in order to meet their expectations. The leading professional service companies use new communication technologies as a powerful instrument in building famous brands and maintaining the desirable brand position.

If we consider services megatrends for 2020, and in accordance with b2b and b2c models, it is visible that global competition will drive up service standards. New trends will trigger professional services companies to maintain services standards in accordance with speed variable needs, to use new sources of data in order to personalize (customize) their services, combine new communication channels using content marketing and social media, find new products or service niches, while special emphasis should be placed on good employees (Service 2020 or The Economist Intelligence Unit (2011)). The ultimate goal is to turn different megatrends into various opportunities for professional service activities.

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Jelena GAJIĆ  
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## **ZNAČAJ BRENDIRANJA U MEĐUNARODNIM TRANSAKCIJAMA**

*Apstrakt.* Međunarodna razmena usluga dobija sve više na značaju i pokazuje direktne i indirektne efekte na celokupni ekonomski rast i razvoj. Kao važan deo uslužnih delatnosti i poslovnih usluga, pokazala se kao veoma efikasna u poboljšanju ukupne produktivnosti i ekonomskog rasta. Pored toga, ovaj sektor znatno doprinosi smanjenju siromaštva, što čini ukupnu situaciju na tržištu dinamičnijom i složenijom. Cilj rada je da pokaže da je brendiranje, kao proces stručnih službi, postalo neizbežno i obavezno za postizanje željene pozicije na tržištu. Uspesne profesionalne kompanije koriste strategiju brendiranja za razvoj održive konkurentske prednosti u profesionalnom tržištu usluga, jer ova strategija može biti dragocen izvor za diferencijaciju proizvoda i zadržavanje klijenata. Krajnji cilj profesionalnih usluga brendiranja je stvaranje brenda, što predstavlja i osnovu dobrog odnosa sa klijentima. Rezultati istraživanja ukazuju da prilagođavanje konsultantskih usluga dodaje vrednost u interakciji sa klijentima. Imajući to u vidu, brendiranje profesionalnih usluga može biti značajan izvor tržišne moći, što stvara drugačiju vrednost kvaliteta, optimizuje troškove i podstiče lojalnost.

*Ključne reči:* profesionalne usluge, međunarodne transakcije, branding, komercijalne usluge, trgovina, mreže komercijalnih usluga, identitet brenda.

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### DEMOGRAPHIC CHANGE IN THE EUROPEAN: A CHALLENGE TO EU CITIZENSHIP

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*Abstract:* The number of older adults is rapidly increasing in Europe, which will produce a number of consequences. This demographic change will challenge Europe's size, Europe's wealth and Europe's social contract. Europe will lose 11% of its total population by 2050 (if the immigration is not taken into account), while the world population will obtain 32%. European workforce will decrease, which could produce new economic crisis. Studies on demographic change are mostly focused on economic, ethnographic and social aspects of this problem, while legal and identity dimensions of the demographic change are not sufficiently explored yet. This inquiry is not only focused on the possible solutions for this negative demographic trend in Europe, but also looks at the dimensions of legal and institutional change, which is necessary in order to make these solutions effective.

*Key words:* ageing, population, Europe, EU citizenship, ethics.

#### INTRODUCTION

*Citizenship* is still a contested concept. A complete and united definition of citizenship does not exist. However, citizenship has been 'a key aspect of Western political thinking since the formation of classical Greek political culture' (Turner, 1993, p. vii). There are different kinds of citizenship, such as: traditional citizenship, postnational citizenship, global citizenship, dual citizenship, multicultural citizenship, diasporic citizenship, ecological citizenship, flexible citizenship, and so forth. Although various models and traditions of identity and citizenship deal with various

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problems and questions, they all encompass the problem of inclusion and exclusion. It is an old problem, but with new developments and changes of societies in contemporary era, this problem gains new perspective.

In postmodern liberal thought, citizenship is perceived as a contingent cultural (narrative) construct. This postmodern conception of citizenship requires a new ethics of citizenship, which will not be based on the modern liberal idea of priority of right over the good. A new ethics of citizenship will reject the idea of ‘one size fits all’ ethics, and it will leave room for empathy (not only the reason) and different notions of good.

Postnational political communities (such as the European Union) imply citizenship and identity as dynamic, contingent categories (Benhabib, 1994). The European Union (EU) as economic and political community questions traditional forms of citizenship and identity founded on national state. New forms of citizenship arose as a consequence of evolution of political communities towards postnational and postmodern political orders. Those new political orders originated from different types of migrations and development of new technologies, which created flexible, shifting and transnational identities.

The European Union’s population increased over the last sixty years, as a result of both demographic growth and enlargement. The number of older adults is rapidly increasing. ‘It will almost double arising from 85 million in 2008 to 151 million in 2060 in the EU’ (EC, 2009). According to the European Commission’s 2009 Ageing Report, the number of people aged 80 years and above will almost be tripled: from 22 million in 2008 to 61 million in 2060. Due to the lower birth rates and lower death rates expected in the future, the percent of older adults is constantly increasing. Ageing is accelerating, which will soon put the pressure on the welfare systems. The demography challenges Europe’s size, Europe’s wealth and its social contract (Fargues, 2011). The world population will continue to increase, while the population of Europe will stabilize or decrease.

Europe will lose 11% of its total population by 2050 (if the immigration is not taken into account), while the world population will obtain 32% (Fargues, 2011). Secondly, European workforce will decrease, which could produce new economic crisis. The largest decrease is expected to occur during the period 2015-2035, when the baby-boom cohorts will enter retirement. Thirdly, ‘the unprecedented rise of an elderly population combined with shrinking members of working-age natives alters the generational contract and will put Europe’s welfare systems at risk’ (Fargues, 2011, p. 9).

The European Union (EU) started to prepare for major social, budgetary and economic challenges, which will arise from the combination of low birth rates and ageing. ‘Decreasing numbers at working age combined with increasing numbers at retirement age will double the old-age dependency ratio in the coming 40 years, from 0.256 in 2010 to somewhere between 0.468, in the best case scenario (with

migration and enlargement to Turkey and the other acceding countries), and 0.584 in the worst case scenario (no migration and no enlargement) in 2050. Though it is a universal trend, population ageing is twice as marked in Europe as in the rest of the world: in every single EU member state old-age dependency ratios will remain around two times higher than the world average from 2010 to 2050' (Fargues, 2011, p. 10). These demographic trends will increase public spending in housing, education, health and pension expenditure. Economic crisis makes these challenges even more serious.

This inquiry aims at taking account of the problem of ageing in Europe in the broader context of EU citizenship and European political, legal and social system. Studies on demographic change are mostly focused on economic, ethnographic and social aspects of this problem, while legal and identity dimensions of the demographic change are not sufficiently explored yet. The principal objective of this paper is to fill the gap left by studies on demographic change in Europe in the last two decades. This paper is not only focused on the possible solutions for this negative demographic trend in Europe, but also focuses on the need for improvement of EU citizens' rights in order to address the consequences of demographic change. Despite the fact that the right to residence and free movement are included in primary EU law and developed in secondary law, a gap still remains between the reality and the legal rules (EC, 2011).

In order to find a solution for negative population trends, the EU will have to develop various strategies. Some of possible solutions are:

- 1) Geographic enlargement, which will include new countries in the European Union and bring additional population to the EU. This sort of enlargement affects only the size of the total population (not necessarily its structure);
- 2) Immigration policies: calling in immigrants in order to replace missing workers in the labor market (This solution affects both the size as well as the structure of the population);
- 3) Retirement policies: which increase the age limit for retirement. (This solution does not affect the size and structure of population) (Fargues, 2011).

Some of these solutions are proposed in the great deal of literature. However, the consequences of these solutions in wider political, legal and social context are not sufficiently explored. The aim of this paper is to analyze how demographic change affects current understanding of EU citizenship.

## **THE RIGHTS OF OLDER ADULTS WITHIN EU LEGAL DISCOURSE**

The rights of older adults are still neglected within both the international and European law, although some efforts for their development had been made. 'Vienna

International Plan of Action on Ageing' is adopted by the World Assembly on Ageing in 1982. In 1991, the UN Principles for Older Persons were established. A General Comment on the rights of older adults is issued by the Committee on Economic, Social and Cultural rights. Furthermore, 'Madrid International Plan of Action on Ageing' is established. There are also some private international law instruments which focus on the rights of older adults, such as the *Hague Convention on the International Protection of Adults* (2000). The European Commission proposed that 2012 would be designated as the "European Year for Active Ageing" in order to raise awareness about the rights of older adults issues.

Both the *Universal Declaration of Human Rights* (1948) as well as the *European Convention on Human Rights* (1950) define the same theoretical rights to all human beings. However, understanding the needs of older adults requires a certain context because old age represents a specific experience, which cannot be embraced by universalist definition of rights. Some rights guaranteed by the *European Convention on Human Rights* (ECHR) are particularly vulnerable, considering older adults. For instance, the ECHR includes freedom of torture and inhumane treatment (Article 3): 'No one shall be subjected to torture or to inhuman or degrading treatment or punishment.' However, some social groups (such as children, persons with disabilities, older adults, etc.) are particularly vulnerable to inhumane treatment, which is not recognized by this convention. The abuse of older adults 'may also involve more discreet forms of neglect (e.g.: malnutrition, insufficient medical care) and be of a predominantly psychological nature (intimidation, humiliation)' (Mégret, 2010, p. 8).

The symbolic oppression regarding older adults is reflected in the number of rulings of the European Court of Justice (ECJ), although it is often argued that those decisions are based on 'justifiable reasons'. In *Felix Palacios v Cortefeil Servicios SA*, Spanish legislation that permitted an employer to retire a worker at 65 against his will was challenged (Baker, 2007). 'The Spanish court referred the matter to the ECJ to establish whether mandatory retirement ages are inconsistent with the Equal Treatment Directive, under which the European Union prevents its member states from discriminating against employees' (Baker, 2007). The ECJ held that the directive allows states to impose mandatory retirement ages, if they can be justified in the context of labor market objectives and employment policy (Baker, 2007). This point of view is based on the contradiction because it combats discrimination on the one hand, but permits it on the other hand 'in the scenario that hits older staff [the] hardest' (Baker, 2007).

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<sup>2</sup> 'The case addressed the issue of the UK's transposition legislation, which specifically permits employers to dismiss their employees at the age of 65 years without such treatment being regarded as discriminatory. The National Court on Ageing (NcoA), a UK charity promoting the well-being of older people, challenged the legality of the UK legislation as being contrary to the Council



In the case<sup>2</sup> concerned the *Incorporated Trustees of the National Council on Ageing v Secretary of State for Business, Enterprise and Regulatory Reform* (Case C-388/07) the European Court of Justice held that the EU law is not necessarily infringed by dismissing workers on account of their age for justifiable reasons (McKay, 2009). The similar point of view is reflected in the judgment on *Rosenblatt v Oellerking Gebäudereinigungs mbH Case C-45/09*, where ‘the ECJ considered that the case of Gisela Rosenblatt, a German national whose contract automatically ended when she reached 65 years of her age, is not contrary to the directive in question’ (Age Platform Europe, 2013). The facts of the case are as follows: ‘Rosenblatt worked as a cleaner for 39 years and her employment contract ended at the end of the month in which she reached the age 65, in accordance with the collective agreement for the commercial cleaning sector’ (Age Platform Europe, 2013). The ECJ ruled that the German law ‘which provides that clauses on automatic termination of employment contracts may escape the prohibition on discrimination on the grounds of age, on the ground that the clauses are the reflection of a balance between diverging but legitimate interests’ (Age Platform Europe, 2013). It is stated that the German Government aimed at establishing better distribution of work between the generations. The ECJ said the German law does not infringe the prohibition on age discrimination established by the General Framework Directive 2000/78/EC. In both cases *Kucukdeveci v Swedex* (C-555/07) and *Georgiev v Tehnicheski universitet* (C-250/09) the ECJ rulings were also not on the advantage of the employee.

The case concerned *Commission v Greece* (C-559/07) raised the issue of understanding social groups as heterogeneous. The issue of the Greek Civil and Military Pensions Code was considered in this case. The Greek Civil and Military Pensions Code ‘stipulate differences between male and female workers with regard to pensionable age and minimum length of service. The differences seek to address the disadvantages faced by female workers, who, as a result of their social roles, generally had fewer years of paid employment. The ECJ noted that the Article 141 of the EC Treaty prohibits discrimination with regard to pay’ (McKay, 2009). The ECJ held that Greek pension scheme, as based on employment record, is regarded as pay, not a social scheme. For that reason, the ECJ held that it imposing rules, which differ on the grounds of the worker’s gender is contrary to the principle of equal treatment (McKay, 2009).

This ruling reflects a homogeneous definition of the concept of ‘worker’. It ignores that this concept embraces different individuals, who represent different lifestyles, social roles, skills and narratives. According to Sonia McKay (2009), the ECJ did not take into account that women have shorter service than men, which is

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Directive 2000/78/EC, arguing that the country’s legislation had failed to specify the kinds of differences in treatment that would be justified under an Article 6 exemption. (...) However, the ECJ ruled against the NcoA, stating that there was no requirement to specify these differences in the national law.’ (McKay, 2009).

a result of their specific social role. This ruling is discriminatory because it imposes sameness over difference.

The *Charter of the Fundamental Rights of the EU* (2000) considers ‘older adults’ as a homogeneous group within Article 25 (Rights of the elderly). However, the concept of ‘the elderly’ includes different narrative practices, interests and experiences and should be considered heterogeneous. It includes different groups of older adults such as: immigrants, refugees, mentally disable older people and so forth. The idea of older adults presented within the *Charter of the Fundamental Rights of the EU* does not take into account multiple discrimination from which older adults suffer.

The European Federation of Older People (EURAG),<sup>3</sup> which represents the interests of older persons, established the *Charter for the Elderly* (2005). This charter includes: autonomy and self-determination; respect for older adults; equal treatment; social participation; active citizenship; financial security; personal development, social contact and meaningfulness; access to information; housing and living environment and care and service provision geared to a good quality of life. The EURAG argues that this charter is employed as a framework for testing institutions and government policy. The *Charter for the Elderly* is significant because it emphasizes that older persons have responsibilities, not only rights. These responsibilities include productive contributions to society. Older persons also bear responsibility for the generations that come after them.

Nevertheless, it is not sufficiently emphasized that ‘older adults’ represent heterogeneous social group within the EURAG *Charter for the Elderly*. The terms ‘the elderly’ and ‘older persons’ employed within the charter are monolithic. In this way, those individuals are only characterized by their age, regardless of their lifestyles, skills, health condition and so forth. The needs of specific groups of older persons, who are particularly vulnerable (such as refugees, women, and older persons with health problems), are not recognized within this charter. The only exception to this monolithic representation of ‘older adults’ can be found within the definition of the free movement, where the needs of different older adults (such as those with limitations) are recognized.

The Article 25 of the *Charter of the Fundamental Rights of the EU* states: ‘The Union recognizes and respects the rights of the elderly to lead a life in dignity and independence and to participate in social and cultural life.’ However, there is a huge gap between theory and practice, law and life. Although some governments have supported the rights of older adults, such as free or discounted medical care and social security, those systems relied on the presupposition that older persons represent lower percent of population than young and middle-aged individuals

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<sup>3</sup> The EURAG is a non-profit, non-political and non-confessional organization, which embraces 34 countries. It cooperates with the United Nations and the World Health Organization and acts in advisory capacity at the EU.

(HREA, 2003). That is why they are not well-prepared to meet the needs of the growing aged population. Furthermore, societies should establish more active role of older adults in political, social and cultural domain. 'Although many countries currently have universal healthcare systems, these systems are beginning to feel the strain of an increasingly aged population, and there is some question about how these systems will be maintained in the future' (HREA, 2003).

Another problem is reflected by analyses which emphasize the decline of pensioners' income in Member States in future because of the growth of ageing population and pressure it will make on pension system. The *European Social Charter* establishes the system of medical care and social security, relevant for older adults. The *Charter of Fundamental Rights of the European Union* guarantees the right to liberty and security (Article 6), social security and social assistance (Article 34) and health care (Article 35). Nevertheless, it should also be recognized that some social groups, such as older adults, are particularly vulnerable to violation of those rights. Consequently, those rights should be related 'to the right to an adequate standard of living, which is often affected in the case of the elderly, due to lack of an adequate support system for them' (HREA, 2003).

Article 21 (Non-discrimination) of the *Charter of the Fundamental Rights of the EU*, does not solve the problem of implicit discrimination against older adults. The *Charter of Fundamental Rights of the EU* separates the rights of older adults, the rights of the children and women's rights (which are determined in the Chapter III) from citizen's rights (which are defined in the Chapter V). Another problem is represented by gender inequality. Women often earn less than men, and thus they receive smaller pensions. They also have less advantageous pension insurance conditions. The higher percent of older persons (55%) are women, and this should be taken into account in all definitions of the rights of older adults.

Article 23 (Equality between men and women) of the *Charter of the Fundamental Rights of the EU* is still not fully applied and is still not part of reality and everyday life. A formal guarantee of fair inclusive treatment is not sufficient, because it often implies 'mechanical interpretation of fairness' (Young, 1990, p. 11). According to Young, sometimes the promotion of full participation of certain groups should be emphasized, in order to reduce their oppression. Young argues: 'Some fear that such differential treatment again stigmatizes these groups. (...) This is true if we continue to understand difference as opposition - identifying equality with sameness and difference with deviance or devaluation' (Young, 1990, p. 11).

## **AN ETHICS OF SOCIAL AND POLITICAL RELATIONS IN A NEW MILLENNIUM – THE IMPLICATIONS OF THE ETHICS OF CARE**

The EU will face a number of challenges in the framework of healthcare systems in the future. 'Public expenditure on healthcare is projected to grow by 1

½ percentage points of GDP in the EU by 2060' (EC, 2009). Public spending on long-term care will also increase because the number of very old people will grow. Currently, the nature of care for very old people is informal, and in many cases provided by relatives. However, the availability of informal care will be reduced, due to social and political changes in the EU, such as: higher participation of women in labor force, increased mobility and changes in family structures (EC, 2009). That is why an ethics of care should be promoted in the EU.

This ethics is introduced by Carol Gilligan in her book *In a Different Voice* (1982). It is often labeled as 'feminist'. Gilligan emphasizes that the ethics of care points to 'responsibility and care in women's constructions of the moral domain, to indicate the close tie in women's thinking between the conceptions of the self and conceptions of morality, and finally to argue the need for an expanded developmental theory that would include, rather than rule out from developmental consideration, the difference in the feminine voice' (Gilligan, 1985, p. 34). However, ethics of care should not only be tied to feminist theory, because it can be applied to entire human experience, not only female. It is based on empathy and contextual situation of every individual, which cannot be measured by abstract rules.

Hankivsky (2004) identifies two generations of ethics of care. The first generation emphasizes benevolence, compassion, charity, empathy, and so forth. The second generation emphasizes 'human vulnerability' and social and political dimension of the ethics of care which should not only be applied to the domain of private (Tronto, 2007, p. 39). According to Lloyd, 'the feminist ethics of care presents a challenge to social workers to reassess not only the place of care within professional social work practice but also the way in which concepts of justice, autonomy and rights are conceptualized and ageing is understood' (Lloyd, 2006, p. 1171).

The EU should build institutional mechanisms which will support ethics of care in order to meet the needs of the growing older population in the future. The ethics of care requires 'a politics in which there is, at the center, a public discussion in needs, and an honest appraisal of the intersection of needs and interests' (Tronto, 1994, p. 168). Therefore, ethics of care requires political action, which will be based on voice, not identity (Lloyd, 2006, p. 1182). Deliberation and democratic participation are important parts of the ethics of care, which help citizens to express their interests and needs.

## **THE OBSTACLES TO DEVELOPMENT OF ACTIVE EU CITIZENSHIP**

The *Lisbon Treaty* strengthened the idea of EU citizenship. The rights of EU citizens are defined in the *Treaty on the Functioning of the European Union* (TFEU).

These rights are further developed in the *Charter of Fundamental Rights of the EU* within Chapter V ‘Citizen’s Rights’.

EU citizenship is established in Article 20 (TFEU) and confers automatically upon all nationals of Member States. Article 20 (1) of the Treaty states that EU citizenship is additional to national citizenship, and it stipulates that every person holding the nationality of a Member State shall be a citizen of the Union. EU citizenship includes set of rights, which include the right to move and reside freely within the territory of all Member States (Article 20 (2)). These rights are further enshrined in Article 21 of the Treaty. EU citizens are entitled to vote and state as candidates in elections to the European Parliament. EU citizens are also granted right to stand as candidates in municipal elections in their Member State of residence. Thus, Union citizens are provided with the possibilities to participate in the democratic life of the EU.

The framework for the participation of citizens in the democratic life of the Union is set by the *Treaty of Lisbon* (Title II TEU, in particular Articles 9, 10 and 11). The *Treaty of Lisbon* strengthened the status of EU citizenship and included a new right that is crucial for development of active citizenship. The *Treaty of Lisbon* (title II, Article 8b) also introduced the right which supports citizens’ initiative,<sup>4</sup> which is significant for development of active citizenship. The rights of EU citizens are also incorporated in the *Charter of Fundamental Rights of the European Union*. However, in order to exercise their rights, citizens should be better informed.

EU citizens still face various obstacles when they attempt to exercise their rights. Some of these obstacles are presented in the European Parliament’s report on ‘Problems and Prospects Concerning European Citizenship’ of 20 March 2009. The Commission identified 25 main obstacles that citizens face in their daily lives. For instance: ‘the right to free movement is hindered by divergent and incorrect application of EU law and by cumbersome administrative procedures’ (EC, 2010); the right of EU citizens in third countries to enjoy consular protection is not fully effective; EU citizens do not fully benefit from cross-border healthcare; cross-border access to justice is difficult; formalities regarding cross-border recognition of civil status documents are costly and cumbersome, and so forth. In the Report on the EU Citizenship Report 2010: Dismantling the Obstacles to EU Citizens’ Rights (2012) various other obstacles are identified (European Parliament, 2012).

There are still obstacles to development of active EU citizenship, due to lack of information on the part of EU citizens on their rights and a lack of ‘clearly structured, widely publicized information services’ (European Parliament, 2012).

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<sup>4</sup> ‘Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that legal act of the Union is required for the purpose of implementing the treaties’ (The *Treaty of Lisbon*, title II, Article 8b).

EU citizenship has to be more effective in order to meet the challenges of demographic change. A 2010 *Eurobarometer* survey showed that EU citizens lack the knowledge about rights that this status provides (EC, 2010). Only 43% know exact meaning of the term ‘citizen of the EU’, while 48% of EU citizens claim that they are not well-informed about their rights. *Eurobarometer* surveys show that more than eight out of 10 EU citizens consider that receiving more information on the impact of the EU on their lives and from the European political parties on their programs could make a substantive change (Electoral Rights, 2010). The recent surveys on EU citizenship do not reflect improvement regarding the knowledge of EU citizens about their rights (European Commission, 2014).

The European Citizens’ Initiative (ECI), which is applied from 1 April 2012, constitutes the first transnational instrument of participatory democracy in world history. This initiative enables citizens to be actively involved in constituting European legislation and policies. The *Lisbon Treaty* opened up possibility to EU citizens to change European law: ‘Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties’ (Article 8b (4)). Nevertheless, the success of the ECI depends on how the Commission responds to these citizens’ initiative. In order to be effective, the ECI should lead to political decisions. This initiative could be successful only if citizens realize that their voice is heard and that they can be instruments of change. Representatives of the ECI campaign point to some obstacles to their future endeavors. They argue that it is very hard to gather 1 million signatures in twelve months for this citizen campaign run by volunteers. They ask for extending the time limit from 12 to 18-24 months. It is also necessary to eliminate ID number requirements, which make the procedure complicated and raise privacy concerns. An adequate practical support for the ECI organizers is necessary and they should have access to relevant information, translation assistance and legal advice. The first experiences show that this support is not adequate yet.

There were some efforts in the past to make EU citizenship more effective. However, they were not successful. The European Commission Vice-President Margot Wallström presented the *Plan D for Democracy, Dialogue and Debate* in 2005. This plan was based on the idea on engaging Member States with citizens in a debate on the Europe and its future. This plan was a reaction to the rejection of the *European Constitution*. It aimed at restoring public confidence in European project. The main purpose of the *Plan D for Democracy, Dialogue and Debate* was to help Member States to organize national debates on the future of Europe. The *Plan D* aimed at enabling a broad debate in Member States ‘involving citizens, civil society, social partners, national parliaments and political parties’ (EC, 2005).

The European Commission Vice-President Margot Wallström believed that these discussions would lead to the creation of 'European public sphere'. Within the framework of the *Plan D*, 13 initiatives were presented which aimed at stimulating national debates. This plan proposes inclusion of European citizens in the decision making process in the EU. It emphasizes the significance of public sphere, civil society and well-informed citizens. Therefore, it is argued that this plan represents a shift from the EU as a project made by elite to the EU as a European citizens' project. Consequently, the European Commission did not aim at rescuing the *Constitution for Europe*.

The European Commission created the *Plan D* to promote active citizenship. According to the main characteristics of the *Plan D for Democracy, Dialogue and Debate*, it seems that it represents a path towards deliberative democracy in the EU. The Commission stated that this plan is based on three principles: 'inclusion (all citizens should have equal access to information in the EU); diversity (all actors should have a voice) and participation (all voices should be heard)' (Boucher, 2009, p. 3). These three principles represent basic traits of deliberative democracy. A number of initiatives represented within the framework of the *Plan D* point to its deliberative character.

However, *The Plan D* did not fulfill its basic purpose. The result of different processes of consultation and open dialogue proposed by the *Plan D* is nothing more than an open letter which contains the list of 27 recommendations. This letter was presented to the European leaders in December, 2007.<sup>5</sup> By this date, the *Treaty of Lisbon* was already drafted. The letter did not make a substantive change of European citizenship and decision making process in the EU, emphasized by the *Plan D* (European Commission, 2007). EU citizens are still excluded from the decision making process in the EU. The *Treaty of Lisbon* is ratified without open and public debate which is proposed by the *Plan D*.

The European Commission Vice-President emphasized that the core idea of the *Plan D* was transformation of the EU in accordance of expectations and concerns of its citizens. The exclusion of EU citizens from the creation of the draft of the *Treaty of Lisbon* is contradictory to the conception of citizens as actors of political changes. Subsequently, the *Plan D* did not produce deliberation. It reinforced a mere debate. Debate cannot be equated with deliberation. Debate and dialogue do not always lead to deliberation which is a broader term. There are different definitions of deliberation, but they all emphasize its power to transform preferences that an agent previously had. On the other hand, the term 'debate' applies to argumentative exchange governed by rules. The debate does not necessarily lead to transformation of preferences. Consequently, from the normative point of view, the *Plan D* did not lead to deliberation. Deliberation is based on the idea that what is common has to be decided in public and not prior to it (Cohen, 1991, p. 29)

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<sup>5</sup> By this date the *Treaty of Lisbon* was already drafted.

The European Commission establishes a very limited concept of the public sphere, which is perceived ‘as an information providing instrument’ (EC, 2005). The Plan *D* does not provide the opportunity of the realization of heterogeneous and contradictory projects, which is the basic characteristic of democratic public sphere. The notions of ‘citizenship’ and ‘public sphere’ employed within the Plan *D* are monolithic and homogeneous.

## CONCLUSION

The broader aim of this paper is to contribute a substantial study of the transformation of the nature of EU citizenship in the light of demographic change. This inquiry is not only focused on the possible solutions for the negative demographic trend in Europe, but also looks at the dimensions of legal and institutional change, which is necessary in order to make these solutions effective. This research is focused on rights of older adults, which have to be better developed. The concept of ‘older adults’ should not be perceived as homogeneous. This paper also advocates building institutional mechanisms which will support ethics of care in order to meet the needs of the growing older population in the European Union. Deliberation and democratic participation are important parts of the ethics of care, which help citizens to express their interests and needs. This inquiry emphasizes the need for improvement of EU citizens’ rights in order to address the consequences of demographic change. In particular, active and heterogeneous EU citizenship has to be promoted in order to meet the challenges of demographic change in the European Union.

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Sanja IVIĆ

**DEMOGRAFSKE PROMENE U EVROPSKOJ UNIJI -  
IZAZOVI ZA GRAĐANSTVO EU**

*Apstrakt:* Broj starih lica ubrzano raste u evropskim državama, što stvara brojne posledice i izazove za evropski zdravstveni i socijalni sistem. Evropa će izgubiti 11% svoje populacije do 2050. godine (ne računajući migracije), dok će se ukupna svetska populacija povećati za 32%. Evropska radna snaga će se smanjiti, što bi moglo prouzrokovati novu ekonomsku krizu. Istraživanja o demografskim promenama su uglavnom fokusirana na ekonomske, etnografske i socijalne aspekte, dok su pravne i identitetske dimenzije ovog problema zapostavljene. Rad nije samo fokusiran na moguća rešenja ovog negativnog demografskog trenda u Evropi, već sagledava i aspekte pravnih i institucionalnih promena, što je neophodno kako bi moguća rešenja ovog problema bila efikasna.

*Ključne reči:* starenje, stanovništvo, evropsko građanstvo, EU, etika.

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## **IIFE'S AMBASSADORS FORUM**

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Foreign Minister of the Islamic Republic of Iran

June 17, 2015.

### **THE IMPERATIVE OF A COMPREHENSIVE STRATEGY TO FIGHT VIOLENT EXTREMISM**

Violent extremism is probably the most critical challenge that is not only menacing our region, but in fact the entire world, where threats recognize no borders. It is a grave threat that has already ravaged Iraq and Syria and cast gloom over the regions horizons. Its global reach and stated worldwide ambitions make it clear that it has major implications for the geopolitical and security environment, not only in our immediate neighborhood, but also in many other parts of the world.

Atrocities committed by violent extremists and their brutal efforts towards religious and ethnic cleansing in Syria and Iraq have shocked the world. The attack in Europe by various Al-Qaeda affiliates, the 2015 Baga massacre by Boko Haram, the terrorist attack on Tunisian national museum, the deadly suicide bombing against civilians in Jalalabad, Afghanistan, the beheading of 21 Coptic Christians in Libya, the shocking massacre of 147 college students in Kenya in recent months highlight the widening scope of the threat posed by the rise of violent extremism. This phenomenon gained global attention several decades ago after the Soviet invasion of Afghanistan which led to the creation of Al-Qaeda and the Taliban, followed by the US invasion of Iraq, which produced various Al-Qaeda affiliates in Iraq which later grew into Daesh, often referred to as ISIS.

Serious crimes, including executions, rapes, forced conversions, torture and enslavement shamefully advertised by Daesh-Arabic acronym for Islamic State of Iraq and the Levant- on social media exposes the extent of the threat they pose. Their recruitment from over 90 countries around the world, including many Western industrialized “democracies,” is an alarming indication of many social and structural malfunctions, which have hitherto been conveniently neglected. The terrorist groups Takfiri (excommunicative) approach, has allowed it to justify, and even glorify, the targeting of an ever-expanding list of those they despise, subjecting them to slavery and death. Hence, their wrath has spread well beyond their original professed targets, and no longer even spares members of other Takfiri groups. Many instances of beheadings of Al-Nusrah followers by Daesh in Syria-and vice versa-illustrate this tendency. In one case in March 2014, vicious infighting among the terrorist groups in northern Syria left more than a thousand dead.

Systematic destruction and desecration of sacred mosques, holy shrines, churches, ancient graves and temples, as well as ancient archaeological treasures representing the rich

cultural heritage of the region, illustrate the long-term objectives of violent extremism for the region. The atrocities committed against the Yazidi people reflect their intentions and behavior towards minorities. The use of social media to glorify the horrific massacre of 1700 Iraqi air force cadets in Tikrit in June 2014 portends what may lie ahead for Iraqis, if they fail to defeat violent extremists. These acts should be regarded as nothing less than an assault on the historic social fabric of the region and its rich, diverse, and proud heritage.

### **Where Does the Root of Violent Extremism Lie?**

Such human values as compassion, empathy, patience, tolerance and forgiveness have always been the basic message that all religious traditions, particularly Islam, have espoused and carried throughout history. Meanwhile, in the past two centuries, a small group of demagogues with dubious background began to present a distorted image of Islam, under the guise of purifying the religion. They twisted the message of Islam, and distorted the religious teachings in a way to suit their narrow political interest and agenda. They tried to extract compassion and mercy from the religion, and their followers in the process, grew intolerant of those who did not share this interpretation and dubbed them “not true believers.”

Based on this misrepresentation, they set out to totally reject all other rival religious narratives and excommunicate those they deemed different only based on what they believe, where they come from, and what population group they belong to. They claim that they have arrived at the exclusively accurate understanding of Islam and own the entire truth. This is the essence of Takfirism, and its forefathers, which in my view are at the very core of the predicament that we now face with violent extremism.

As long as this interpretation was and is limited to their community of believers, their proponents were and are entitled to their opinion. The problem emerged when those with wealth and power undertook to diffuse this mode of thinking in the larger Muslim community and around the globe and force it upon peoples and communities near and far, not for the sake of religious puritanism but for shortsighted political and strategic calculations and objectives. Individuals or groups prone to radical ideologies were seduced to embrace this interpretation. While a majority of those believing in this interpretation have always avoided the use of force to implement the precepts of their ideology, some have not, and, at times, even turned against their mentors. This is precisely when violent extremism was born and where its roots lie.

### **Vicious Circle of Intervention, Radicalization, and Regional Destabilization**

While we need to highlight the roots of Daesh and its affiliates in the historic development of a twisted interpretation of Islam, we must also be mindful of the strong impact of the bloody recent history of Iraq on the formation and growth of current violent extremist groups. Political and military interventions in the Islamic world, especially in the 2000s, exacerbated the situation and created an enormously fertile breeding ground for extremist demagogues and helped the most radical among them to outgrow less radicals and create larger violent extremist entities.

Daesh is not a new phenomenon. There is consensus that violent extremists benefited from the chaos created in post-2003 Iraq. Daesh, a group that feeds on collapse and chaos, grew out of instabilities created following the invasion of Iraq and during the years of occupation. With the Syrian crisis and the support the extremists received from some wealthy individuals, quarters and states within and outside the region, they found a new breeding space, fabricated a new false cause and turned into monsters that are now even threatening their creators and benefactors. Their international appeal to disenfranchised youth, in the Arab world following the generally failed “Arab Spring” and in the West, has allowed their rank and file to grow apace.

Military interventions, coupled with attempts at ill-conceived and ill-executed social engineering of Middle Eastern societies, reflect the depth of the delusions inherent in the policies of the United States and a few other Western powers towards the region. The so-called “Greater Middle East Initiative,” which originated in the United States neoconservative circles and aimed to politically and socially engineered Middle Eastern societies and export “democracy” created the theoretical framework for military intervention. The initiative triggered regional resistance and only created greater instability. The proponents of this scheme utterly failed to recognize that democracy cannot be imposed upon a people by military means and developed under the watch of an occupying army. The damage done in the course of implementing this fantasy has been so severe that efforts in following years to mitigate the damage have only managed to achieve meager results.

These policies grew out of sheer oblivion towards the regions inner dynamics and led to feckless and clumsy attempts to stamp an alien model onto societies that are of completely different traditions, cultures and lifestyles. The consequent lingering instabilities in a number of societies in the region empowered violent extremists and created a vicious cycle in which foreign occupation and extremism reinforced each other, allowing the latter to feed off ensuing social and cultural fissures. This was not too difficult to predict. In a statement to the Security Council on 17 February 2003, I pointed out:

The extent of destabilization in the region and uncertainty in Iraq in the case of a war may go far beyond our imagination today. Given the state of the Iraqi society and the whole region, there are so many wild cards and no party could fit them beforehand into its calculations with any degree of certainty. But one outcome is almost certain: extremism stands to benefit enormously from an uncalculated adventure in Iraq.

Today, no one can deny that extremists and terrorists are much stronger and operating in more places in the Middle East than their demagogic leaders could ever imagine or wish in 2001.

### **What Daesh Is Not and What It Is**

Daesh is not an Islamic group: its existence and objectives have nothing to do with Islam as laid out by the Holy Quran, the Prophet, and his disciples. Daesh uses Islam as a tool for recruiting and fundraising purposes. Islam is a religion of compassion and rationality: a religion of tolerance and mercy. All practicing Muslims begin their day with the verse from the Holy Quran, “In the Name of God, the Compassionate, the Merciful;” a verse they

repeat many times in their daily prayers, to be reminded of the most important qualities of their Creator, which they must emulate in their quest for an ethical life and ultimate salvation. Dashes brutal treatment of and criminal acts against religious minorities in Iraq and Syria run counter to the Quranic teaching of “No compulsion is there in religion” (2:256). The Holy Quran further reiterates that “whoso slays a soul not to retaliate for a soul slain, nor for corruption done in the land, shall be as if he had slain mankind altogether; and whoso gives life to a soul, shall be as if he had given life to mankind altogether” (5:32). Against this backdrop, the overwhelming majority of Muslims have found the acts by Daesh and its affiliates to be anti-Islamic and morally repugnant, representing in no way Islamic thought and the practice of billions of Muslims throughout history.

Muslims and adherents of other faiths have lived in our region side by side for centuries. Religious shrines and precious antiquities across the Middle East belonging to various Islamic and non-Islamic sects and religions from the early days of Islam and even the pre-Islamic era bear testimony to the peaceful coexistence of the different peoples of faith in this region. And yet the destruction of these precious relics of the past by the extremists shows how alien they are to the mainstream Muslims of the region.

Those who violate the fundamental tenets of Islam predicated on compassion and empathy, repeatedly stated in the Quran and prophetic tradition, only distort Islam to use it towards their own perverse narrative and self-serving agenda. It is disingenuous, to say the least, to blame Islam for what these extremists have done. It is instructive to note that many of those who now blame Islam for the work of extremists are the very advocates of the invasion of Iraq under the previous US administration. In so doing, they try to absolve their own role in creating these monsters and blaming Islam for the mess that they created in our region and beyond.

Daesh is simply a destructive cult. In general, extremist entities, no matter what they claim to believe in, may become destructive cults at some point in the course of their development; Daesh is no exception. It started as a destructive cult with an authoritarian, totalitarian, domineering, and self-appointed power structure. It resorts to coercive mind control techniques to influence its fighters to commit atrocities and recruit in various ways, including through social media. It controls the territory under its rule mostly through brutality and intimidation.

### **Factors Contributing to the Rise of Daesh**

There has been some debate over the reasons behind the success of Daesh in seizing control over swaths of territory in Syria and Iraq. This success is often attributed to a number of factors, including the weakness or collapse of central government authority, initial financial and military support from certain regional governments, which continue coming from within the region from wealthy officials and Takfiri millionaires, lax border control that allows cross border movement of recruits-deliberate or unplanned-access to huge weapons depots in Syria and Iraq, experienced and battle-hardened during their fight with the United States in Iraq for many years, and being well-supported with revenues from petroleum, oil and human smuggling.

While the above have been all important in boosting the position of Daesh, there is another important factor enabling Daesh to grab land, which also reveals the nature of this group: the major role the former members of the Iraqi Baath Party and officers of Saddam Hussein's army played in command and control of Daesh and its affiliates in Iraq and Syria. The primary reason for success of Daesh in the battlefield as well as in transforming from a simple suicidal terrorist group to a terrorist-cum-insurgent model with control over land lies in its alliance with a network of loyalists to Saddam Hussein.

This alliance of convenience could enhance Daesh's terrorist techniques with classic military organization and skill. Beyond providing Daesh with military expertise, the Baathists also brought the smuggling networks developed to circumvent sanctions in the 1990s. Baathists assist Daesh in the hope of restoring, in essence, the former political system in Iraq where the Shiites, Kurds and other population groups, including even the majority of the Sunnis, were dominated and repressed by a small ruling clique. Thus, it is not surprising that what Daesh does is reminiscent of the raw cruelty of Saddam's Baathist regime. However, given the power balance and the nature of Daesh, the Baathists will only be used for a specific duration, before being tossed aside as well.

### **The Imperative of a Comprehensive Strategy to Fight Violent Extremism**

There is a broad international consensus that Daesh is a criminal entity that should be defeated and its operatives should be brought to justice. This consensus indicates that the entire international community has a common interest in defeating Daesh and similar groups, including those who fan sectarian violence. While this broad consensus is an asset, translating it into a targeted and effective set of actions has proven elusive. The international community continues to suffer from the lack of a comprehensive, consistent and coherent strategy to confront violent extremism. Such a strategy must address the problem in its entirety and have the following components:

First, it should be serious, global, rule-based, non-discriminatory, inclusive, and avoid selective applications based on defunct patterns of alliance and bilateral relations. In so doing, all actors must avoid the temptation to prioritize political considerations above this goal. It should also provide for a paradigm shift in which all actors avoid employing the fight against violent extremism as an instrument of alliance policy, and abandon selectivity and double standard in conducting this fight. Violent extremism cannot become a new label with which to attack and demonize adversaries and others. Violent extremism is also far too dangerous and far too serious to be confined to a particular state or region. A serious global campaign against Daesh and similar Takfiri extremists require an adjustment in mindsets and a paradigm shift.

Second, it should be based upon and in full compliance with the norms and principles of international law and the provisions of the UN Charter, in particular the principle of refraining from the threat or use of force against other states. We cannot uproot a menace by solidifying its foundations and widening its recruitment opportunities.

Third, it should stipulate that any war against violent extremism must be fought first and foremost on a cultural and ideological front. Thus, a winning strategy should mobilize



religious and community leaders, media outlets, universities, social media and similar outlets to reject twisted, violence-oriented interpretation of religions and denounce hateful and violent philosophy, which essentially runs counter to the basic teachings of all religions. Religious leaders from around the world should be at the forefront of efforts to denounce the false precepts of violent extremism and unequivocally reject sectarianism and attacks against religious and ethnic minorities. In this context, the recent message of Ayatollah Khamenei to European and North American Youth is a serious endeavor to initiate such enlightened cultural and ideological discourse.

Fourth, it should also address the contributing factors that help create space for and sustain extremism, including dictatorship, poverty, corruption and discrimination. Economic, political, and cultural disenfranchisement of the youth in the West as well as discriminatory measures that marginalize people of foreign descent should be addressed. The continued occupation of Palestine and the plight of the Palestinian people and their tragic predicament have been another effective recruitment tool for extremist groups like Daesh, which require attention and action.

Fifth, it should contain measures to counter Islamophobia, which conflates violent extremists and true Muslims, thus playing right into the hands of Daesh and similar Takfiri groups and directly lending credence to the extremists messaging. While we should rightly condemn racism and anti-Semitism, and we indeed do, we should at the same time condemn and criminalize Islamophobia and blatant disregard for the values, beliefs and sanctities of Muslims. Islamophobia must be recognized as a form of extremism that, one way or another, incites and leads to violence. Thus, in the interest of consistency, all forms of violent extremism should be condemned and rejected.

Sixth, it should engage all regional states and international actors to deny extremists access to funds, recruits and other resources that they use to spread terror across the region and beyond. That should include resolute measures with a view to putting an end to moral, material, logistical and financial support for extremists coming from private or public entities or individuals within or beyond the region. Denying extremists free movement, including through enforcing effective and coordinated border control, will be critical to the success of this campaign; as will be the disruption of financial and logistical support networks and the sharing of critical relevant information and intelligence. It should encourage the international community, including the West-if they are really interested in ending extremism and defeating Daesh-to make external military and political support to all actors in the region conditional on their genuinely fighting Daesh and other violent and extremist groups and currents.

Seventh, it should provide for extending support to those countries that are directly engaged in fighting violent extremists. They should be assisted in their efforts towards strengthening their national unity and territorial integrity. This approach requires discouraging centrifugal forces and non-interference with the ethnic and sectarian mosaic of nations. Any approach that undermines these authorities while differentiating between segments of population in terms of protection will be a recipe for defeat.

Eighth, it should provide for a renewed focus on the imperative to fight Daesh and its affiliates and prevent nations, particularly in the Middle East, from undermining the unified front against extremism in all its forms. Military campaign against Yemen is a case in point,

in that it has emboldened and provided space for al-Qaeda in the Arabian Peninsula. We need to unite against Daesh instead of bombing one another's cities and airports. An understanding between countries and factions opposed to Daesh and its affiliates would provide a more conducive environment for a more effective fight against extremism. Trying to undermine those who have proven their resolve and dedication to fight Daesh while embracing those who have been tepid in this regards, would undercut the efforts towards containing, let alone uprooting extremism.

Iranians of all ages and affiliation, particularly the youth, have been consistent in rejecting and fighting violent extremism from the Taliban and Al-Qaeda in Afghanistan to AQAP, Daesh and others similar forces in Yemen, Iraq and Syria. Iran takes pride in being instrumental in preventing extremists from consolidating their rule in Afghanistan in the late 1990s by providing support to the forces resisting the Taliban. Iran has shown unqualified determination to help the Iraqi government and coordinate with it to assist all those threatened by Daesh. When, during the first blitz by this group in June and July 2014, all others were taken aback and stunned or were hallucinating about possible tactical gains, we rose to the challenge and helped save Baghdad, Erbil, and Amerli from Daesh, with our advisers and military supplies being there before any other help arrived on the scene. Provision of advice and training proved instrumental in the recent months in dislodging Daesh from some of their strongholds in western Iraq.

We also rose to the challenge on the cultural and ideological front. When some were pushing for destructive war and social engineering in our region in 2001, Iran proposed, "A Global Agenda for Dialogue among Civilizations," adopted by the UN General Assembly in 2001. More recently, and long before the battlefield successes of the extremists alerted the whole world to this new scourge, President Rouhani introduced a comprehensive agenda for "A World against Violent Extremism," that was adopted by the General Assembly in 2013. This agenda provides a path to combat violent extremism and, if thoroughly pursued and implemented, would help empower peoples around the world to effectively address this serious challenge that we all face.

On the basis of the experience that Iran has so far gained and the success it has achieved in its efforts towards containing and defeating the scourge of violent extremism, we are prepared to contribute to all genuine and comprehensive efforts at the bilateral, regional, and global levels. Cooperation at all these levels is imperative for defeating Daesh, al-Qaeda, Jabhat al-Nusra and their affiliates, because they represent a global threat that jeopardizes not only local communities but also those located far from the centers of these crises. We hope that regional and global stakeholders will sooner rather than later recognize this imperative and engage in this collective endeavor.

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## **SERBIA'S ACCESSION TO THE EU - THE IMPORTANCE OF CHAPTER 35**

### **Introduction**

The Republic of Serbia is in the process of accession to the European Union. It is now at a stage when it discusses the conditions for the opening of the first chapters. In addition to regular Copenhagen conditions,<sup>2</sup> for Serbia's EU accession process and political conditions is very important the normalization of relations between Belgrade and Pristine. The EU actively addresses the issue of Kosovo and Metohija in the process of Serbia's accession. In this sense, the whole process depends on meeting certain conditions that are directly related to the status of Kosovo and Metohija within Serbia and resolving of this issue in a way that actively treats this status as an open question. This term is defined in section 35 of the negotiating process, which is typically provided for the "general questions". By the negotiating framework for the accession negotiations between Serbia and the EU, it is intended that the Chapter 35 have to be opened at the beginning, as this chapter foregrounds the importance of the overall negotiation process of Serbia with the EU and its ultimate outcome.

### **Assumptions accession negotiations**

By signing the Stabilization and Association Agreement with the European Union in 2008, Serbia defined its strategic commitment to the Euro-integration and EU accession. In this agreement has already been indicated that Kosovo and Metohija will be treated in

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<sup>2</sup> The Copenhagen conditions are: stability of institutions guaranteeing democracy, the rule of law, respect for human rights and protection of minorities; existence of a functioning market economy, as well as the capacity to cope with competitive pressure and market forces within the Union; the ability to assume the obligations of membership, including the acceptance of the aims of political, economic and monetary union and the administrative capacity necessary for effective implementation and enforcement of the acquis.

The unilateral declaration of independence of "Kosovo" are not recognized by Spain, Greece, Cyprus, Romania and Slovakia, with reference to international law and a special political interest of each country.

accordance with UN Security Council Resolution 1244 from 1999, which formalized the end of NATO military intervention, and Kosovo and Metohija was placed under international administration (UNMIK) and military (KFOR) control.

The provisional authorities in Pristine on February 19, 2009 unilaterally declared independence “of Kosovo”, which is recognized by 23 of the 28 EU member states<sup>3</sup>. This has opened a special political issue in Serbia-EU relations and possible problems in the process of Serbia’s accession to the EU. In fact, the problem is that Serbia and the EU do not agree on this and that the issue will be active and current to the end of the process, the outcome of which cannot be foreseen now. Serbia will not give up Kosovo and Metohija and the EU has not yet crystallized its attitude, and in this sense the issue of relation normalization between Belgrade and Pristine remains open.

This was clear during the process of Serbia’s candidacy for EU accession, which was conditioned with the opening of dialogue between Belgrade and Pristine. This dialogue was opened in 2011 on technical issues and allowed Serbia to obtain official candidate status for EU accession in 2012. The dialogue is still ongoing, and the Brussels agreement of 2013 as part of it, has allowed the formal legal opening of Serbia’s accession negotiations with the EU at the First Intergovernmental Conference on 21 January 2014.

### **The negotiating framework and chapter 35**

Accession negotiations were opened by adopting the negotiating framework for EU negotiations with Serbia. The negotiating framework is a political document of the EU which is approved by EU Council after consideration and adoption of the working bodies of the EU. It represents a concerted political platform of all EU member States for negotiations with candidate countries. It is obligatory for the EU Commission, which is involved in negotiations, based on the mandate of the European Council and is in force until the conclusion of negotiations with the accession candidate countries. It is also obligatory for a candidate country. It includes standards, principles and procedures on which negotiations will be held and in this sense represents an important political and relevant basis for the management and completion of the negotiation process. In this context, the issue of normalization of relations between Belgrade and Pristine is clearly defined through the established principles of the EU, which will be implemented through the chapter 35. This is clearly specified in the Negotiating Framework in Clause 23 which states: “The issue of normalization of relations between Serbia and Kosovo will be discussed in Chapter 35. “Other issues”, as a separate item which should be addressed at an early stage, and throughout the negotiation process, and in special cases and under other relevant chapters.”<sup>4</sup> As things stand now, in the case of Serbia, chapter 35 will be devoted to the normalization of relations between Belgrade and Pristine through the application of the First (Brussels) Agreement of April 2013, new agreements on the other outstanding issues (property, etc.) and meeting the requirements of the negotiating framework of the EU. It is not excluded that during the process of Serbia’s accession to the EU, the dialogue

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<sup>3</sup> [www.srbija.gov.rs](http://www.srbija.gov.rs).

<sup>4</sup> *Idem*.

on the normalization of relations between Belgrade and Pristine would come up with some other issues. According to the Negotiating Framework, that should be treated through the chapter 35. The fact that the EU in the Negotiating Framework for Kosovo and Metohija uses the term “Kosovo” deserves attention, and supports the attitude of most Member States that have recognized “Kosovo”. But this fact is deviating from the official approach of the United Nations (Resolution 1244) and the Republic of Serbia, which treats Kosovo and Metohija as its province and as its integral part.

In the Negotiating Framework the EU clearly defines the connection between Serbia’s accession negotiations with the normalization of relations between Belgrade and Pristine. In paragraph 23 of the Negotiating Framework, in part on the principles on which the negotiations are taking place, and in relation to Kosovo and Metohija it is said: “The progress of negotiations will depend on the continued engagement of Serbia, in accordance with the terms of cooperation and Association Process, with the aim of a visible and sustainable improvement of relations with Kosovo.”<sup>5</sup> Elaborating on this approach, Negotiating Framework indicates that the process of cooperation and association should enable each side, Serbia and Kosovo and Metohija, to (proceed to) the European unobstructed path without blocking any of the parties and that it should lead to a “... comprehensive normalization of relations between Serbia and Kosovo in the form of a legally binding agreement ...”<sup>6</sup> In order to clear refinements issues of normalization of relations between Serbia and Kosovo and Metohija and its importance for the overall process of accession of Serbia to the EU, Negotiating Framework in paragraph 23 emphasizes: “In particular, Serbia is expected to continuously a/ implement in good faith all agreements reached in the dialogue with Kosovo b / fully respects the principles of inclusive regional cooperation.”<sup>7</sup> Here we have in mind the conditions defined by the Stabilization and Association Process. It remains a common framework for Serbia’s relations with all the countries of the Western Balkans until their accession. In this context, the preservation of good neighborly relations is particularly important and the EU expects Serbia to provide a major contribution to the promotion of regional cooperation, in line with the Thessaloniki Agenda for the Western Balkans adopted in June 2003. “Inclusive cooperation,” should be underlined, which essentially means free access of Kosovo and Metohija to regional cooperation. Since the actors of regional cooperation are sovereign states, this approach in a sense suggests the status of a subject with the rights and obligations of international law character.

Paragraph 24 of the Negotiating Framework provides the special procedure if it comes to a halt in the progress of negotiations for Chapter 23 “Judiciary and Fundamental Rights” and 24 “Justice, freedom and security” because of the importance of these chapters. The procedure authorizes the EU Commission or one third of member states to appropriate initiatives on the basis of the relevant assessments and reports on the progress stalled, stop the process of negotiations for the remaining chapters until the deadlock is resolved. The right to stop the negotiations is also given

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<sup>5</sup> Idem.

<sup>6</sup> Idem.

<sup>7</sup> Idem.

by the Negotiating Framework in the event of deadlock in the progress of negotiations for Chapter 35. It is explicitly stated in paragraph 25 of the Negotiating Framework: “The procedure referred to in paragraph 24 shall apply *mutatis mutandis* in the event that progress in the normalization of relations with Kosovo, which will be subject to Section 35, lags significantly behind the overall progress of negotiations and to the reason of failure of Serbia to act in good faith, especially when it comes to the implementation of agreements reached between Serbia and Kosovo.”<sup>8</sup>

In the part of the Negotiating Framework, which talks about the content of the negotiations, the EU establishes the territorial principle. In paragraph 35 reads as follows: “In all areas of the *acquis* Serbia must ensure that its position on Kosovo’s status does not create any barrier and does not interfere with the implementation of the *acquis* ...In an effort to harmonize its legislation with the EU *acquis* Serbia is especially obliged to ensure that legislation introduced, including their geographical scope, not inconsistent with the comprehensive normalization of relations with Kosovo.”<sup>9</sup>. In this way the Negotiating Framework clearly proclaims that the negotiating process that includes: acceptance, installation and implementation of the *acquis*, must be limited only to the territorial space that is under the full sovereignty of Serbia, bearing in mind that “Kosovo” has its own political and legal system and geographical (territorial) space in which it operates. In support of this is the fact that the EU has decided to open a separate process with “Kosovo” by the conclusion of the Stabilization and Association Agreement, which is in progress.

### **Geopolitical function chapter 35**

Some leading members of the EU, led by Germany and Great Britain in particular, advocate the full implementation of the principles of the Negotiating Framework concerning the normalization of relations between Belgrade and Pristina. The role of Germany and its parliament (Bundestag) here stands out. German parliament has the constitutional responsibility for matters of new members into the EU. In this capacity it established attitudes that emphasize the “Kosovo issue”. This is reflected in the strong insistence on the position of the chapter 35, so that they believe that it has to be opened first. The support to the Brussels negotiating process of two sides (Belgrade and Pristina) is in this vein. There is a special significance and weight in the fact that these leading EU member states have recognized the unilaterally declared independence “of Kosovo.” Based on this they support all the principles defined in the Negotiating Framework for Chapter 35 which are in line with such political decisions. They further underline the political stance that the EU will not receive candidate with the open status issues, alluding to Cyprus. All of these had opened the specific geopolitical functions of the Chapter 35, in line with confirmation of the newly established “reality” in the Western Balkans. In this context it is particularly important the provision of the Negotiating Framework of the “legally binding agreement”, which should complete the process of normalization of relations between Belgrade and Pristina and facilitate the accession of Serbia to the EU.

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<sup>8</sup> *Idem*.

### Conclusion

The provisions of the Negotiating Framework indicate that the issue of Kosovo and Metohija and Serbia's attitude towards this issue is a condition *sine qua non* for the overall process of accession of Serbia to the EU and its ultimate outcome. In this, the place and role of chapter 35 is clearly crucial. To the previous engagements and demonstrated interests of international factors for the further development of relations between Belgrade and Pristine, and bearing in mind the current international context (problems in the EU, the Ukrainian crisis, a renewed Cold War, immigrant exodus, international terrorism and security), it is certain that this matter will be especially important in the Western Balkans and for the negotiation process of Serbia with the EU and that the chapter 35 will have an appropriate role and will be especially important in the whole process.

## BOOKS REVIEW

### GEOPOLITICS OF THE BALKANS

Dragan Petrović, *Geopolitics of the Balkans*, Institute of International Politics and Economics, Belgrade, 2014. p. 358.

The Scientific monograph *Geopolitics of the Balkans*, published by the Institute of International Politics and Economics in Belgrade, represents a multi-level discipline study of the Balkan Peninsula. According to this approach, the content has been divided into four groups (each of them has a special subject matter) which are: 1. Basic geographical review determinant of the Balkans and its geopolitics, as well as a geopolitical review of the most important historical process in this area, 2. The modern Balkans, 3. Serbian issue in the Balkans and 4. Serbian issue and international environment.

In the first chapter the author specified two smaller units, from which the first one represents the geographical analysis (analysis of the physical-geographical history processes of this area).

As far as the historical context is concerned, it is interesting to highlight that the Balkan peninsula was the basic ground of the most important antic civilizations, during the Ancient and the Middle Age Century, and after that the center of the Western Roman Empire. The problem within this context was the invasion of the Turks, who kept the largest part of the peninsula in slavery over centuries. Modern era brings the resolving of the Eastern question as well as gradually releasing from the Ottoman power, which comes to an end (late 19<sup>th</sup> and beginning of the 20<sup>th</sup> century) resulting in unification of the Balkan people in their own national states.

Another chapter refers to the period of the modern Balkan history, when people in this area were often “the object” of the policy of the great powers. The religious and national isolation of the peninsula was only contributing to this fact. After the collapse of the Soviet Union and the establishing of the multipolar world, the American influence in the Balkans became dominant.

The third and fourth chapter deals with the Serbian position within the scope of the international framework, where the multipolar world order is in power, which resulted in the changing of distribution of power between states, as well as in a global dominance. The Serbian issue in this constellation of world politics could expect good perspectives for more justified solutions of problems that seem still unsolved.

The downfall of Yugoslavia in the early 90s represents an infamous end of the common South Slovenian state, for whose establishment the Serbian people contributed with their own statehood.

The reluctance of Anglo-Saxon powers towards Serbian issue – despite the fact that they were Serbian allies in both World Wars – is only the extension of Great Britain



policy towards this area and especially the Serbian people, since the Eastern question, later accepted by the USA.

According to this analysis, the facts that are resulting from the new world order might be used by Serbia for trying to seek more acceptable solutions for its national problems, as well as overwhelming the tough economic and wider social crisis in which Serbia finds itself today.

The author is stressing the fact that the mixing of influence of three monotheistic religions in the Balkans is very important. On the one hand, after the collapse of the Byzantine, the Hellenic country with its center in Constantinople, historically seen, there were no more autochthonous Balkan forces, which on the other hand mean that the great powers had a significant influence on main Balkan social and political development.

No one can neglect the fact that Balkan countries have shown that they could successfully cooperate, make coalitions of interest and respect their cultural and regional unity several times. Examples can be found in coalitions and alliances during the war against the Ottoman Empire. The most important example is the Balkan Alliance (1912), which was established secretly, without knowledge of the European forces and which finally contributed to the end of the Ottoman rule.

Many problems or contradictions in the Balkans are still present, or are just temporarily suppressed. The disputes of the great powers, clashes of civilizations and influence of leading religions are also marking their presence in the Balkan peninsula during history, as well as nowadays.

In that sense, this book has a remarkable significance for modern Serbia, too, because most of the parameters on the ground of policy and history are creating today conditions which contribute to the easier understanding of the wider European context. At the same time, this type of analysis from the geopolitical point of view could be the basis for further research activities that would refer to theoretical elaboration of the Balkan area with the highlight on economic and political aspects that determine this peninsula.

*Nevena MANEVSKI, M.A.*

## AFRICAN RECORDS 1988-1992

Čedomir Štrbac, *African Records 1988-1992*, Altera, Belgrade, 2013, p. 475.

With the publication of *African Records* by the Ambassador and professor Čedomir Štrbac, interested readers got the privilege to take a glance at a rather closed and therefore always intriguing world of diplomats. In addition, this book, written in a lively style in the form of diary notes, gives the reader in some moments the impression of “travel” through space and time. The action of the book takes us to faraway Africa, following the Yugoslav diplomatic mission in Gabon (headed by Štrbac, acting as ambassador there from 1989 to 1992), at the same time taking us back to a period just before the end of the twentieth century, turbulent and uncertain years when the communist ideology was definitely discredited and abandoned. The consequences of the removal of the Iron Curtain in Eastern Europe echoed on the African soil. Hitherto undisputed, longtime presidents of several African countries were facing pressures to reform their regimes. Prosperous Gabon (for the then African circumstances), the receiving state of the Ambassador Štrbac, and its pragmatic President Omar Bongo (presiding Gabon for more than a decade at that time) were among the first to undertake some reforming actions toward democratization of political life, which would other African leaders be compelled to follow later.

In terms of the content, this book is divided into several parts (more precisely, in ten chapters), which chronicle the endeavors of the author of *African Records* in the period from 1988 to 1992. As the author points out in the introduction, the events are presented on the basis of the original diary entries “from the perspective of the moment in which they happened, without any further adjustments”. As those were crucial years in recent history, there is evident intellectual curiosity of a thinker who seeks to examine and grasp the irreversibly changing social reality.

The book begins with *prolegomena* describing the anticipation (the author’s personal anxiety intensified by the rising tensions in the country) of the official confirmation on entry into diplomatic service. He experiences his entrance into diplomacy in the following way: “I imagine it as a transition from the sphere of history and theory of international relations, which has always been my scope of work, into practice, a direct experiential comprehension.” It turned out that the first diplomatic mission of professor Štrbac in, as some might hastily assume, “exotic Africa” (he was appointed ambassador in Gabon, and the non-resident ambassador in Equatorial Guinea) was anything but leisurely. Namely, he was facing serious professional challenges, both in the receiving state (internal unrest incited by the economic crisis and conditionally defined “democratic awakening” in that part of Africa), as well as the sending state (the former Yugoslavia, which was being torn down in the swirls of violence). Moreover, we find that the working conditions of the mission in Libreville were, at least to say, inadequate (lack of competent staff, news from the country arriving with great delay. Then, impeded engagement in economic diplomacy due to the difficult situation of parent companies in Yugoslavia, despite the expressed will and tremendous efforts to create political preconditions for greater involvement of the Yugoslav primarily construction companies in Gabon). Furthermore, in moments of greatest uncertainty about the survival of the federal state

- then Yugoslavia, the Ambassador was left to his own judgment, forced on several occasions to receive information about the home country via foreign press, which in time became increasingly fond of the secessionist republics. He was facing the dilemma of how to explain the events in Yugoslavia to foreign officials and interlocutors in a concise way and yet from the perspective of defending the interests of the country, he represented in the most acceptable and beneficial manner. We learn from the author's records that he was, as an ambassador and as a man, troubled by the one-sided dominantly negative international campaign led against those who advocated the survival of the joint state. In those moments, the official Gabon (its president, his closest associates and members of the government) have expressed consistent support of our ambassador, as well as understanding and commitment to the survival of the Yugoslav state. Unfortunately, in early 1992, the official statement came from Belgrade about the temporary closure of the Yugoslav representative office in Gabon, due to the deteriorating economic conditions in the country and the need to rationalize costs.

With this book, Professor Štrbac introduced himself, primarily as a skilled diplomat, characterized by impressive love and faith in the country he represented and the readiness to defend its overall interests. No less important, Ambassador Štrbac was also introduced as a gifted writer, whose skill with words does not leave the reader indifferent. In this sense, this book will be of interest to cultured reading community in the broadest sense. Readers' attention will be especially gripped by the exciting descriptions of the circumstances on the African soil and cultural specificities of political life in this part of the world. Equally interesting is his description of the life of the diplomatic community in Libreville, ambassadorial duties, courtesy meetings of the diplomatic corps and the views of the accredited representatives of individual states on the international circumstances of the time. The author's observations and reflections on certain key historical events will certainly inspire personal reflection in the interested reader. Especially regarding the events related to the dissolution of SFRY.

In addition, the circle of those who could directly benefit from this book is not at all narrow. A particular interest in the displayed diplomatic experience of professor Štrbac should be shown by students and aspirants to a career in diplomacy. For it is a well-known pedagogical rule that it is always good to enrich textbook generalizations with as many empirical examples as possible. The principles and rules of diplomatic activities are brought to life in the work of Ambassador Štrbac.

*Dragana DABIĆ*

## DOCUMENTS

# *Indian Diplomacy At Work*

## 50 YEARS OF INDO-FRENCH SPACE CO-OPERATION

### BRINGING BENEFITS TO MANKIND

#### **A time-tested partnership**

India and France view each other as important partners in Space Technology and Applications and have a vibrant bilateral co-operation for more than five decades. Since 1964, the Indian Space Research Organization (ISRO – Indian government space agency) and Centre National d’Etudes Spatiales (CNES – French government space agency) have a longstanding partnership for peaceful uses of outer space. This longstanding partnership led to the realization of world-class joint projects whose scientific outputs have benefitted the entire scientific community.

#### **Birth and evolution of space co-operation**

The partnership began in May 1964 when India and France entered into a protocol agreement for co-operation in space research. India was provided with four French Centaure rockets with payloads for vapor cloud experiments. Later, under the supervision of the French team, 50 sounding rockets were realized and launched from the Thumba Equatorial Rocket Launching Station (TERLS) near Trivandrum in Kerala. Drawing from this experience, a series of Rohini sounding rockets were developed by India for conducting scientific and technological experiments.

The 1970s saw the transfer of technology for the Viking liquid rocket engines from France to India. A group of Indian scientists worked at French facilities for helping to develop the earth storable propulsion engine. The Viking engine later evolved into the present day high performance Vikas engine used in PSLV and GSLV. In June 1977, a co-operation agreement in the space field was signed between the two countries. Following this, India’s first experimental communication satellite (APPLE) was launched by the French Ariane-1 (V-3) launch vehicle in 1981. Another Indian communication satellite, INSAT-1C was launched on-board French Ariane-3 launch vehicle in 1988.

In the 1990s, five of the Indian 2nd generation communication satellites were launched onboard Ariane-4 launch vehicle on commercial basis. These satellites were

INSAT-2DT, INSAT-2A, INSAT-2B, INSAT-2C and INSAT-2E. All these satellites were successfully placed in the pre-determined orbits and served their useful service life. For strengthening and increasing the co-operation between ISRO and CNES, an agreement was signed in November 1993. This agreement included study of co-operative programs in satellites and balloons for space research and applications. This followed another agreement in 1998 where Space was defined as a pillar of strategic partnership between the two countries.

As many as six Indian communication satellites were launched on-board Ariane-5 rockets on commercial basis during the period 2000 to 2010. These included INSAT-3B, INSAT-3C, INSAT-3A, INSAT-3E, INSAT-4A and INSAT-4B. During this period, the mass of the satellites gradually increased from 2 tonnes to 3 tonnes thereby increasing their transponder carrying capacity. An Indo-French framework agreement was signed in September 2008 in order to set up joint research programmes, instruments and satellites. This agreement covered the following important areas of mutual interest among others:

- Study of climate change with earth observation satellites.
- Development of micro satellites and mini-satellites for scientific purposes
- Joint research and development activities
- Development of ground infrastructure for joint satellite missions
- Organization of combined training programmes
- Exchange of technical and scientific personnel

The importance of this co-operation was underlined by the visit of the French President to ISRO in 2010. This period saw a new beginning of development of joint satellites between the two countries.

### **Development of joint satellites**

On October 12, 2011, India's PSLV-C18 successfully injected into orbit a 1000-kilogram Indo-French weather observation satellite called Megha-Tropiques (Megha meaning 'clouds' in Sanskrit and Tropiques meaning tropics in French). This satellite was jointly developed, realized and operated by the two countries. For the last three years, the satellite has been monitoring the atmospheric water vapour, rains, clouds and temperature in the tropical belts on either sides of the Equator. The scientific data received from the satellite has been very useful and is periodically reviewed by the Joint Steering Committee on Megha-Tropiques.

Another satellite, SARAL (Satellite with ARGos and ALtika) jointly developed by ISRO and CNES, was launched on-board PSLV C-20 on 25 February 2013. This satellite uses precise radar altimetry for oceanographic studies such as observation of ice, coastal areas, continental water bodies and the waves height. The satellite has also helped in better understanding of climate and weather forecasting capabilities through improvement in coupled ocean-atmosphere models and bio-chemistry models. A Statement of Intent for Long-Term Co-operation in Space between India

and France was signed between Chairman ISRO and President CNES on 14 February 2013.

#### **Interaction with commercial enterprises:**

Under a commercial launch service agreement between Antrix Corporation Limited, the commercial arm of ISRO and EADS-Astrium, France, an advanced remote sensing satellite, SPOT-6 built by EADS-Astrium was successfully launched onboard PSLV C-21 on September 9, 2012. The next satellite in the series, SPOT-7 was successfully launched by PSLV C-23 on June 30, 2014. Together, the two satellites with highly responsive sensors, wide swath and high resolution have enhanced the remote sensing capacity. Earlier, ISRO was also involved in the realization of HYLAS (acronym for Highly Adaptable Satellite) satellite with EADS-Astrium for high definition television and interactive broadband services for European countries. French industries have also proven to be reliable suppliers for components, spares and equipment for the Indian Space Programme. The Bangalore Space Expo held in November 2014 was well attended by leading industries from France.

#### **The Future Ahead**

The latest bilateral meeting between the heads of space agencies of India and France was held on 21st November 2014. This meeting reviewed the progress of co-operation in both Science and Technology areas. The agencies are working together on range of issues from developing small satellites to weather prediction and climate change. France and India have agreed to have follow-on missions with SAPHIR and ALTIKA instruments and accommodating ARGOS instrument in ISRO's Earth Observation mission. France is considering flying instruments on the ambitious planetary exploration missions that India is preparing.

Arianespace continues to provide reliable launch services for Indian communication satellites on a commercial basis. Four Indian satellites, including the recent GSAT-16, have been launched by Arianespace in last three years. The next telecommunication satellite, GSAT-15, is scheduled to be launched on-board Ariane-5 rocket during the third quarter of 2015.

Above all, the two space agencies are continually exploring areas of research and technology where they could join together to solve the issues faced by the two countries. To commemorate the completion of 50 years of excellent co-operation in space, India and France have signed an MOU to release joint stamps in the year 2015.

## ***Indian Diplomacy At Work***

### **INDIA AND FRANCE**

#### **NAMASTE FRANCE BONJOUR INDIA**

Relations between India and France have traditionally been close and friendly. With the establishment of strategic partnership in 1998, there has been a significant progress in all areas of bilateral cooperation through regular high-level exchanges at the Head of State/Head of Government levels and growing cooperation and exchanges including in strategic areas such as defence, counter-terrorism, nuclear energy and space.

France was the first country with which India entered into an agreement on civil nuclear cooperation following the waiver given by the Nuclear Suppliers' Group, enabling India to resume full civil nuclear cooperation with the international community. There is also a growing and wide-ranging cooperation in other areas such as trade and investment, culture, science & technology and education. France has consistently supported India's increasing role in international fora, including India's permanent membership of the UNSC.

At the invitation of the President of the French Republic Mr. François Hollande, the Prime Minister of India, Shri Narendra Modi paid an official visit to France on 10-11 April 2015.

The two leaders held wide ranging and fruitful discussions on bilateral, regional and global issues reflecting their convergence in world views. They reaffirmed their commitment to the longstanding strategic partnership and agreed to further deepen and strengthen bilateral ties based on shared principles and values relating to democracy, freedom, rule of law and respect for human rights.

In a further effort to strengthen global non-proliferation and export control regimes, India and France committed to continuing to work jointly towards India's accession to the multilateral export control regimes, namely, the Nuclear Suppliers Group (NSG), the Missile Technology Control Regime (MTCR), the Australia Group, and the Wassenaar Arrangement. France especially reaffirmed its strong and active support to building consensus among regimes' members on this issue.

The two leaders expressed satisfaction at the regular and frequent high level visits and meetings; growing cooperation in strategic sectors, especially, defence, space, civil nuclear and security; expanding trade and investment ties; cooperation in science and technology; and increasing exchanges in cultural, educational and tourism sectors. This was the first visit of the Prime Minister of India to Europe and the key outcomes are as follows:

- Prime Minister extended his full support to France for a successful outcome of CoP 21 to UNFCCC to be held in Paris later this year. Both the leaders expressed confidence that the forthcoming Paris Conference will finalize an historic agreement for the post 2020 period.

- France welcomed India's offer to be a partner of the Smart cities development scheme and is ready to implement its best technological solutions and share its experience in the field of integrated sustainable urban infrastructure, especially in Pondicherry, Chandigarh and Nagpur.
- In view of the critical operational necessity for Medium Multirole Combat Aircraft (MMRCA) for Indian Air Force, Government of India conveyed that it would like to acquire 36 Rafale jets in fly-away condition as quickly as possible. The two leaders agreed to conclude an Inter-Governmental Agreement for supply of the aircraft and associated systems delivered in the same configuration as had been tested and approved by Indian Air Force, and with a longer maintenance responsibility by France.
- Celebrating 50th anniversary of Indo-French Space Cooperation, both leaders welcomed the signing of Programme between their Space Agencies for a reinforced cooperation in space activities addressing joint realization of third earth observation mission, earth observation applications, planetary exploration; MoU on Ka-band propagation experiment; and a document to extend the utilisation of Indo-French Joint Satellite, Megha Tropiques, for two more years.
- Recalling the Memorandum of Understanding signed on 4 February 2009 between NPCIL and AREVA, the two leaders encouraged their commercial enterprises for an early conclusion of techno-commercial discussions on the proposal for construction of six 1650 Mwe nuclear power plants at Jaitapur, with due consideration to project viability and in the framework of an ambitious partnership for large and critical components.
- The two leaders welcomed the signing of the Memorandum of Understanding between L&T and AREVA, which will widen the scope of industrial cooperation as well as the conclusion of Pre-engineering studies agreement.
- Both leaders welcomed the agreement between Indian Railways and the French National Railways (SNCF) to co-finance an execution study by SNCF for a semi-high speed project on upgradation of the Delhi-Chandigarh line to 200 kmph and for redevelopment of Ambala & Ludhiana Railways Stations. They also noted with satisfaction the successful completion of a business development study for the Mumbai-Ahmedabad high speed corridor.
- India welcomed the target set by French companies aimed at developing 8 to 10 GW of solar energy in India by 2020-2022. France is also willing to support other renewable sources in India, such as wind, biomass and hydropower.
- Both leaders expressed support for G-20 as the key Forum for international economic cooperation and called for coordinated and concerted international action -including steps to manage spillovers arising from domestic policies, address tax base erosion and profit shifting, to promote tax transparency, facilitate automatic exchange of information and channelize long-term financing for infrastructure.



- They also noted with satisfaction a number of new and ongoing projects of French companies in keeping with the “Make in India” policy. President Hollande appreciated Prime Minister Modi’s initiative to receive delegations of French CEOs in infrastructure and defence sectors to encourage them further in that direction.
- President Hollande confirmed the target of AFD credit line of 1 billion euros over the next three years for sustainable infrastructure and urban development in India and conveyed the commitment of France to partner with India in implementation of the following projects launched by India for development of renewable sources of energy.
- France welcomed India’s decision to extend Tourist Visa on Arrival – Electronic Travel Authorisation (TVOA-ETA) scheme to France while India welcomed the French decision to implement a scheme for expedited 48 hours visa issuance for Indian tourists.
- They also welcomed in particular the arrangement, wherein, Indian Post Graduate students shall be allowed the benefit of a 2 years special residence permit in France and 250 French students be permitted yearly a maximum stay of 2 years in India under the VIE Scheme of France to join French companies operating in India.
- The two leaders welcomed the range of cooperation initiatives undertaken by Indian and French institutions in a move to promote and preserve the unique heritage of the two countries
- They welcomed the signing of the Letter of Intent between Central Council for Research in Ayurvedic Sciences (CRAS), Ministry of Ayush, and University of Strasbourg for cooperation in the field of education and research in Ayurveda, through exchange of students, teachers, researchers, scientific and technical publications.

## ***Indian Diplomacy At Work***

### **INDIA & JAPAN**

#### **PARTNERS FOR COMMON DEVELOPMENT**

The friendship between India and Japan has a long history rooted in spiritual affinity and strong cultural and civilizational ties. Over the years, the two countries have built upon these values and created a partnership based on both principle and pragmatism. Today, India is the largest democracy in Asia and Japan the most prosperous.

India's earliest documented direct contact with Japan was with the Todaiji Temple in Nara, where the consecration or eye-opening of the towering statue of lord Buddha was performed by an Indian monk, Bodhisena, in 752 AD. Among other Indians closely associated with Japan were the Hindu leader Swami Vivekananda, Nobel laureate Rabindranath Tagore, entrepreneur JRD Tata, freedom fighter Netaji Subhash Chandra Bose and Judge Radha Binod Pal. The Japan-India Association was set up in 1903, and is today the oldest international friendship body in Japan.

Throughout the various phases of history since civilizational contacts between India and Japan began some 1400 years ago, the two countries have never been adversaries.

The beginning of the 21st Century witnessed a dramatic transformation in bilateral ties. Guided by the strategic vision of Prime Minister Yoshiro Mori, the leadership of the two countries, cutting across party lines, recognised the merit of substantive bilateral engagement. Recognition of the mutual advantage in enhancing and widening the ambit of the bilateral relationship has driven India-Japan ties in the past decade and a half.

During the recent official visit of Prime Minister Narendra Modi to Japan from 30 August - 3 September 2014, two Prime Ministers decided to create a relationship that will shape the course of their countries and the character of this region and the world in this century.

The outcomes of the discussions to enhance further cooperation is provided in this factsheet:

## **INDIA-JAPAN : FACTSHEET**

### **INFRASTRUCTURE**

Interim report of the Mumbai-Ahmedabad High-Speed Railway welcomed, joint feasibility study expected to be completed by July 2015.

Cooperation in upgrading the speed of passenger trains on the existing route to Semi-High Speed Railway system.

India appreciated role of Japanese ODA (Official Development Assistance) for various Metro and other urban transport projects in India.

Both countries decided to cooperate on the Ahmedabad Metro Rail Project.

India-Japan Energy Dialogue to further strengthen energy cooperation in energy efficiency, renewable energy and coal-fired generation technology field.

Signing of an MoU between New and Renewable Energy Ministry (India) and Japan Bank for International Cooperation (JBIC) in the field of new and renewable energy.

Enhanced cooperation in construction of highly efficient and environment-friendly coal-fired power plants and progress on cooperation in Clean Coal Technologies (CCT).

Signing of loan agreement between SBI and JBIC for the super-critical coal-fired power project in Meja (UP) and the launch of a feasibility study of a potential yen loan project for Barauni super critical thermal power plant.

## INFORMATION AND COMMUNICATION TECHNOLOGY

Both countries understand the importance of enhancement of bilateral relationship in civil aviation, which would contribute to the promotion of mutual exchange.

Acceleration of Preparatory Survey for New Dholera International Airport Development Project.

## **INVESTMENT**

Proposal of an India visit of a high level economic mission organized by Nippon Keidanren welcomed by both countries.

Report by Business Leaders' Forum submitted. Appreciated by both countries.

Japan to become India's partner country of the 21st International Engineering & Technology Fair (IETF 2015) to be held in New Delhi.

## **FOOD & AGRICULTURE**

Both countries recognized the importance of agricultural development and establishing food-related infrastructure in India.

Japanese initiative to establish food value chain through PPP welcomed by both countries.

Advanced irrigation systems, and farming machines to be introduced.

## **SCIENCE & TECHNOLOGY**

Japan's Intention to invite young Indian researchers and students to Japan through JSPS Fellowship Program and Japan-Asia Youth Exchange Program in Science welcomed.

New cooperation in fields of ocean and earth science & technology to be initiated, including ocean observation, climate variability, and geophysical studies in the Indian Ocean.

Further cooperation to be pursued in the field of space through approaches such as Asia-Pacific Regional Space Agency Forum (APRSAF).

## **PEOPLE TO PEOPLE EXCHANGES**

Satisfaction expressed with the ongoing plan of exchange of approx. 1300 youth between the two countries under JENESYS 2.0 program.

India welcomed Japan's initiative to support Japanese universities' educational collaboration with Indian Universities.

Importance of cooperation in tourism underlined and current efforts of promotional activities through Tourism Expos welcomed.

Japan welcomed India's decision to grant residence permits to Japanese nationals holding employment visas.

## **HUMANITIES & SOCIAL SCIENCES**

India briefed about the international symposium on women, the World Assembly for Women in Tokyo (WAW! Tokyo 2014) to be held in September 2014.

Programme on Empowerment for Women Leaders in India to be held in November 2014 in Tokyo by HIDA welcomed.

## **CONNECTIVITY & COOPERATION**

Study by Japan International Cooperation Agency (JICA) on regional connectivity between North-East India and India's neighbour countries welcomed.

Related authorities instructed to realize Japan's Official Development Assistance (ODA) in transport infrastructure projects in the region.

MoU between Export-Import Bank of India and JBIC for enhancing infrastructure development collaboration between India and neighbouring countries welcomed.

A survey by JICA to identify possible cooperation including road connectivity projects in North-East India announced.

## **MARITIME AFFAIRS**

Joint Working Group to accelerate progress in preparations for a road map for development of Indian aircraft industry through US-2 amphibian aircraft cooperation.

India expresses intention to strengthen Defence equipment and technology cooperation.

Joint exercise between Indian and Japanese Coast Guards conducted off the coast of Kochi in January 2014 welcomed.

Bilateral and multilateral cooperation on maritime issues between the two countries to be promoted further.

## **DISASTER RISK REDUCTION & COOPERATION IN AFRICA**

Japan's hosting of the Third UN World Conference on Disaster Risk Reduction in Sendai in March 2015 welcomed by India.

Close cooperation for the conference to adopt the succeeding Hyogo Framework for Action 2005-2015 affirmed.

## **SKILL DEVELOPMENT**

Effort of ongoing planning for establishment of Advanced Skill Development Centers acknowledged.

Support of the Overseas Human Resources and Industry Development Association (HIDA) in their efforts to promote skill development in the Delhi-Mumbai Industrial Corridor (DMIC) Project appreciated.

Achievements of the Champions of Societal Manufacturing (CSM) Project recognized as valuable Japanese contribution to the development of the manufacturing sector in India.

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## SPECIAL MEETING OF THE EUROPEAN COUNCIL

*23 April 2015*

### STATEMENT<sup>1</sup>

1. The situation in the Mediterranean is a tragedy. The European Union will mobilise all efforts at its disposal to prevent further loss of life at sea and to tackle the root causes of the human emergency that we face, in cooperation with the countries of origin and transit. Our immediate priority is to prevent more people from dying at sea.
2. We have therefore decided to strengthen our presence at sea, to fight the traffickers, to prevent illegal migration flows and to reinforce internal solidarity and responsibility. Given that instability in Libya creates an ideal environment for the criminal activities of traffickers, we will actively support all UN-led efforts towards re-establishing government authority in Libya. We will also step up efforts to address conflict and instability as key push factors of migration, including in Syria.
3. We today commit to:

### STRENGTHENING OUR PRESENCE AT SEA

- a) rapidly reinforce EU Operations Triton and Poseidon by at least tripling the financial resources for this purpose in 2015 and 2016 and reinforcing the number of assets, thus allowing to increase the search and rescue possibilities within the mandate of FRONTEX. We welcome the commitments already made by Member States which will allow to reach this objective in the coming weeks;

### FIGHTING TRAFFICKERS IN ACCORDANCE WITH INTERNATIONAL LAW

- b) disrupt trafficking networks, bring the perpetrators to justice and seize their assets, through swift action by Member State authorities in co-operation with EUROPOL, FRONTEX, the European Asylum Support Office (EASO) and EUROJUST, as well as through increased intelligence and police-cooperation with third countries;

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<sup>1</sup> European Council, Council of the European Union. *Press releases and statements*. Special meeting of the European Council, 23 April 2015 – statement. Accessed August 04, 2015, from: <http://www.consilium.europa.eu/en/press/press-releases/2015/04/23-special-euco-statement/>

- c) undertake systematic efforts to identify, capture and destroy vessels before they are used by traffickers;
- d) at the same time, the High Representative is invited to immediately begin preparations for a possible CSDP operation to this effect;
- e) use EUROPOL to detect and request removal of internet content used by traffickers to attract migrants and refugees, in accordance with national constitutions;

### **PREVENTING ILLEGAL MIGRATION FLOWS**

- f) increase support to Tunisia, Egypt, Sudan, Mali and Niger among others, to monitor and control the land borders and routes, building on current CSDP operations in the region, as well as on regional cooperation frameworks (Rabat and Khartoum processes); step up dialogue with the African Union at all levels on all these issues;
- g) reinforce our political cooperation with African partners at all levels in order to tackle the cause of illegal migration and combat the smuggling and trafficking of human beings. The EU will raise these issues with the African Union and the key countries concerned, with whom it will propose the holding of a summit in Malta in the coming months;
- h) step up cooperation with Turkey in view of the situation in Syria and Iraq;
- i) deploy European migration liaison officers in key countries to gather information on migratory flows, co-ordinate with national liaison officers, and co-operate directly with the local authorities;
- j) work with regional partners in building capacity for maritime border management and search and rescue operations;
- k) launch Regional Development and Protection programmes for North Africa and the Horn of Africa;
- l) invite the Commission and the High Representative to mobilise all tools, including through development cooperation and the implementation of EU and national readmission agreements with third countries, to promote readmission of unauthorised economic migrants to countries of origin and transit, working closely with the International Organisation for Migration;
- m) while respecting the right to seek asylum, set up a new return programme for the rapid return of illegal migrants from frontline Member States, coordinated by FRONTEX;

### **REINFORCING INTERNAL SOLIDARITY AND RESPONSIBILITY**

- n) rapid and full transposition and effective implementation of the Common European Asylum System by all participating Member States, thereby ensuring common European standards under existing legislation;

- o) increase emergency aid to frontline Member States and consider options for organising emergency relocation between all Member States on a voluntary basis;
  - p) deploy EASO teams in frontline Member States for joint processing of asylum applications, including registration and finger-printing;
  - q) set up a first voluntary pilot project on resettlement across the EU, offering places to persons qualifying for protection.
4. The EU institutions and the Member States will work immediately on the full implementation of these orientations. The Presidency and the Commission will present next week a roadmap setting out work up to June.
5. The European Council looks forward to the Commission Communication on a European Agenda for Migration, in order to develop a more systemic and geographically comprehensive approach to migration. The European Council will remain seized of the situation and will closely monitor the implementation of these orientations. The Council and the Commission will report to the European Council in June.

# IRAN NUCLEAR DEAL

## JOINT COMPREHENSIVE PLAN OF ACTION<sup>1</sup>

*Vienna, 14 July 2015*

### PREFACE

The E3/EU+3 (China, France, Germany, the Russian Federation, the United Kingdom and the United States, with the High Representative of the European Union for Foreign Affairs and Security Policy) and the Islamic Republic of Iran welcome this historic Joint Comprehensive Plan of Action (JCPOA), which will ensure that Iran's nuclear programme will be exclusively peaceful, and mark a fundamental shift in their approach to this issue. They anticipate that full implementation of this JCPOA will positively contribute to regional and international peace and security.

Iran reaffirms that under no circumstances will Iran ever seek, develop or acquire any nuclear weapons. Iran envisions that this JCPOA will allow it to move forward with an exclusively peaceful, indigenous nuclear programme, in line with scientific and economic considerations, in accordance with the JCPOA, and with a view to building confidence and encouraging international cooperation. In this context, the initial mutually determined limitations described in this JCPOA will be followed by a gradual evolution, at a reasonable pace, of Iran's peaceful nuclear programme, including its enrichment activities, to a commercial programme for exclusively peaceful purposes, consistent with international nonproliferation norms.

The E3/EU+3 envision that the implementation of this JCPOA will progressively allow them to gain confidence in the exclusively peaceful nature of Iran's programme. The JCPOA reflects mutually determined parameters, consistent with practical needs, with agreed limits on the scope of Iran's nuclear programme, including enrichment activities and R&D. The JCPOA addresses the E3/EU+3's concerns, including through comprehensive measures providing for transparency and verification.

The JCPOA will produce the comprehensive lifting of all UN Security Council sanctions as well as multilateral and national sanctions related to Iran's nuclear programme, including steps on access in areas of trade, technology, finance, and energy.

### PREAMBLE AND GENERAL PROVISIONS

- i. The Islamic Republic of Iran and the E3/EU+3 (China, France, Germany, the Russian Federation, the United Kingdom and the United States, with the High Representative of the European Union for Foreign Affairs and Security

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<sup>1</sup> Iran nuclear deal. Joint Comprehensive Plan of Action. (without Annexes). Accessed August 4, 2015, from: [http://eeas.europa.eu/statements-eeas/docs/iran\\_agreement/iran\\_joint-comprehensive-plan-of-action\\_en.pdf](http://eeas.europa.eu/statements-eeas/docs/iran_agreement/iran_joint-comprehensive-plan-of-action_en.pdf)

- Policy) have decided upon this long-term Joint Comprehensive Plan of Action (JCPOA). This JCPOA, reflecting a step-by-step approach, includes the reciprocal commitments as laid down in this document and the annexes hereto and is to be endorsed by the United Nations (UN) Security Council.
- ii. The full implementation of this JCPOA will ensure the exclusively peaceful nature of Iran's nuclear programme.
  - iii. Iran reaffirms that under no circumstances will Iran ever seek, develop or acquire any nuclear weapons.
  - iv. Successful implementation of this JCPOA will enable Iran to fully enjoy its right to nuclear energy for peaceful purposes under the relevant articles of the nuclear Non-Proliferation Treaty (NPT) in line with its obligations therein, and the Iranian nuclear programme will be treated in the same manner as that of any other non-nuclear-weapon state party to the NPT.
  - v. This JCPOA will produce the comprehensive lifting of all UN Security Council sanctions as well as multilateral and national sanctions related to Iran's nuclear programme, including steps on access in areas of trade, technology, finance and energy.
  - vi. The E3/EU+3 and Iran reaffirm their commitment to the purposes and principles of the United Nations as set out in the UN Charter.
  - vii. The E3/EU+3 and Iran acknowledge that the NPT remains the cornerstone of the nuclear non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament and for the peaceful uses of nuclear energy.
  - viii. The E3/EU+3 and Iran commit to implement this JCPOA in good faith and in a constructive atmosphere, based on mutual respect, and to refrain from any action inconsistent with the letter, spirit and intent of this JCPOA that would undermine its successful implementation. The E3/EU+3 will refrain from imposing discriminatory regulatory and procedural requirements in lieu of the sanctions and restrictive measures covered by this JCPOA. This JCPOA builds on the implementation of the Joint Plan of Action (JPOA) agreed in Geneva on 24 November 2013.
  - ix. A Joint Commission consisting of the E3/EU+3 and Iran will be established to monitor the implementation of this JCPOA and will carry out the functions provided for in this JCPOA. This Joint Commission will address issues arising from the implementation of this JCPOA and will operate in accordance with the provisions as detailed in the relevant annex.
  - x. The International Atomic Energy Agency (IAEA) will be requested to monitor and verify the voluntary nuclear-related measures as detailed in this JCPOA. The IAEA will be requested to provide regular updates to the Board of Governors, and as provided for in this JCPOA, to the UN Security Council. All relevant rules and regulations of the IAEA with regard to the protection of information will be fully observed by all parties involved.

- x. All provisions and measures contained in this JCPOA are only for the purpose of its implementation between E3/EU+3 and Iran and should not be considered as setting precedents for any other state or for fundamental principles of international law and the rights and obligations under the NPT and other relevant instruments, as well as for internationally recognised principles and practices.
- xii. Technical details of the implementation of this JCPOA are dealt with in the annexes to this document.
- xiii. The EU and E3+3 countries and Iran, in the framework of the JCPOA, will cooperate, as appropriate, in the field of peaceful uses of nuclear energy and engage in mutually determined civil nuclear cooperation projects as detailed in Annex III, including through IAEA involvement.
- xiv. The E3+3 will submit a draft resolution to the UN Security Council endorsing this JCPOA affirming that conclusion of this JCPOA marks a fundamental shift in its consideration of this issue and expressing its desire to build a new relationship with Iran. This UN Security Council resolution will also provide for the termination on Implementation Day of provisions imposed under previous resolutions; establishment of specific restrictions; and conclusion of consideration of the Iran nuclear issue by the UN Security Council 10 years after the Adoption Day.
- xv. The provisions stipulated in this JCPOA will be implemented for their respective durations as set forth below and detailed in the annexes. xvi. The E3/EU+3 and Iran will meet at the ministerial level every 2 years, or earlier if needed, in order to review and assess progress and to adopt appropriate decisions by consensus.

**Iran and E3/EU+3 will take the following voluntary measures within the timeframe as detailed in this JCPOA and its Annexes**

**NUCLEAR**

**A. ENRICHMENT, ENRICHMENT R&D, STOCKPILES**

1. Iran's long term plan includes certain agreed limitations on all uranium enrichment and uranium enrichment-related activities including certain limitations on specific research and development (R&D) activities for the first 8 years, to be followed by gradual evolution, at a reasonable pace, to the next stage of its enrichment activities for exclusively peaceful purposes, as described in Annex I. Iran will abide by its voluntary commitments, as expressed in its own long-term enrichment and

enrichment R&D plan to be submitted as part of the initial declaration for the Additional Protocol to Iran's Safeguards Agreement.

2. Iran will begin phasing out its IR-1 centrifuges in 10 years. During this period, Iran will keep its enrichment capacity at Natanz at up to a total installed uranium enrichment capacity of 5060 IR-1 centrifuges. Excess centrifuges and enrichment-related infrastructure at Natanz will be stored under IAEA continuous monitoring, as specified in Annex I.
3. Iran will continue to conduct enrichment R&D in a manner that does not accumulate enriched uranium. Iran's enrichment R&D with uranium for 10 years will only include IR-4, IR-5, IR-6 and IR-8 centrifuges as laid out in Annex I, and Iran will not engage in other isotope separation technologies for enrichment of uranium as specified in Annex I. Iran will continue testing IR-6 and IR-8 centrifuges, and will commence testing of up to 30 IR-6 and IR-8 centrifuges after eight and a half years, as detailed in Annex I.
4. As Iran will be phasing out its IR-1 centrifuges, it will not manufacture or assemble other centrifuges, except as provided for in Annex I, and will replace failed centrifuges with centrifuges of the same type. Iran will manufacture advanced centrifuge machines only for the purposes specified in this JCPOA. From the end of the eighth year, and as described in Annex I, Iran will start to manufacture agreed numbers of IR-6 and IR-8 centrifuge machines without rotors and will store all of the manufactured machines at Natanz, under IAEA continuous monitoring until they are needed under Iran's long-term enrichment and enrichment R&D plan.
5. Based on its own long-term plan, for 15 years, Iran will carry out its uranium enrichment-related activities, including safeguarded R&D exclusively in the Natanz Enrichment facility, keep its level of uranium enrichment at up to 3.67%, and, at Fordow, refrain from any uranium enrichment and uranium enrichment R&D and from keeping any nuclear material.
6. Iran will convert the Fordow facility into a nuclear, physics and technology centre. International collaboration including in the form of scientific joint partnerships will be established in agreed areas of research. 1044 IR-1 centrifuges in six cascades will remain in one wing at Fordow. Two of these cascades will spin without uranium and will be transitioned, including through appropriate infrastructure modification, for stable isotope production. The other four cascades with all associated infrastructure will remain idle. All other centrifuges and enrichment-related infrastructure will be removed and stored under IAEA continuous monitoring as specified in Annex I.
7. During the 15 year period, and as Iran gradually moves to meet international qualification standards for nuclear fuel produced in Iran, it will keep its uranium stockpile under 300 kg of up to 3.67% enriched uranium hexafluoride (UF<sub>6</sub>) or the equivalent in other chemical forms. The excess quantities are to be sold based on international prices and delivered to the international buyer in return for natural uranium delivered to Iran, or are to be down-blended to natural uranium level.

Enriched uranium in fabricated fuel assemblies from Russia or other sources for use in Iran's nuclear reactors will not be counted against the above stated 300 kg UF<sub>6</sub> stockpile, if the criteria set out in Annex I are met with regard to other sources. The Joint Commission will support assistance to Iran, including through IAEA technical cooperation as appropriate, in meeting international qualification standards for nuclear fuel produced in Iran. All remaining uranium oxide enriched to between 5% and 20% will be fabricated into fuel for the Tehran Research Reactor (TRR). Any additional fuel needed for the TRR will be made available to Iran at international market prices.

### **B. ARAK, HEAVY WATER, REPROCESSING**

8. Iran will redesign and rebuild a modernised heavy water research reactor in Arak, based on an agreed conceptual design, using fuel enriched up to 3.67 %, in a form of an international partnership which will certify the final design. The reactor will support peaceful nuclear research and radioisotope production for medical and industrial purposes. The redesigned and rebuilt Arak reactor will not produce weapons grade plutonium. Except for the first core load, all of the activities for redesigning and manufacturing of the fuel assemblies for the redesigned reactor will be carried out in Iran. All spent fuel from Arak will be shipped out of Iran for the lifetime of the reactor. This international partnership will include participating E3/EU+3 parties, Iran and such other countries as may be mutually determined. Iran will take the leadership role as the owner and as the project manager and the E3/EU+3 and Iran will, before Implementation Day, conclude an official document which would define the responsibilities assumed by the E3/EU+3 participants.
9. Iran plans to keep pace with the trend of international technological advancement in relying on light water for its future power and research reactors with enhanced international cooperation, including assurance of supply of necessary fuel.
10. There will be no additional heavy water reactors or accumulation of heavy water in Iran for 15 years. All excess heavy water will be made available for export to the international market.
11. Iran intends to ship out all spent fuel for all future and present power and research nuclear reactors, for further treatment or disposition as provided for in relevant contracts to be duly concluded with the recipient party.
12. For 15 years Iran will not, and does not intend to thereafter, engage in any spent fuel reprocessing or construction of a facility capable of spent fuel reprocessing, or reprocessing R&D activities leading to a spent fuel reprocessing capability, with the sole exception of separation activities aimed exclusively at the production of medical and industrial radio-isotopes from irradiated enriched uranium targets.

### **C. TRANSPARENCY AND CONFIDENCE BUILDING MEASURES**

13. Consistent with the respective roles of the President and Majlis (Parliament), Iran will provisionally apply the Additional Protocol to its Comprehensive Safeguards



- Agreement in accordance with Article 17(b) of the Additional Protocol, proceed with its ratification within the timeframe as detailed in Annex V and fully implement the modified Code 3.1 of the Subsidiary Arrangements to its Safeguards Agreement.
14. Iran will fully implement the “Roadmap for Clarification of Past and Present Outstanding Issues” agreed with the IAEA, containing arrangements to address past and present issues of concern relating to its nuclear programme as raised in the annex to the IAEA report of 8 November 2011 (GOV/2011/65). Full implementation of activities undertaken under the Roadmap by Iran will be completed by 15 October 2015, and subsequently the Director General will provide by 15 December 2015 the final assessment on the resolution of all past and present outstanding issues to the Board of Governors, and the E3+3, in their capacity as members of the Board of Governors, will submit a resolution to the Board of Governors for taking necessary action, with a view to closing the issue, without prejudice to the competence of the Board of Governors.
  15. Iran will allow the IAEA to monitor the implementation of the voluntary measures for their respective durations, as well as to implement transparency measures, as set out in this JCPOA and its Annexes. These measures include: a long-term IAEA presence in Iran; IAEA monitoring of uranium ore concentrate produced by Iran from all uranium ore concentrate plants for 25 years; containment and surveillance of centrifuge rotors and bellows for 20 years; use of IAEA approved and certified modern technologies including on-line enrichment measurement and electronic seals; and a reliable mechanism to ensure speedy resolution of IAEA access concerns for 15 years, as defined in Annex I.
  16. Iran will not engage in activities, including at the R&D level, that could contribute to the development of a nuclear explosive device, including uranium or plutonium metallurgy activities, as specified in Annex I.
  17. Iran will cooperate and act in accordance with the procurement channel in this JCPOA, as detailed in Annex IV, endorsed by the UN Security Council resolution.

## **SANCTIONS**

18. The UN Security Council resolution endorsing this JCPOA will terminate all provisions of previous UN Security Council resolutions on the Iranian nuclear issue - 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), 1929 (2010) and 2224 (2015) – simultaneously with the IAEA-verified implementation of agreed nuclear-related measures by Iran and will establish specific restrictions, as specified in Annex V.
19. The EU will terminate all provisions of the EU Regulation, as subsequently amended, implementing all nuclear-related economic and financial sanctions, including related designations, simultaneously with the IAEA-verified implementation of agreed nuclear-related measures by Iran as specified in Annex V, which cover all sanctions and restrictive measures in the following areas, as described in Annex II:

- i. Transfers of funds between EU persons and entities, including financial institutions, and Iranian persons and entities, including financial institutions;
  - ii. Banking activities, including the establishment of new correspondent banking relationships and the opening of new branches and subsidiaries of Iranian banks in the territories of EU Member States;
  - iii. Provision of insurance and reinsurance;
  - iv. Supply of specialised financial messaging services, including SWIFT, for persons and entities set out in Attachment 1 to Annex II, including the Central Bank of Iran and Iranian financial institutions;
  - v. Financial support for trade with Iran (export credit, guarantees or insurance);
  - vi. Commitments for grants, financial assistance and concessional loans to the Government of Iran;
  - vii. Transactions in public or public-guaranteed bonds; viii. Import and transport of Iranian oil, petroleum products, gas and petrochemical products;
  - ix. Export of key equipment or technology for the oil, gas and petrochemical sectors;
  - x. Investment in the oil, gas and petrochemical sectors;
  - xi. Export of key naval equipment and technology; 1 The provisions of this Resolution do not constitute provisions of this JCPOA. 11
  - xii. Design and construction of cargo vessels and oil tankers;
  - xiii. Provision of flagging and classification services;
  - xiv. Access to EU airports of Iranian cargo flights;
  - xv. Export of gold, precious metals and diamonds;
  - xvi. Delivery of Iranian banknotes and coinage;
  - xvii. Export of graphite, raw or semi-finished metals such as aluminum and steel, and export or software for integrating industrial processes;
  - xviii. Designation of persons, entities and bodies (asset freeze and visa ban) set out in Attachment 1 to Annex II; and
  - xix. Associated services for each of the categories above.
20. The EU will terminate all provisions of the EU Regulation implementing all EU proliferation-related sanctions, including related designations, 8 years after Adoption Day or when the IAEA has reached the Broader Conclusion that all nuclear material in Iran remains in peaceful activities, whichever is earlier.
21. The United States will cease the application, and will continue to do so, in accordance with this JCPOA of the sanctions specified in Annex II to take effect simultaneously with the IAEA-verified implementation of the agreed nuclear-related measures by Iran as specified in Annex V. Such sanctions cover the following areas as described in Annex II:

- i. Financial and banking transactions with Iranian banks and financial institutions as specified in Annex II, including the Central Bank of Iran and specified individuals and entities identified as Government of Iran by the Office of Foreign Assets Control on the Specially Designated Nationals and Blocked Persons List (SDN List), as set out in Attachment 3 to Annex II (including the opening and maintenance of correspondent and payable through-accounts at non-U.S. financial institutions, investments, foreign exchange transactions and letters of credit);
  - ii. Transactions in Iranian Rial;
  - iii. Provision of U.S. banknotes to the Government of Iran;
  - iv. Bilateral trade limitations on Iranian revenues abroad, including limitations on their transfer;
  - v. Purchase, subscription to, or facilitation of the issuance of Iranian 12 sovereign debt, including governmental bonds;
  - vi. Financial messaging services to the Central Bank of Iran and Iranian financial institutions set out in Attachment 3 to Annex II;
  - vii. Underwriting services, insurance, or reinsurance;
  - viii. Efforts to reduce Iran's crude oil sales;
  - ix. Investment, including participation in joint ventures, goods, services, information, technology and technical expertise and support for Iran's oil, gas and petrochemical sectors;
  - x. Purchase, acquisition, sale, transportation or marketing of petroleum, petrochemical products and natural gas from Iran;
  - xi. Export, sale or provision of refined petroleum products and petrochemical products to Iran;
  - xii. Transactions with Iran's energy sector;
  - xiii. Transactions with Iran's shipping and shipbuilding sectors and port operators;
  - xiv. Trade in gold and other precious metals;
  - xv. Trade with Iran in graphite, raw or semi-finished metals such as aluminum and steel, coal, and software for integrating industrial processes;
  - xvi. Sale, supply or transfer of goods and services used in connection with Iran's automotive sector;
  - xvii. Sanctions on associated services for each of the categories above;
  - xviii. Remove individuals and entities set out in Attachment 3 to Annex II from the SDN List, the Foreign Sanctions Evaders List, and/or the Non-SDN Iran Sanctions Act List; and
  - xix. Terminate Executive Orders 13574, 13590, 13622, and 13645, and Sections 5 – 7 and 15 of Executive Order 13628.
22. The United States will, as specified in Annex II and in accordance with Annex V, allow for the sale of commercial passenger aircraft and related parts and services to Iran; license non-U.S. persons that are owned or controlled by a U.S. person to

- engage in activities with Iran consistent with this JCPOA; and license the importation into the United States of Iranian-origin carpets and foodstuffs.
23. Eight years after Adoption Day or when the IAEA has reached the Broader Conclusion that all nuclear material in Iran remains in peaceful activities, whichever is earlier, the United States will seek such legislative action as may be appropriate to terminate, or modify to effectuate the termination of, the sanctions specified in Annex II on the acquisition of nuclear-related commodities and services for nuclear activities contemplated in this JCPOA, to be consistent with the U.S. approach to other non-nuclear-weapon states under the NPT.
  24. The E3/EU and the United States specify in Annex II a full and complete list of all nuclear-related sanctions or restrictive measures and will lift them in accordance with Annex V. Annex II also specifies the effects of the lifting of sanctions beginning on “Implementation Day”. If at any time following the Implementation Day, Iran believes that any other nuclear-related sanction or restrictive measure of the E3/EU+3 is preventing the full implementation of the sanctions lifting as specified in this JCPOA, the JCPOA participant in question will consult with Iran with a view to resolving the issue and, if they concur that lifting of this sanction or restrictive measure is appropriate, the JCPOA participant in question will take appropriate action. If they are not able to resolve the issue, Iran or any member of the E3/EU+3 may refer the issue to the Joint Commission.
  25. If a law at the state or local level in the United States is preventing the implementation of the sanctions lifting as specified in this JCPOA, the United States will take appropriate steps, taking into account all available authorities, with a view to achieving such implementation. The United States will actively encourage officials at the state or local level to take into account the changes in the U.S. policy reflected in the lifting of sanctions under this JCPOA and to refrain from actions inconsistent with this change in policy.
  26. The EU will refrain from re-introducing or re-imposing the sanctions that it has terminated implementing under this JCPOA, without prejudice to the dispute resolution process provided for under this JCPOA. There will be no new nuclear-related UN Security Council sanctions and no new EU nuclear-related sanctions or restrictive measures. The United States will make best efforts in good faith to sustain this JCPOA and to prevent interference with the realisation of the full benefit by Iran of the sanctions lifting specified in Annex II. The U.S. Administration, acting consistent with the respective roles of the President and the Congress, will refrain from re-introducing or re-imposing the sanctions specified in Annex II that it has ceased applying under this JCPOA, without prejudice to the dispute resolution process provided for under this JCPOA. The U.S. Administration, acting consistent with the respective roles of the President and the Congress, will refrain from imposing new nuclear-related sanctions. Iran has stated that it will treat such a re-introduction or re-imposition of the sanctions 14 specified in Annex II, or such an imposition of new nuclear-related sanctions,

as grounds to cease performing its commitments under this JCPOA in whole or in part.

27. The E3/EU+3 will take adequate administrative and regulatory measures to ensure clarity and effectiveness with respect to the lifting of sanctions under this JCPOA. The EU and its Member States as well as the United States will issue relevant guidelines and make publicly accessible statements on the details of sanctions or restrictive measures which have been lifted under this JCPOA. The EU and its Member States and the United States commit to consult with Iran regarding the content of such guidelines and statements, on a regular basis and whenever appropriate.
28. The E3/EU+3 and Iran commit to implement this JCPOA in good faith and in a constructive atmosphere, based on mutual respect, and to refrain from any action inconsistent with the letter, spirit and intent of this JCPOA that would undermine its successful implementation. Senior Government officials of the E3/EU+3 and Iran will make every effort to support the successful implementation of this JCPOA including in their public statements<sup>2</sup>. The E3/EU+3 will take all measures required to lift sanctions and will refrain from imposing exceptional or discriminatory regulatory and procedural requirements in lieu of the sanctions and restrictive measures covered by the JCPOA.
29. The EU and its Member States and the United States, consistent with their respective laws, will refrain from any policy specifically intended to directly and adversely affect the normalisation of trade and economic relations with Iran inconsistent with their commitments not to undermine the successful implementation of this JCPOA.
30. The E3/EU+3 will not apply sanctions or restrictive measures to persons or entities for engaging in activities covered by the lifting of sanctions provided for in this JCPOA, provided that such activities are otherwise consistent with E3/EU+3 laws and regulations in effect. Following the lifting of sanctions under this JCPOA as specified in Annex II, ongoing investigations on possible infringements of such sanctions may be reviewed in accordance with applicable national laws.
31. Consistent with the timing specified in Annex V, the EU and its Member States will terminate the implementation of the measures applicable to designated entities and individuals, including the Central Bank of Iran and other Iranian banks and financial institutions, as detailed in Annex II and the attachments thereto. <sup>2</sup> ‘Government officials’ for the U.S. means senior officials of the U.S. Administration. <sup>15</sup> Consistent with the timing specified in Annex V, the United States will remove designation of certain entities and individuals on the Specially Designated Nationals and Blocked Persons List, and entities and individuals listed on the Foreign Sanctions Evaders List, as detailed in Annex II and the attachments thereto.
32. EU and E3+3 countries and international participants will engage in joint projects with Iran, including through IAEA technical cooperation projects, in the field of peaceful nuclear technology, including nuclear power plants, research reactors, fuel fabrication, agreed joint advanced R&D such as fusion, establishment of a state-of-the-art regional nuclear medical centre, personnel training, nuclear safety and

security, and environmental protection, as detailed in Annex III. They will take necessary measures, as appropriate, for the implementation of these projects.

33. The E3/EU+3 and Iran will agree on steps to ensure Iran's access in areas of trade, technology, finance and energy. The EU will further explore possible areas for cooperation between the EU, its Member States and Iran, and in this context consider the use of available instruments such as export credits to facilitate trade, project financing and investment in Iran.

### **IMPLEMENTATION PLAN**

34. Iran and the E3/EU+3 will implement their JCPOA commitments according to the sequence specified in Annex V. The milestones for implementation are as follows:

- i. Finalisation Day is the date on which negotiations of this JCPOA are concluded among the E3/EU+3 and Iran, to be followed promptly by submission of the resolution endorsing this JCPOA to the UN Security Council for adoption without delay.
  - ii. Adoption Day is the date 90 days after the endorsement of this JCPOA by the UN Security Council, or such earlier date as may be determined by mutual consent of the JCPOA participants, at which time this JCPOA and the commitments in this JCPOA come into effect. Beginning on that date, JCPOA participants will make necessary arrangements and preparations for the implementation of their JCPOA commitments.
  - iii. Implementation Day is the date on which, simultaneously with the IAEA report verifying implementation by Iran of the nuclear-related measures described in Sections 15.1. to 15.11 of Annex V, the EU and the United States take the actions described in Sections 16 and 17 of Annex V respectively and in accordance with the UN Security Council resolution, the actions described in Section 18 of Annex V occur at the UN level.
  - iv. Transition Day is the date 8 years after Adoption Day or the date on which the Director General of the IAEA submits a report stating that the IAEA has reached the Broader Conclusion that all nuclear material in Iran remains in peaceful activities, whichever is earlier. On that date, the EU and the United States will take the actions described in Sections 20 and 21 of Annex V respectively and Iran will seek, consistent with the Constitutional roles of the President and Parliament, ratification of the Additional Protocol.
  - v. UN Security Council resolution Termination Day is the date on which the UN Security Council resolution endorsing this JCPOA terminates according to its terms, which is to be 10 years from Adoption Day, provided that the provisions of previous resolutions have not been reinstated. On that date, the EU will take the actions described in Section 25 of Annex V.
35. The sequence and milestones set forth above and in Annex V are without prejudice to the duration of JCPOA commitments stated in this JCPOA.

## DISPUTE RESOLUTION MECHANISM

36. If Iran believed that any or all of the E3/EU+3 were not meeting their commitments under this JCPOA, Iran could refer the issue to the Joint Commission for resolution; similarly, if any of the E3/EU+3 believed that Iran was not meeting its commitments under this JCPOA, any of the E3/EU+3 could do the same. The Joint Commission would have 15 days to resolve the issue, unless the time period was extended by consensus. After Joint Commission consideration, any participant could refer the issue to Ministers of Foreign Affairs, if it believed the compliance issue had not been resolved. Ministers would have 15 days to resolve the issue, unless the time period was extended by consensus. After Joint Commission consideration – in parallel with (or in lieu of) review at the Ministerial level - either the complaining participant or the participant whose performance is in question could request that the issue be considered by an Advisory Board, which would consist of three members (one each appointed by the participants in the dispute and a third independent member). The Advisory Board should provide a non-binding opinion on the compliance issue within 15 days. If, after this 30-day process the issue is not resolved, the Joint Commission would consider the opinion of the Advisory Board for no more than 5 days in order to resolve the issue. If the issue still has not been resolved to the satisfaction of the complaining participant, and if the complaining participant deems the issue to constitute significant non-performance, then that participant could treat the unresolved issue as grounds to cease performing its commitments under this JCPOA in whole or in part and/or notify the UN Security Council that it believes the issue constitutes significant non-performance.
37. Upon receipt of the notification from the complaining participant, as described above, including a description of the good-faith efforts the participant made to exhaust the dispute resolution process specified in this JCPOA, the UN Security Council, in accordance with its procedures, shall vote on a resolution to continue the sanctions lifting. If the resolution described above has not been adopted within 30 days of the notification, then the provisions of the old UN Security Council resolutions would be re-imposed, unless the UN Security Council decides otherwise. In such event, these provisions would not apply with retroactive effect to contracts signed between any party and Iran or Iranian individuals and entities prior to the date of application, provided that the activities contemplated under and execution of such contracts are consistent with this JCPOA and the previous and current UN Security Council resolutions. The UN Security Council, expressing its intention to prevent the reapplication of the provisions if the issue giving rise to the notification is resolved within this period, intends to take into account the views of the States involved in the issue and any opinion on the issue of the Advisory Board. Iran has stated that if sanctions are reinstated in whole or in part, Iran will treat that as grounds to cease performing its commitments under this JCPOA in whole or in part.

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