



# THE REVIEW OF INTERNATIONAL AFFAIRS

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BELGRADE, VOL. LXX, No. 1175, JULY–SEPTEMBER 2019

*Anđela ĐUKANOVIĆ*

NEW EUGENICS IN LIGHT OF INTERNATIONAL  
HUMAN RIGHTS PROTECTION

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THREATS AND OPPORTUNITIES



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## Contents

*Anđela ĐUKANOVIĆ*

NEW EUGENICS IN LIGHT OF INTERNATIONAL  
HUMAN RIGHTS PROTECTION 5

*Miloš PETROVIĆ*

EU INTEGRATION PROCESS OF SERBIA:  
A VICIOUS CIRCLE OF HIGH POLITICS? 23

*Katarina ZAKIĆ, Bojan RADIŠIĆ*

CHINA'S BELT AND ROAD INVESTMENT PROJECTS  
IN THE BALKAN COUNTRIES: SIX YEARS AFTER 49

*Danilo BABIĆ*

EAST AFRICA REGION AMID CHINA – US TENSIONS:  
THREATS AND OPPORTUNITIES 69

## BOOK REVIEW

SHAPING THE WORLD ORDER ACCORDING  
TO MILITARY POWER EVOLUTION  
IN INTERNATIONAL POLITICS, *Jovanka Kuvekalović-Stamatović* 89

SINO-SERBIAN BRI COOPERATION, *Nevena Šekarić* 92



## NEW EUGENICS IN LIGHT OF INTERNATIONAL HUMAN RIGHTS PROTECTION

Andela ĐUKANOVIĆ<sup>1</sup>

*Abstract:* Technological development in the field of genetics led to the creation of the notion of the new eugenics, which aroused numerous discussions, primarily regarding the continuity or discontinuity of the new eugenics with the old eugenics. The usefulness of this notion in protecting the fundamental human rights can be examined. Establishing the differences or similarities with the old eugenics and different definitions of the new eugenics, do not provide a clear roadmap about what behaviors are contrary to the basic values, which should be protected at an international level. The focus should rather be shifted to specific controversial technologies, perhaps primarily on practices that already have or are about to have broader application, like in the case of non-invasive prenatal genetic testing (NIPT). Additionally, reproductive tourism and the development of technology require a quick response. On the other hand, in an ethically complex area, reaching consensus is a difficult task.

*Key words:* human rights, eugenics, Biomedicine Convention, EU Charter of Fundamental Rights, sex selection, genetic modifications, cloning.

### INTRODUCTION

Eugenics as an ideology or the eugenic practice based on eugenics as an ideology bears truly negative connotations because it is primarily associated with the eugenic practice of the Nazis during the Second World War. In the light of technological development in the field of genetics, the notion of the new eugenics has also developed, which is differently understood and has

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aroused numerous discussions primarily regarding the continuity or discontinuity of the new eugenics with the old eugenics. Regarding the specificity of the notion itself and the question whether the new eugenics can be generally prohibited or allowed, the usefulness of this notion in protecting the fundamental human rights can be examined in the context of advancements in genetic technology.

The application of new technologies in the field of genetics requires a broad consensus, primarily due to reproductive tourism. Individuals, therefore, use the liberal laws of other countries to succeed in obtaining the desired result which is prohibited by domestic law. National legal orders cannot in principle tackle the challenges which have arisen. Reproductive tourism and the development of technology require a quick response. On the other hand, in an ethically complex area, reaching consensus is a difficult task and states nevertheless consider that internal law is most suitable for regulating this sphere. It should be kept in mind that in countries where no liberal or very liberal regulation has been adopted, it is difficult to prohibit already accepted practice (Gill, 2016, p. 129). Sometimes it is just enough to send samples to non-invasive prenatal genetic testing (NIPT). Namely, non-invasive prenatal genetic testing of mother's blood (NIPT) can, for example, identify the sex of a child with 98% to 99% accuracy starting from the ninth week of pregnancy, although it is primarily undertaken to determine chromosomal abnormalities (Nierenberg, 2017). With this test, more and more genetic traits can be identified, and because of the increasing complexity of the test, false-positive results may also occur. Such tests may indicate an increased likelihood of the development of a serious illness that a child-to-be will never develop, and it is foreseen that they can lead to other types of selection.<sup>2</sup> Besides, the fact that some practices have already become financially lucrative in some countries does not help, and therefore there is a lack of interest in regulation. The discussion should rather be shifted to specific controversial technologies, perhaps primarily on practices that already have broader application.

Currently, most controversial areas or techniques usually associated with the new eugenic practice are pre-implantation genetic diagnosis (PGD), prenatal diagnosis (PND), genetic modifications, particularly through CRISPR (Clustered Regularly Interspaced Short Palindromic Repeats), and Mitochondrial replacement technique in case of Mitochondrial disease.

When it comes to the instruments for the protection of human rights, the most important were adopted in Europe, while the instruments adopted at the

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<sup>2</sup> International Bioethics Committee. (2015). Report of the IBC on Updating Its Reflection on the Human Genome and Human Rights. SHS/YES/IBC-22/15/2 REV.2. Paris. Paras. 92-93.

universal level have limited scope (due to their legally non-binding strength, the number of ratifications and degree of determination). At the EU level, the EU Charter of Fundamental Rights of 2000 (hereinafter: the EU Charter) contains a unique provision on the prohibition of the eugenic practice (Article 3, paragraph 2).<sup>3</sup> The 1997 Convention on Human Rights and Biomedicine (hereinafter: the Biomedicine Convention) adopted under the auspices of the Council of Europe also contains certain relevant provisions.<sup>4</sup> The Additional Protocol to the Biomedicine Convention concerning Genetic Testing for Health Purposes and the Additional Protocol to the Biomedicine Convention on the Prohibition of Cloning Human Beings are also significant.<sup>5</sup>

### OLD AND NEW EUGENICS

The notion of eugenics is associated with Francis Galton, who coined the term in 1883 (in Greek it means well-born, of honorable heredity). He primarily promoted positive eugenics aimed at producing higher-quality individuals by increasing reproduction of the most gifted members of the society where individuals would not be forced to engage in eugenic breeding practices (Selgeild, 2014, pp. 3-4). Eugenics is often divided into positive and negative. Positive eugenics would thus imply the promotion of human traits considered desirable and negative eugenics implies an avoidance of traits which are considered undesirable (Romeo-Casabona, 1998, pp. 241-242). More precisely, it is pointed out that within the old eugenics there was positive eugenics whose aim was to increase the frequency of socially desirable genes, that is, “genetically superior people”, and negative eugenics which aimed to reduce the incidence of unwanted genes and “genetically inferior” people (Powell, 2015, p. 684).

After the development of eugenics as a set of different ideas, the negative eugenic practice has emerged in many countries through the adoption of various laws. At the beginning of the last century, many eugenicists were guided by the idea that certain groups of people are “socially inadequate” and

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<sup>3</sup> EU. (2010). Charter of Fundamental Rights of the European Union. Official Journal of the European Union. C 83/391. 30.3.2010.

<sup>4</sup> Council of Europe (1997). Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine. European Treaty Series. No. 164. Oviedo.

<sup>5</sup> Council of Europe (2008). Additional Protocol to the Convention on Human Rights and Biomedicine, concerning Genetic Testing for Health Purposes. European Treaty Series. No. 203. Strasbourg; Council of Europe (1998). Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, on the Prohibition of Cloning Human Beings. European Treaty Series. No. 168. Paris.



constitute a breeding stock of social unfitness (i.e., feeble-minded, insane, criminals, epileptics, drug addicts, deaf, blind).<sup>6</sup> Such practice varied depending on the scientific assumptions regarding potential dangers for the human race. Denmark and Switzerland passed laws which were not inspired by the idea of racial superiority, but because some eugenic measures were considered necessary. For example, in the cases of physical and sexual abnormalities (Stepan, 1991, pp. 30-31). In Sweden from 1934 to 1976, approximately 20,000 people were forcibly sterilized for eugenic reasons, due to mental retardation, visual impairment, and sexual abnormalities (Hyatt, 1998, pp. 476-477).

The earliest laws envisaging forced sterilization were adopted in the United States. By 1920, about half of the states in the US adopted eugenic laws (mostly people suffering from mental disorders and criminals were sterilized.). It is estimated that in the United States, from 1907 to 1961, approximately 62,000 persons were forcibly sterilized (Kluchin, 2009, p. 17). Latin America also had a widespread eugenics movement (Stepan, 1991). For a while, even Winston Churchill was advocating eugenics.<sup>7</sup> Eugenics movements were also developed in China and Japan (Chung, 2014, pp. 799-800). In the Kingdom of Serbs, Croats and Slovenes, there were also supporters of eugenics (Kuhar, 2017, pp. 92-113). In Nazi Germany, Hitler noticed the laws adopted in the United States and considered them as a desirable measure which should be also adopted in Germany (Hitler, p. 361). In Germany, as part of a wider eugenics policy, the “Law for the Prevention of Offspring with Hereditary Diseases” was adopted in July 1933, which sought to prevent the possible transmission of hereditary diseases through forced sterilization. The law identified nine vaguely defined groups of people suffering from hereditary diseases.<sup>8</sup> It is estimated that on the basis of this law approximately 350,000 people were sterilized by 1939 (Mifiler-Hill, 1992, p. 360). Eugenic beliefs culminated in the genocide during the Second World War, millions of people have been killed because of their national, ethnic and racial origin. After the crimes committed during the Second World War, the eugenics movement began to fade (although the controversial laws were in force in Sweden and the USA for some time after that).

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<sup>6</sup> Report of the Committee to Study and to Report on the Best Practical Means of Cutting off the Defective Germ-Plasm in the American Population I. The scope of the committee’s work, by Harry H. Laughlin, Secretary of the Committee (1914). New York. p. 15.

<sup>7</sup> When he was Home Secretary (February 1910-October 1911) Churchill was in favor of the confinement, segregation, and sterilization of a class of persons contemporarily described as the “feeble-minded.” (Gilbert).

<sup>8</sup> Law for the Prevention of Offspring with Hereditary Diseases (July 14, 1933). German History in Documents and Images. Volume 7. Nazi Germany, 1933-1945. Retrieved from <http://germanhistorydocs.ghi-dc.org/pdf/eng/English30.pdf>

However, modern discoveries related to biomedical-assisted fertilization, genetic testing, genetic modification, cloning, and a number of other issues have again made the eugenics topical, or more precisely, the new eugenics was formed. In this sense, the eugenic practice could be defined as any attempt to use reproduction to produce people with qualities that allow them to progress (Anomaly, 2018, p. 24). It can also be defined as a “practice that aims to improve human lives by employing an understanding of heredity in the exertion of control over who gets born or who reproduces” (Selgelid, 2014, p. 3). It can be also described as a social movement to improve the human species through the use of technology (Harding, 1991, p. 447). As described earlier, it is common to make a distinction in relation to the old eugenics, usually in order to promote the new eugenics. In the new eugenics, there is no element of organized coercion, which was the case in the old eugenics (Romeo-Casabona, 1998, p. 243). Additionally, as one of the basic disadvantages of the old eugenics is recognized the mixing of the undesirability of certain genes with the moral value of the people who carry them. (Powell, 2015, p. 684). It is also pointed out that in the old eugenics the wrong scientific settings were used, for example, that all human traits are determined by genes (all other factors are ignored) because the old genetics was full of inaccurate scientific assumptions (Ekberg, 2007, p. 590). However, regarding this last reason, we must ask ourselves whether the new eugenics also postulates the wrong assumptions that could be established in the future, due to further scientific progress.

It is common in the literature to condemn the old eugenics unanimously. It is correctly observed that the afterward authors decide either for discontinuity with it, and indicate that the new eugenics promotes the freedom of choice, or on the other hand, supporters of continuity indicate that a significant element of the old eugenics is still present, i.e., the drive for the improvement of the population, as well as various forms of discrimination (Cavaliere, 2018, p. 17). Unfortunately, such debates about continuity or discontinuity with the so-called old eugenics did not help in solving the complex practical problems that arise from the application of new technologies in the field of genetics (Cavaliere, 2018, p. 18). The understanding of the existence of continuity with the old eugenic is usually undertaken in order to put special emphasis on controversial techniques and to connect it with the unacceptable practice of the Nazis. However, the prolongation of the resolution of the arisen problems goes hand in hand with liberal views, which promote inactivity in relation to new technologies.

Slightly different defense of liberal perceptions, not justified by the usual argument of the freedom of choice, or the right to privacy is also present (Roberson, 1994). Namely, it is indicated that genetic modifications will be necessary in order to preserve the human species due to the evolutionary implications of modern medicine, or more precisely because it will lead to the

process of “pseudogenization”, which implies the accumulation of base-pair mutations in a coding gene to the point that it becomes nonfunctional (Powell, 2015, p. 676). As an example, it is indicated that relaxed selection of genes coding for bitter taste receptors, olfactory acuity, and other adaptations for detecting potentially toxic foods due to widespread food cooking already occurred. It is assumed, for example, that the increased use of sign language or medical devices will lead to an increase in the number of deaf and visually impaired people and thus to a growing dependence on classical medical devices, which will again lead to further mutations (Powell, 2015, p. 677). Although a possible theory, it is still far from the universally accepted reality, and the danger of lack of regulation of controversial technologies at the current level of development is nevertheless greater.

Regarding the different definitions of eugenics and accepted differences in relation to the old eugenics, they do not provide a clear roadmap about what is considered better, what makes human progress possible, or what behaviors are contrary to the basic values that must be protected. Certain behaviors are widely accepted, and they fit into the above-mentioned, generalized eugenics definitions. Pregnant mothers at risk of giving birth to a child with the congenital disease are routinely offered genetic testing and if tests reveal that the child-to-be will suffer from a severe genetic disorder then abortion is often sought (Selgelid, 2014, p. 6). In addition, in the process of biomedical assisted fertilization, it is common to create a large number of embryos, so that embryos of the best quality are implanted in the womb (the rest is usually frozen or destroyed) in order to make the procedure as successful as possible or to prevent its repetition (Selgelid, 2014, p. 7). As part of the new eugenics, it would still be useful to make a distinction between “enhancing the genetic identity of the person and eliminating diseases or anomalies when this is possible” (Galie, 2013, p. 85). For the first determinant, it can certainly be said that it is more questionable than the other, but there are also dilemmas in relation to the elimination of diseases and anomalies. In the first case, the term of human enhancement, enhancement for nontherapeutic purposes, or eugenics designer is used. Namely, testing embryos for a number of properties and conditions, such as height, intelligence and other similar characteristics, is becoming more and more probable. Some proponents of human enhancement for nontherapeutic purposes go even further, recognizing the duty to be morally enhanced by biomedical means, which implies enhancement of moral motivation and disposition to decide, although the research of medical means for achieving this has just begun (Persson, Savulescu, 2019).<sup>9</sup> The mentioned

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<sup>9</sup> In connection to different approaches to human enhancement it is correctly observed that in addition to the analysis of ethical argumentation, a variety of technologies, the scope of

segment of the new eugenics would definitely have to be banned at this point of technological development. Of course, elimination of abnormalities and diseases also must be strictly regulated. Even this segment of the new eugenics, although widely accepted, at the same time carries in itself a discriminatory dimension towards the diseased or disabled. It is permitted in many countries and usually associated with “diseases which doom their victims to shorter lives and cause extreme mental and physical disability, excruciating pain, and death during infancy or early childhood” (Selgelid, 2014, p. 6). It is customary to provide mandatory genetic counseling by law in such cases. From the practice of geneticists who advise parents, it turns out that the parents’ decisions are not related to the improvement of the human race, but rather with their personal situation and the nature of the illness or disorder of a child-to-be (Galie, 2013, pp. 86-88). However, even in this case, the introduction of any modification in the genome of any descendants should be prohibited (Article 13 of the Biomedicine Convention).

## **INSTRUMENTS FOR PROTECTION OF HUMAN RIGHTS**

It is clear that acts similar to those made by the Nazis are prohibited by international law. However, the question arises as to the extent the controversial practices that might belong to the new eugenics are regulated. At the universal level, there are no legally binding instruments governing this field. Violation of human rights that can be found in the general documents for the protection of human rights is possible, but these instruments are insufficient and vague. Nevertheless, there are certainly attempts to reach consensus in this area. In this regard, special declarations adopted under the auspices of UNESCO can be particularly highlighted: the Universal Declaration on Human Genome and Human Rights of 1997, the Universal Declaration on Bioethics and Human Rights of 2005 and the 2003 International Declaration on Human Genetic Data (which is the most specific, and contains the definition of a genetic test).<sup>10</sup> Especially indicative is the failed attempt to adopt a legally binding document within the UN, which would unambiguously prohibit the reproductive cloning of people. Instead, in 2005, the Declaration on Human Cloning was adopted, which has no legally binding character.<sup>11</sup> It did not explicitly prohibit either

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application of these technologies and specific interventions should be analyzed, and also, a methodological approach to human enhancement can not rely only on one theoretical current, ethics, or principle. (Mitrović, 2010, p. 94).

<sup>10</sup> UNESCO (2005). Universal Declaration on Bioethics and Human Right; UNESCO (1997). Universal Declaration on the Human Genome and Human Rights; UNESCO (2003). International Declaration on Human Genetic Data.

<sup>11</sup> United Nations (2005). Declaration on Human Cloning. A/RES/59/280.

reproductive or therapeutic cloning since the differences in therapeutic cloning had a major impact.<sup>12</sup> These documents are therefore in the sphere of soft law. They contain general principles, but they are accompanied by the assumption that they could open the way for the creation of binding, more specific legal rules. However, it remains an open question as to whether countries at the universal level will ever be ready for a more specific legally binding protection.

There has been some progress in Europe in this regard. The prohibition of the eugenic practice is protected in the EU Charter for the first time, namely in the field of medicine and biology “the prohibition of eugenic practices, in particular, those aiming at the selection of persons” must be respected (Article 3, paragraph 2). The EU Charter applies to the procedures of EU institutions and bodies, and to the Member States when applying EU law.<sup>13</sup> At first glance, this provision seems rather unclear, especially since the only determinant that the practice is directed towards the selection of persons, is preceded by the words “in particular”, which suggests that there is a eugenic practice not directed at the selection of persons (Đukanović, 2015, p. 295). Moreover, it is not clear what is implied by the eugenic practice, since the selection of embryos or fetuses as a result of a serious genetic disorder could also be considered as the eugenic practice, although under certain conditions it is permissible in many countries. It seems that the prohibition of eugenic practice from the EU Charter has been derived from the formulation of crimes against humanity, as provided for in Article 7, paragraph 1, item g) of the Rome Statute of the International Criminal Court. The creators of the EU Charter had in mind the so-called old eugenics because the determinant of the prohibition of the eugenic practice, and especially those aimed at the selection of persons “relate to possible situations in which the selection programs are organized and implemented, including campaigns for sterilization, forced pregnancy, compulsory ethnic marriage among others, all acts deemed to be international crimes in the Statute of the International Criminal Court”.<sup>14</sup> So, the prohibition of eugenic practice from the EU Charter refers more to the state, that is, it implies a certain degree of organization, the implementation of a certain broader policy and the application of coercion. The eugenic practice in the light of modern genetics has a different

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<sup>12</sup> Countries that are pro absolute ban on cloning could, in principle, interpret its text as if it is banning all forms of cloning, while on the other hand, countries that are pro-prohibition of reproductive cloning could interpret its ban as the prohibition only of the cloning processes which are in contrary to dignity, or in their case, it would be reproductive cloning, and the notion of cloning and the notion of a human being is not defined either. (Clados, 2012 p. 91)

<sup>13</sup> Article 51 (1).

<sup>14</sup> European Union (2007). Explanations Relating to the Charter of Fundamental Rights. Official Journal of the European Union. 303/17. 14.12.2007.

meaning, which definitely differs from the compulsory state policy. Additionally, such a provision is vague and confusing, as it is prescribed within the protection of the integrity of the person in the field of biomedicine, while the old understanding of eugenics should be linked to the prohibition of torture (Đukanović, 2015, p. 296).

The prohibition of eugenic practice is not specifically guaranteed in the Biomedicine Convention. However, the Biomedicine Convention contains two provisions that have the most direct meaning for the new eugenics. In addition, it should be noted that a rather small number of Member States have ratified the Biomedicine Convention (18 out of 47 member states of the Council of Europe).<sup>15</sup>

The new eugenics can be primarily related to the prohibition from Article 13 of the Biomedicine Convention, which provides that “an intervention seeking to modify the human genome may only be undertaken for preventive, diagnostic or therapeutic purposes and only if its aim is not to introduce any modification in the genome of any descendants”. The purpose of this provision is primarily the ultimate fear of the “intentional modification of the human genome, so as to produce individuals or whole groups with specific characteristics and required qualities”.<sup>16</sup> However, on the other hand, Article 5 of the Universal Declaration on the Human Genome and Human Rights stipulates it is nevertheless possible to undertake research, treatment or diagnosis which affects the genome of a person, but only after a previous rigorous assessment of possible risks and benefits.

The hereditary genetic modifications are in principle still in the experimental phase on animals. At present, human germline modification is not safe and effective, and significant technical and epistemic hurdles must be overcome before large-scale human genetic engineering (Powell, 2015, p. 670). However, the recent claims about genetic modifications on humans through the CRISPR technique have stirred the scientific public. Namely, following a Chinese scientist’s claim that he has successfully changed twin embryos so that they have immunity to HIV, scientists are calling for a global

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<sup>15</sup> Council of Europe (2019). Chart of signatures and ratifications of Treaty 164, Status as of 02/06/2019. Retrieved from [https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/164/signatures?p\\_auth=sV1aew0N](https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/164/signatures?p_auth=sV1aew0N). Serbia has been a signatory of the Convention since 9 February 2005; the ratification was implemented on 15 December 2010. The Convention came into force on 1 June 2011. *Sl. glasnik RS - Međunarodni ugovori*, br. 12/2010.

<sup>16</sup> Council of Europe (1997). Explanatory Report to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine – Explanatory Report to the Convention on Human Rights and Biomedicine. DIR/JUR (97) 5. Strasbourg, par. 89.

moratorium on editing human genes that can be passed down on generations (Kuchler, 2019). Perhaps, as a sufficient argument against genetic modifications on humans, we may specify a case of genetically modified food that has been in broad use since the 1990s but with still unclear adverse consequences and the great controversy surrounding this issue.

Mitochondrial replacement technique in case of Mitochondrial disease is also controversial because it implies *in vitro* fertilization in which some or all of the child-to-be mitochondrial DNA derives from a third person. Currently, only the United Kingdom explicitly allows mitochondrial replacement therapy although it has been already used in other countries that do not explicitly legalize it, but which have more relaxed laws on genetic modification like Mexico and Ukraine (Ong, 2018). It is interesting to mention that a child was born in Greece with the help of this technique, although this country has ratified the Biomedicine Convention (Gallagher, 2019). Having this in mind, it is important to note that there is no general consensus among scientists whether this technique belongs to the field of germline gene modification or as some suggest it represents “Conditionally Inheritable Genomic Modification” (Newson and Wrigley, 2017, pp. 66-67).

Article 14 of the Biomedicine Convention contains another relevant provision in the light of genetic modifications. Namely, “the use of techniques of medically assisted procreation shall not be allowed for the purpose of choosing a future child’s sex, except where the serious hereditary sex-related disease is to be avoided”. Medically-assisted procreation includes artificial insemination, *in vitro* fertilization and any technique having the same effect which permits procreation beyond the natural process.<sup>17</sup> The question of the seriousness of the hereditary gender-related disorder is left to the Member States. But, in every individual case, appropriate genetic counseling of the persons concerned is necessary.<sup>18</sup> However, this provision has a reduced significance not only because of the low number of ratifications of the Biomedicine Convention but also because of reproductive tourism. This phenomenon became frequent. Interested individuals are mostly travelling to the United States to get a child of the desired sex, sex is selected before implantation, and this service has become financially lucrative for its providers (Smith, 2014; Greenfield, 2104). Promotion of the unlimited freedom of choice, the consumer mindset, with the knowledge that this is a financially lucrative industry, supports the probability of other forms of selection in the future (whether of psychic or physical characteristics of children). Thus, the prevalent importance of the individual freedom of choice

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<sup>17</sup> Ibid. par. 93.

<sup>18</sup> Ibid. par. 94.

is emphasized here, regardless of its content, or how it affects the interests of other entities or the interests of society as a whole (Attanasio, 1986, pp. 1285–1287). However, some values represent legitimate spheres for interfering with freedom of choice to a certain point, although there will always be misunderstandings as to where exactly this point is (Nussbaum, 2001, 95). It is also important to note that the sex selection is currently theoretically justified by the so-called “family balancing” concept, so in societies where statistics show that they prefer both genders, the sex selection should be allowed for this reason (Toebe, 2008, pp. 203–205; Pennings, 1996, p. 2343). However, not only that the gender equality is also questionable here, but also discrimination of families in which both genders are not equally represented (or approximately equally) is present (Shahvisi, 2018, pp. 123–137).

When it comes to sex selection, if we take into account the earlier definitions of the new eugenics, it is unclear whether it can be considered as a form of the new eugenics. If one sex is favored, it is clear this is not about “improving the human species” because the ability to reproduce will obviously be reduced. However, if it is about “improving human lives” and primarily the lives of parents who prefer certain sex, it could be considered as the new eugenics. Allowing sex selection under the pretext of protecting reproductive freedoms can surely lead to other types of selection, and the concept of “family balancing” could only be an introduction in that sense.

In addition, Article 14 of the Convention, unfortunately, concerns only the use of medically assisted procreation for the purpose of selecting a future child’s sex, although the methods of sex selection after the fertilization through prenatal diagnosis are considerably more prevalent, and other reasons for selection are not mentioned. However, Article 11 of the Biomedicine Convention could be helpful in this sense: “Any form of discrimination against a person based on his/her genetic heritage is prohibited”. On the other hand, as elsewhere in all the instruments for the protection of human rights, it is not clear when life begins, or who is considered to be a “person”.

The devastating data on sex selection has been present in India and China for decades. The selection was primarily carried out through obtaining information about a child’s sex through ultrasound, then in the case of unwanted sex of child abortion is performed.<sup>19</sup> Over time, a number of

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<sup>19</sup> According to the UN Population Fund, in China, 115.9 boys were born for every 100 girls in 2014, 115.6 boys in Azerbaijan in 2013, 114 boys in Armenia, in the period 2009–2013 in Northern Macedonia this number was 110.4, in Montenegro in the same period 109 boys, and in Albania in the period from 2012–2013 also 109 boys. United Nations Population Fund, UNFPA (Updated 23 July 2018). Gender-biased sex selection. Retrieved from <https://www.unfpa.org/gender-biased-sex-selection>



countries in which sex selection was implemented, has expanded. It has been estimated that since the 1970s, hundreds of millions of women in the world are “missing” (Sen, 2010, pp. 99-100). In this case, the use of ultrasound is an obvious example of massive abuse of technology.

Non-invasive prenatal genetic test of mother’s blood (NIPT) generally represents a positive development of technology because it can detect chromosomal abnormalities and avoid traditional, invasive diagnostic methods that carry a high risk of abortion (amniocentesis and chorionic villus sampling). On the other hand, the test enables to determine the sex as early as the ninth week of pregnancy. In countries where pregnancy termination is allowed on mother’s request (without any additional requirements related to the health of the mother or child, or if the pregnancy is a result of a criminal offense), it can be undertaken in the first trimester, mainly in Europe, usually between the tenth and twelfth week of pregnancy (with some deviations).<sup>20</sup> The new technology makes it easy to perform sex selection in these countries within legal limitations, and because the samples can be sent by post for sex identification.<sup>21</sup>

Sex selection is usually prohibited by domestic law, and sometimes by the use of any technique, not only procedures for medically assisted procreation (as in the case of the Biomedicine Convention).<sup>22</sup> In the Republic of Serbia,

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<sup>20</sup> IPPF European Network (September 2012). Abortion Legislation in Europe. (Updated January 2012) Retrieved from [https://www.ippfen.org/sites/ippfen/files/2016-12/Final\\_Abortion%20legislation\\_September2012.pdf](https://www.ippfen.org/sites/ippfen/files/2016-12/Final_Abortion%20legislation_September2012.pdf)

<sup>21</sup> Disturbing data on the number of selective abortions - Montenegrins usually check the sex of the child. *I am a woman* <http://www.zenasamja.me/porodica/1858/zabrinjavajuci-podacio-broju-selektivnih-abortusa-crnogorci-najcesce-provjeravaju-pol-djeteta>

<sup>22</sup> For example, in Hungary, for the criminal offense of selecting gender before implantation, a sentence of imprisonment of 1 to 5 years is envisaged for a doctor who performs such a procedure (Julesz, 2015, pp. 214-216). In Serbia, a prohibition on sex selection for non-medical reasons through any diagnostic procedure, either before conception or during pregnancy is adopted. Fines for health institutions that violate this provision are foreseen. Law on the prevention and diagnosis of genetic diseases, genetically conditioned anomalies and rare diseases. *Official Gazette* RS. No. 8/2015, Art. 10 and 36. In Croatia, only the use of biomedical-assisted fertilization for the purpose of sex selection is prohibited, except for the avoidance of a serious hereditary sex-related illness, and financial penalties are foreseen for legal persons who violate this provision. Law on Medically Assisted Fertilization, *People’s Magazine*, No. 86/12, Art. 27 and 56. In Montenegro, as a country where the problem of sex selection at the Council of Europe level was recognized, a ban on the termination of pregnancy with the aim of sex selection is foreseen, but also the use of early genetic tests to determine the sex up to 10 weeks of pregnancy, except in the case of a risk of hereditary diseases indicated by a clinical geneticist, and a fine for a healthcare worker is also envisaged. Law on Conditions and Procedure for Termination of Pregnancy, *Official Gazette of Montenegro*, No. 53/09, Art. 18, Art. 26.

genetic testing is permitted only for the purpose of predicting or detecting a genetic disease, genetically conditioned anomaly or a rare illness when the patient expressly agrees in writing, or when a pregnant woman agrees with it as a patient, in connection to embryos or fetuses diagnostics.<sup>23</sup> In both cases, the act is classified as a misdemeanor, not as a criminal offence, and the situation is the same even in the case of genetic modifications.<sup>24</sup> If the violation is committed by a foreign legal entity, it is punishable only if the offense is committed on the territory of the Republic of Serbia, and only if it has a business unit or representative office in the Republic of Serbia.<sup>25</sup>

Regarding the regulation of genetic testing at the international level, the International Declaration on Human Genetic Data (not legally binding) is relevant, and the Additional Protocol to the Biomedicine Convention on Genetic Testing for Health Purposes. However, the Protocol on Genetic Tests for Health Purposes as a legally binding document has been ratified by only six members of the Council of Europe.<sup>26</sup> In addition, it is tragic that it does not apply to genetic tests on the human embryo or fetus, nor genetic tests for research purposes.<sup>27</sup> This means that it does not apply to pre-implantation genetic diagnosis or prenatal genetic diagnosis.<sup>28</sup> It is necessary to adopt a legally binding document that would explicitly prohibit the conducting of non-invasive prenatal genetic tests from the mother's blood when the test is offered over the Internet, and the samples are sent by post. First of all, testing must be accompanied by adequate informed consent and can be undertaken only under individualized medical supervision, and persons providing genetic services must have appropriate qualifications. For example, the question arises whether the

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<sup>23</sup> Law on the prevention and diagnosis of genetic diseases, genetically conditioned anomalies and rare diseases. *Official Gazette RS*. No. 8/2015, Art. 7.

<sup>24</sup> Law on Medically Assisted Fertilization, *People's Magazine*, No. 40/2017 i 113/2017 - otherlaw, Art. 49, Art. 67, paragraph 1; Law on the prevention and diagnosis of genetic diseases, genetically conditioned anomalies and rare diseases, Art. 36.

<sup>25</sup> Law on Misdemeanors, RS Official Gazette, No. 65/2013, 13/2016. 98/2016 – decision US, Art. 31.

<sup>26</sup> Council of Europe (2019). Chart of signatures and ratifications of Treaty 203 Additional Protocol to the Convention on Human Rights and Biomedicine concerning Genetic Testing for Health Purposes, Status as of 14/06/2019. Retrieved from [https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/203/signatures?p\\_auth=y4UdE2G5](https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/203/signatures?p_auth=y4UdE2G5)

<sup>27</sup> Council of Europe (2008). Additional Protocol to the Convention on Human Rights and Biomedicine, concerning Genetic Testing for Health Purposes. European Treaty Series. Strasbourg, Art. 2.

<sup>28</sup> On the other hand, the International Declaration on Human Genetic Data has a wider application than the Protocol on Genetic Tests for Medical Purposes, as it is applied to genetic tests of embryos and fetuses, Art. 1.

postman is involved in the performance of genetic services, which may be significant for the protection of the right to privacy. Finally, when results are obtained, they must be interpreted by geneticists who must provide adequate genetic counseling.

When it comes to cloning, it can also be described as a form of eugenics. The Additional Protocol to the Biomedicine Convention on the Prohibition of Cloning Human Beings is relevant, which prohibits any intervention seeking to create a human being genetically identical to another human being, whether living or dead. In the context of the protection of personal integrity, the reproductive cloning of human beings is also prohibited in the EU Charter (Article 3, paragraph 2). At the universal level, the Declaration on Human Cloning was adopted, but it does not explicitly prohibit reproductive cloning. However, the danger of widespread reproductive cloning is currently lesser than as it seemed when Dolly the sheep was cloned in 1996, and the popularity of this topic increased (Andrews, 1998, p. 644). It is highly unlikely that it will have wider application, unlike the therapeutic cloning that is considered ethically much more acceptable and can have significant therapeutic functions.

## CONCLUSION

As noted, literature often makes a distinction between the old and new eugenics and then concludes whether there is continuity with the old eugenics. Such analyses do not help to solve specific problems arising from advances in technology. Namely, in the light of the protection of basic human rights, it would be more appropriate to define concrete practices considered the most unacceptable, and to reach consensus on a wider basis. The notion of the new eugenics itself is understood differently, and it can cover different practices, some of which are widely accepted and others should be strictly regulated. In this sense, some progress has been made in Europe, but unfortunately, it is very difficult to achieve a broader consensus in this sphere. Due to reproductive tourism, and sometimes because of the mere sending of samples for analysis in another country, regional regulation cannot be satisfactory.

In some legislations, sex selection through the use of pre-implantation genetic diagnosis is permitted and in others, it may be permissible through the “family balancing” concept, which is likely to be a prelude to the wider application of genetic modifications and not only in case of illness or disorder. Genetic modifications which introduce the modifications in the genome of the descendants should be prohibited, especially in case of human enhancement. First of all, the modifications in the human genome can generate unknown consequences, and the integrity of the species may be challenged. Second, good parenting should be based on love and acceptance of the child, and parents

should offer unconditional love and value to their children without consideration of their traits (Vizcarrondo, 2014, p. 242). Human enhancement results in the design of the child to the parents' expectations (Vizcarrondo, 2014, p. 242). Domestic law will not have any relevance for individuals who can afford a designer baby through reproductive tourism. Such a selection will be guided by the consumer mindset, and by what a particular parent considers to be best for his future child at a given moment, rather than improving the species. As one of the arguments against it, it is also stated that the descendants did not consent to the modification.

However, the problem of non-invasive genetic tests from mother's blood is currently much more relevant and the fact that genetic testing services are widely available on the Internet, without respecting the fundamental rights of the patient. Such tests can lead to an increased number of abortions, not only for the purpose of sex selection, but also because of misinterpretation of results related to possible illnesses, and they may have questionable accuracy. Besides, testing of other traits, except for the disease is anticipated with these tests. Domestic law cannot deal with this practice, and it is necessary to respond at the international level. It is necessary to regulate the area of pre-implantation genetic tests as well as prenatal genetic tests more decisively.

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### **NOVA EUGENETIKA U OGLEDALU MEĐUNARODNE ZAŠTITE LJUDSKIH PRAVA**

*Apstrakt:* Tehnološki razvoj na polju genetike doveo je do pojma nove eugenetike. To je pokrenulo brojne diskusije koje su se mahom fokusirale na pitanje kontinuiteta odnosno diskontinuiteta nove i stare eugenetike. Potrebno je ispitati upotrebljivost navedenog pojma u oblasti zaštite osnovnih ljudskih prava. Samo određenje razlika i sličnosti navedenog ne obezbeđuje jasan put za razumevanje vrsti delovanja koja su suprotna osnovnim vrednostima, koja bi trebalo da budu međunarodno zaštićena. Bolje je usredsrediti se na specifične kontroverzne tehnologije. To bi možda pretežno trebale biti one koje imaju ili će imati šire polje upotrebe, kao u slučaju neinvazivnog prenatalnog testiranja (NIPT). Treba naglasiti da reproduktivni turizam i razvoj adekvatnih tehnologija zahtevaju brz odgovor. Ipak, treba imati na umu da je postizanje konsenzusa u etički složenom području težak zadatak.

*Ključne reči:* ljudska prava, eugenetika, Biomedicinska konvencija, Evropska konvencija o ljudskim pravima, odabir pola, genetička modifikacija, kloniranje.

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## **EU INTEGRATION PROCESS OF SERBIA: A VICIOUS CIRCLE OF HIGH POLITICS?**

Miloš PETROVIĆ

*Abstract:* This paper examines the development of relations between the EU and Serbia, which have been subjected to evaluation in both the Copenhagen criteria and the high-political conditions in the domains of post-conflict-recovery, statehood-challenges and territorial integrity. The research question is: how has the EU focus on high-political challenges reflected on the deepening of relations with Serbia and the country's membership credibility? The author aims to show that the focus on high-political challenges correlates with the fact that the EU's approach-towards the WB has remained primarily aimed at stabilization, rather than democratization. Through the Europeanization theoretical approach, comparisons in applying the conditionality principles through the "eastern" EU enlargements, as well as the realist paradigm, the author intends to explain the European focus on the high political domain additionally. As a result of largely prioritizing the high-political challenges and stability aspects over the fundamentally important areas such as the rule of law, the judiciary, etc., the transformation process in Serbia has been insufficiently deep and has remained incomplete in those domains. Likewise, the successful overcoming of some high-political-challenges has not speeded up the lengthy European path but has largely resulted in less negative conditionality. In conclusion, the author considers that the overcoming of the specifically demanding and high-risk challenges in the political domain should be more proportionally compensated, which would be beneficial for maintaining progress in reforms, especially in case the EU's focus in the upcoming years turns from stabilization towards democratization.

*Key words:* political conditionality, criteria, stabilization, high politics, membership, credibility, incentives, challenges.

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## **INTRODUCTORY REMARKS: HIGH POLITICS, FIRST AND FOREMOST**

For the past two decades, the European integration process of Serbia significantly correlated with the high-political challenges, which remained as a legacy of the regional conflicts and hindered the transformation and reform processes. Apart from the political part of the Copenhagen criteria (human and minority rights, the rule of law, institutional stability, etc.), Brussels has designed additional political conditions for the so-called Western Balkan (WB) countries in the domain of post-conflict-recovery, such as the cooperation with the ICTY, commitment to regional cooperation, good neighborly relations, etc. (Rangelov, 2006, p.366). Apart from the association domain as seen in Central Europe (CE), the stability aspect, tied to the perception of the region as a post-war area, constituted the second part of the EU's Stabilization and Association Process with the WB (Grimm, Lou-Mathis, 2015, p.921). Due to numerous high-political challenges, this aspect has long remained prioritized by Brussels (Radić Milosavljević, 2019, p.10). That also applies to Serbia even though the country has since 2014 been included in a more advanced stage of the European integration process - the membership negotiations (Mišćević, 2016, p.71). These high political issues and the EU focus on stabilization will constitute the subject of this paper.

Both Croatian and Serbian EU accession paths have been evaluated based on the fulfillment of the ICTY criteria, although the European integration process of Serbia has stagnated several years solely due to unfavorable evaluation of these criteria (Dragišić, 2008, p. 157; Djurković, 2018, pp. 45-46). Likewise, Serbia needed to address additional issues to avoid some sort of sanctioning by the EU, which included the statehood challenges (status of the Federal Republic of Yugoslavia - FRY, Serbia-Montenegro relations,) and a territorial dispute (the unilateral secession of Priština). This combination has made the European integration process particularly challenging for Serbia, as (insufficient) progress in these areas has reflected unfavorably on the overall process. High political nature of the Serbian integration has manifested largely in a negative manner, whereas the successful completion of some serious challenges has not been valued proportionally to the invested efforts, which will be further elaborated.

The research question is defined as follows: how has the EU focus on high political challenges reflected on the deepening of relations with Serbia and the country's membership credibility? The European integration process of Serbia reveals several things: firstly, high-political challenges have had a prominent place in determining the next steps towards joining the EU, as a result of the continued primary focus on stability in the WB. By conditioning the candidates in the stabilization domain, the EU encourages them to overcome the post-war context,

but at the same time, conditions in this domain serve as a tool for keeping the candidates (with unresolved high political issues) away from membership. The EU's focus on conditionality in the domain of stabilization will be addressed in more detail in the theoretical section of this paper.

Secondly, the author hypothesizes that the completion of high-political tasks has not been evaluated positively enough in terms of immediate or substantial rewards. To improve the currently reduced credibility of the EU membership perspective, these tasks should be evaluated positively. The aspect of credibility is connected to the aspect of reward; conditionality is likely to be effective if the rewards are substantial and proximate, rather than smaller and distant (Schimmelfennig & Sedelmeier, 2019). The solving of complex problems regarding statehood (joint state) and dealing with the past (ICTY), despite their sensitivity, did not bring Serbia “extra points”, despite the invested years and high-risk efforts. Rather than bringing more substantial rewards, in the case of a successful outcome, the process has so far reflected mostly in abstaining from the use of negative conditionality, as will be illustrated in the further chapters. The meaning of the term “negative conditioning” in this paper is tied to the application of negative actions if not meeting the standards (for example, postponing/blocking chapter-opening /closing, etc.), whereas the “positive conditioning” is related to the positive actions (for Serbia, this could mean setting the target date for the conclusion of membership negotiations or making the evaluation process less exposed to high political decisions in case of opening of each negotiation chapter). Based on the history of its relations with the EU, at this point it can be expected that a major remaining high political condition – the process of completing the normalization of ties with Priština – also would not result in more tangible rewards for Serbia, but is likely to contribute only to the decrease of the negative conditioning. The EU has so far attempted to compensate for the distant membership perspective of the WB with sectoral incentives such as the visa liberalization or energy projects (Schimmelfennig & Sedelmeier, 2019). However, apart from not being proportional to the high-political risks and efforts, the sectoral and short-term incentives cannot overshadow the lack of progress towards less inhibited opening of the negotiation chapters, towards concluding the accession talks or setting a more precise EU membership date for Serbia. In the case of Serbia, the author argues that the incentives during the remaining part of the stabilization period of European integrations should reflect the high-risk and complexity of the remaining political challenges. Following the successful overcoming of the high political issues, the EU integration process could proceed with a focus on fulfilling the Copenhagen criteria.

Thirdly, the example of Montenegro (which is perceived as a regional front-runner in the domain of European integration) shows that the country has yet

to fulfill the conditions which could lead to obtaining closing benchmarks for chapters 23 and 24, after which the process could gradually enter the final stage of concluding the negotiations through each chapter (Cuckić, 2019). Even though Montenegro is predominantly subjected to the conditionality in the democratization domain (rather than stabilization, in the absence of major high-political issues which burden the rest of the region), its long accession negotiations and prolonged reform process are not stimulating for the rest of the WB. Regardless of whether the EU currently prioritizes the domain of stabilization or democratization in its relation with the WB, the credibility of the membership perspective needs to be improved. Although the enlargement policy has not been an EU priority for at least a decade, it is necessary to convince the candidates that they have a European future by facilitating their accession process, and encouraging their transformation efforts through the application of positive conditionality, rather than making the EU membership perspective even more demotivating and distant. The EU's focus on high-political challenges and its implications in the European integration process of Serbia will be more closely analyzed in the next chapters.

## **THEORETICAL BACKGROUND**

In its relations with the WB countries, the European Union has been focused to a large extent on maintaining stability and security in the region, which can be analyzed through the realist paradigm. These domains form part of the “high-politics”, which, from the realist perspective, constitutes the most relevant subject of study in international affairs. There are several reasons why the EU concentrates on high-political aspects in relations with Serbia. Firstly, Serbia belongs to a post-conflict region which remains exposed to challenges in the domains of territorial integrity, statehood, interethnic distrust and peace-building even two decades after the wars. The majority of the WB states, including Serbia, have unresolved issues which can be considered “high-political”. Their failure to overcome (some of) these challenges has left them exposed to instability and uncertainty, which reflects in their unfavorable international position, including their inability to meet the standards required by the European integration process.

Secondly, the EU is not only interested in overcoming the war legacy in the region but is also worried regarding the potential impact of “importing” the political instability and uncertainty. When analyzing the lack of political willingness of the EU to consider the need for revitalizing the lengthy accession procedures for countries like Serbia or even Montenegro, it is important to note that the area is to a large degree still perceived as a potentially destabilizing region by the EU, for which reason it retains its conditions in the stabilization domain. Although the EU has traditionally been associated with notions of stability and

prosperity, in recent years the Union itself has also been faced with issues which challenge its own political and economic functioning. Any change in EU's borders requires high-political caution and careful consideration in European institutions; this is not only applicable for the aspirations of the WB states to join the Union, but also for Brexit, where the EU is concerned regarding the potential economic and political disturbances of the withdrawal of the UK. The European interest to preserve the stability and predictability of its political and economic order, coupled with the insufficient progress in meeting the Copenhagen and other criteria in the WB, results in the stagnant state of the enlargement policy.

The EU interest in securing the stability of the region is logical, having in mind the geographical and other proximity. However, the lengthy accession paths of the WB and the fact that some high political issues remain unresolved show that the EU normative and other power is not so convincing in that region. The EU influence in the countries which belong to the enlargement policy has traditionally been very strong. However, having in mind the post-conflict challenges of the region and the duration of the WB accession efforts (compared to the CE enlargement round), to the author of this paper, it appears that the EU has primarily contributed to the stabilization, but insufficiently to the fundamental transformation of the region which would bring it closer to the EU membership. The realist paradigm is beneficial for illustrating the nature of the EU focus and political interest in the stabilization of the WB region. However, it is not entirely sufficient to portray the altered application of the conditionality principle in the WB. To the author of this paper, the realist perspective is more useful in addressing the question “why” the EU has been continuously focusing on the high political domain. On the other hand, the Europeanization approach is useful in depicting “how” the EU has been encouraging or conditioning the WB candidates to fulfill certain tasks, apart from also addressing the “why” part. Also, to the author of this paper, the realist perspective is useful in showing why the EU maintains a “safe” distance from its membership candidates (for example, security concerns, lack of EU common stance for the faster admission of the WB, etc.). On the other hand, the Europeanization concept is used to show a slightly different perspective – how the EU approach has not been sufficient in bringing the WB candidates closer to their once-promised membership.

The EU approach towards the WB, including Serbia, can be additionally explained through the Europeanization process and its external incentives model (Schimmelfennig & Sedelmeier, 2019). The slow progress and systematic setbacks in the current enlargement agenda question whether the EU can replicate its Europeanization success from Central Europe in the WB (Ibid.). Schimmelfennig and Sedelmeier argue that although the pre-accession contexts and size of awards of these two regions have largely resembled, in the case of the WB the domestic adoption costs are higher and the credibility of the membership perspective is

reduced, which reflects on the WB European integration course (Ibid.). The adoption costs in the aspect of overcoming high-political challenges which Serbia has been facing are very large and risky and extend not only to the political domain but also to other areas of social life. Apart from the differences in terms of domestic adoption costs and the credibility of a membership perspective, the author also points out that the pre-accession context and the size of award (EU entry) have not been identical. Whereas in CE the EU additionally encouraged the applicants to reform by formally recognizing their target date for joining the Union, in the case of the WB, the date has not been set (despite the hypothetical option with 2025 as an indicative date, which is by no means guaranteed). In that regard, Schimmelfennig and Sedelmeier also indicate that although there is no difference in terms of a promised membership perspective for both regions, the quest for stability and integration for the WB would keep the EU engaged, but this would not create an unconditional push towards the enlargement (Schimmelfennig & Sedelmeier, 2019.). Although member-states do not oppose the WB membership perspective, the bilateral conflicts in the region (which do not have much to do with the formal membership conditions), have prolonged the accession process; this is also evident in the state of Belgrade-Priština relations (Ibid, p.11).

During the previous three decades, the Europeanization concept started to be growingly perceived as a “top-down” approach, intended to explain how the countries changed in response to incentives and commitments from the supranational level (De Flers, Müller, 2010). In tracking down the success of Europeanization, one important aspect is the “goodness of fit” argument, which ties the progress of this domain with a (growing) degree of compatibility with the EU (Ibid.). This may apply to a candidate country such as Serbia (externally) or to a member-state deepening its integration. The “top-down” pressuring to adapt to EU standards is realized largely through the conditionality principle. The scope of application of that principle has not been uniform. Within the enlargement context, the conditions have evolved from vaguely-defined “pluralist democracy and respect for human rights” in Southern Europe, over the Copenhagen and Madrid Council’s criteria for Central Europe, to additional criteria in post-conflict recovery for the WB (Papakostas, 2012). In other words, both the criteria and the use of conditionality as an instrument for encouraging reform processes in the EU candidate countries have evolved and have extended into additional areas and standards over time.

In the context of Europeanization and its external incentive approach, the outcome of political conditionality is connected to several aspects, such as the EU membership perspective, the normative aspect of the enlargement policy towards the candidates and the costs of adopting and implementing EU-based reforms and standards (Kovačević, 2011, p.24). More precisely, the external

incentives model follows the assumption that the EU encourages Europeanization through sanctions and rewards that affect the cost-benefit analyses in the candidate countries, and correlates the adoption of EU rules with the size of awards, the credibility of conditionality and size of adjustment costs. (Schimmelfennig & Sedelmeier, 2019).

The authors like Schimmelfennig argue that the reasons for the prolonged process in European integration reform processes in the WB are largely also due to war legacy, including, in the case of Serbia, the challenging aspect of cooperation with the ICTY and the status of Kosovo-Metohija (Kovačević, 2011, p.24). These high-political challenges, apart from the general membership criteria applied in the case of Central Europe, have additionally inhibited the progress of Serbia on its EU path. On one hand, the WB countries are post-conflict societies with nation-building and statehood challenges. Some of these high political issues had been so challenging that the EU became – and remained – very concerned regarding the ability of the region to overcome its conflict legacy and sustain peace and stability. Unlike the WB, generally speaking, the CE countries did not have a violent recent history, nor major unresolved high political issues which could have disrupted their region's stability and their EU accession goals. Whereas during the 1990s the CE countries were engaged in the post-communist transition, the remodeling of their institutions and working on greater compliance and implementation with the *acquis*, the Southeastern European region has been the most unstable and insecure part of the continent. Unlike the CE region, where countries have been deepening regional cooperation within initiatives such as the Visegrad Group in parallel with their European integration process, many WB countries have long perceived some of their neighbors as security threats, rather than potential partners, due to recent conflicts. Whereas the EU has been successful in encouraging the post-communist transition and remodeling of institutions in CE (within a relatively short time frame from 1989-2004), unfortunately, it has not been too successful in securing the regional reconciliation and overcoming of high political issues in the WB during the past two decades.

The role of context is very important, so the CE candidates cannot be simply equalized to the WB (Schimmelfennig, Sedelmeier, 2004, p.676). The enlargement policy has not treated the two regions identically. This is because as part of its SAA process, the WB countries apart from the Copenhagen criteria also need to satisfy the post-conflict criteria. The aspect of cooperation with the ICTY has represented an important condition in the accession processes of Serbia and Croatia. There are also opinions that certain ICTY decisions and their „timing“ had been used to influence the political processes in post-Yugoslav countries, including those related to their European integration ambitions. (Djurkovic, 2018, p.33). In the WB, the EU has adapted its approach by applying stricter

conditionality starting from the early stage of relations and adding new political criteria, by fusing together conditions from different areas (politics, economics, normative...) and, to a certain degree, arbitrarily applying the conditionality on an individual basis (Kovačević, 2011, p.28). Since during the process of deepening of relations with the WB candidates the EU has introduced a more strict conditionality and started applying it earlier, and in additional domains (political and other), the European integration process of that region has not only become additionally challenging but also slower than in case of the CE candidates. One of the examples is North Macedonia, which despite being an EU membership candidate since 2005 has not yet been granted the opening of EU accession negotiations.

Political conditioning in its positive form is based on a correlation between motivating with incentives or benefits, in exchange for fulfilling the conditions in domains like the rule of law, democratic governance or practical politics. Unlike the WB region, the Central European countries have been motivated by pre-defined entry date and less conditioned opening of negotiation chapters. Likewise, conditionality is also manifested negatively – pressuring to perform certain tasks or else the award may be cancelled or sanctioned in the case of non-compliance. This aspect has been particularly present in the case of the Serbian EU accession path, which has been characterized by delays, suspensions or freezing further integration steps, as described in the next chapters.

As regards the application of the conditionality principle, the vagueness of the Copenhagen criteria allows space for interpreting certain aspects as priorities for reform (Djurkovic, 2018, pp.33-34). The post-conflict conditions for the WB ("good neighboring relations") are also set in a manner that may be flexibly interpreted by the EU. Today's enlargement countries are exposed to stricter and more negative conditionality in more areas, which, taking their modest democratic traditions and authoritarian legacy, state-building issues, weak institutions, post-war context, and the unwillingness of Brussels to provide greater support for their Europeanization efforts, results in the insufficient and the prolonged reform process. These challenges make the European path of the WB countries different than their CE neighbors. Likewise, in CE the so-called "veto players" (especially groups which influence extends into the high-politics) were weaker than in the pre-accession WB states; also, the pro-European decision-makers were faced with less political opposition during the implementation of the accession-process reforms (Kovačević, 2019, pp.27-28).

The focus of relations with the WB seems to be primarily the preservation of peace and guaranteeing stability, rather than moving on to building democratic systems (Ibid, 40). Instead of changing the approach from supporting stabilization to building democracy, the EU's approach has remained entrapped in the stabilization mode, which has not allowed the countries to proceed much further

from that setting; in other words, stability has remained a top priority. Demanding conditions in the domains of stabilization and association and reluctant and distant membership perspective is making the conditionality aspect and the entire process lengthy and less successful than in CE (Kovačević, 2011, p. 34).

This is troublesome for Serbia and the region for two reasons. Firstly, focus on stabilization does not support the overcoming of high-political challenges, but keeps them in a dormant state, unsolved, but yet highly politically relevant. Addressing high-political challenges could cause instability, so the EU has throughout years carefully monitored those processes not insisting on speed but on the process itself. This has resulted in prolongation of both the addressing some of these problems and the prolongation of the integration process as such.

Secondly, the high-political issues have diverted the attention from the fulfillment of the Copenhagen and Madrid Councils criteria; even though the stabilization process is formally primarily tied to the negotiation of the SAA rather than later stages of the integration process, the presence of high-political concerns such as relations between Belgrade and Priština seem to anchor the development within the regional stability context, whereas other priority areas such as the rule of law, judiciary, etc. remain insufficiently addressed, and these domains remain insufficiently developed. This is a result of the focus of Brussels, as well as the Serbian governments throughout the period, on the stability aspect rather than democratic development, so the transformative results in other domains have been insufficient. Stability part of the process remained more important than the democratic transformation aspect.

On the other hand, it should be noted that the enlargement policy currently represents a highly unattractive and non-priority issue for the EU. Even if Serbia starts increasing its efforts towards the deeper transformation of the political, legal and economic system, the EU will remain largely uneager to welcome new member countries in the current context. Each step in the accession negotiation process is more strictly evaluated than before, including opening and closing benchmarks, easier exposure to member-state veto, and so on (Mišćević, 2016, p. 74). Although the formal membership perspective exists, the credibility of accession has been lower than in case of the several preceding enlargement rounds, as a consequence of the unfavorable public opinion towards further enlargements, the lack of consensus among member states, bilateral conflicts with some of the WB countries and the weakened institutional commitment by the European Commission (Schimmelfennig & Sedelmeier, 2019). Additional conditions related to state-building, more detailed benchmarks for monitoring the reform progress, and higher political and administrative costs for the WB (which entered the European integration from a lower base than Central Europe), without more substantial and imminent rewards, have made the Europeanization process and conditionality less effective in the region, including Serbia, comparing



to the earlier EU enlargement cycles (Ibid.). The combination of higher adoption costs and the lower credibility of EU conditionality, coupled with the additional criteria such as fulfilling the post-conflict conditions and overcoming the regional disputes, makes the European integration process of Serbia more challenging and more high-political compared to its Central European neighbors at the beginning of this century.

## **TWO DECADES OF OVERCOMING THE OBSTACLES**

As part of its stabilization approach, the EU had tailored an additional set of conditions in the domain of post-conflict recovery which the WB countries needed to fulfill to achieve progress in their European integration processes. Almost two decades later, the EU still perceives the WB region as a post-conflict zone with numerous high-political challenges. The Union uses the political instability argument and maintains its stabilization approach both to encourage progress towards resolving the high-political disputes and to keep the candidate countries away from EU membership at least until these issues have been properly resolved. The EU is not interested in importing additional instability by admitting new countries with unresolved high political issues, so it has been applying the stabilization mode towards the WB states for the past two decades. Apart from that, as there is no political will among member states and the EU to make the membership perspective for the WB states more proximate and more credible, the state of the current enlargement agenda is not satisfying compared to the previous enlargement cycles.

However, apart from stability and security concerns, the European Union lacks the political consensus to introduce changes to the enlargement policy in terms of more credible and more proximate membership perspective. Having in mind those two elements – the continued perception of the WB as a high-politically-problematic region and the lack of EU consensus to create a more “welcoming” and supportive enlargement approach, the European integration process of Serbia is not progressing evenly in all areas and remains burdened with high-political challenges. This chapter contains a closer overview of relations between Serbia and the EU in the context of high-political challenges in the domains of statehood, dealing with the recent past and territorial integrity.

In June 2000, the European Council in Feira recognized all WB countries as potential EU membership candidates (EC 2000). Several months later the October overthrow in Belgrade ended the oppressive presidency of Slobodan Milošević, which marked the beginning of gradual deepening of ties with the EU. The reintegration of the Federal Republic of Yugoslavia (FRY) into international community was quickly crowned by the UN and the Council of Europe admissions. Likewise, the Zagreb Summit underlined the political

willingness of the WB for membership (EC 2000). However, although a decade of sanctions has ended, the years of isolation and conflicts, combined with high-level domestic challenges, have inhibited a fast-track accession to organizations such as the EU. Whereas its northern neighbors have been concluding their accession negotiations, for years Belgrade has not even been granted to initiate the EU association talks, aimed at raising relations through the SAA, largely due to lack of progress in high-political domain.

Firstly, the FRY was conditioned by the European Union to address its statehood challenge, which has for years paralyzed the federal institutions. This also required Podgorica to participate in strategic considerations, since its representatives had been boycotting federal institutions. Following a period of mediation, the EU brokered the signing of the Belgrade agreement (2002), which devolved the FRY into a provisional community, the State Union of Serbia and Montenegro. A dual-track approach was invented to accommodate both constituencies to develop relations with the Union autonomously, as their economic systems have largely grown apart. Unlike many officials in Belgrade, the official Podgorica perceived the Belgrade Agreement as a temporary solution and a step towards independence, and the ignoring of the shared institutions continued (Slavujević, 2019). Part of the international community seems to have been reluctant to rush with a redraw of the borders in the Balkans, as some viewed that the Montenegrin independence could spill over to the UN-administered Kosovo-Metohija, which has for decades been among chief neuralgic places in the region (Kovačević, 2011, p. 27; Hudson, 2006). In addition, the assassination of the pro-Western PM of Serbia, Dr. Zoran Đinđić in 2003 temporarily pushed Serbia into instability and fear of a possible political upheaval. The situation in Serbia has shown the European Union that the circumstances are not only far from stable, but also prone to escalate, especially in the context of multiple unresolved high-political issues. This has assured the EU regarding the importance of further stabilization efforts in the WB. The EU's interest remained to continue to shape the region in line with its political and economic model and to project its influence externally. Apart from continuing to condition Serbia to address its high political issues according to the EU requirements, on the other side, the Union also became more engaged and showed the willingness to support Serbia in the upcoming years. In May 2004, following Hungary's admission to the Union, the EU now shared a land border with Serbia. Likewise, as a consequence of the eastern enlargements, the EU became more aware regarding the challenges attached to admitting the countries with unresolved high-political issues, such as Cyprus.

The State Union was among the last countries in the WB to start the association process. The EU has initially demonstrated a political skill and willingness to steer the process of coordination between the two constituencies

of the State Union. The country was officially recognized as a “potential membership candidate” (EC 2003). However, the inefficient shared institutions coupled with political problems hampered significant EU steps. The Enhanced Permanent Dialogue was a useful platform for familiarizing with European practices; however, the dual-track logic in negotiating the SAA did not harmonize their approach. The European Partnership dialogue, which succeeded the EPD, also insisted on full ICTY cooperation as a priority for Belgrade (Eriksson, 2013, p.69). Another milestone was the endorsement of the Council of Ministers regarding the European partnership (CoM 2006). In addition, after 3 years of delays, the State Union feasibility study on opening the SAA talks was endorsed in 2005 (Bechev, 2006, p.40). In parallel, the Montenegrin citizens exercised their right to national self-determination in May 2006 and Podgorica seceded from the State Union. Citizens of Serbia had not been asked whether they wished their republic to assume independence. This reflected the pro-unionist stance of the conservative government; however, it also may have been connected with fears of domino-effect, since the UNSC Resolution 1244 defined Kosovo-Metohija as part of the FRY, so Belgrade did not want to encourage the dissolution of the Union as its successor. Either way, the Republic of Serbia became the legal successor of the State Union and inherited its place in international organizations. The statehood issue has been settled, so now each country could proceed independently, with Serbia “inheriting” the remaining high-political challenges which will continue to hinder its EU bid.

As part of its focus on stabilization in the WB, throughout the process, the EU also conditioned the Serbian European integration path with full ICTY cooperation. The accession process of Croatia has also been temporarily halted due to a negative report by the chief prosecutor (Rangelov, 2006, p. 366). In case of Belgrade, the SAA negotiations, which started only in 2005, were suspended weeks before the Montenegrin referendum due to a negative report on the ICTY cooperation (EC, 2006; Kuechler, 2006) despite 14 arrests and extraditions of war crimes suspects during 2005 alone (Dobbels, 2009, p. 27). Since the ICTY cooperation counted among chief EU conditions for the conclusion of the SAA, the negotiations were halted until 2007 (Eriksson, 2013, p. 70). The cooperation was politically sensitive also due to the unfavorable public opinion and lack of interest in dealing with recent past; one research has shown that only 8% of participants in the study viewed the ICTY cooperation as a genuine priority (OSCE-BCHR, 2006). Only following the establishment of action documents and institutional arrangements which have led to additional arrests of the high-level indictees, the SAA negotiations have resumed, although this seems to have coincided with the EU “softening” towards Belgrade in the period of the unveiling of the Ahtisaari plan (Dobbels, 2009, p.14). This is an example of proper “timing” of EU decisions in applying its conditionality approach and of

decreased negative conditionality, which did not go beyond unblocking the SAA negotiations.

Meanwhile, year-long negotiations headed by UN envoy Martti Ahtisaari over the status of Kosovo-Metohija have unsuccessfully ended. The Serbian Government rejected the “Comprehensive Proposal for the Kosovo Status Settlement”, specifying that it was contrary to the Constitution, to the UN Charter, the 1975 Helsinki Final Act, and the UNSC Resolution 1244 which formally recognized the territorial integrity of the FRY (Government of RS, 2006). As Russia has prevented the Security Council from adopting the plan, the official UN backing became impossible to secure (DW, 2007). However, the plan (which was contingent to the formulation that it “had to be acceptable to the people of Kosovo”) has in part started to be implemented locally, backed by a large part of the Western community (Mitchell, 2008).

Temporary institutions in Priština unilaterally seceded in February 2008, which prompted the government to collapse in Belgrade, led to unrest in northern Kosovo-Metohija and demonstrations in Serbia and the Republic of Srpska. The EU’s continued concerns regarding the political future and stability of Serbia, coupled with the volatile situation in the region, have encouraged the Union to offer an inducement to pro-European parties (Orentlicher, 2018, pp.82-83). During the functioning of the technical government, just weeks before the parliamentary elections, the EU invited Serbia’s officials to sign the SAA and the Interim Trade Agreement (ITA). The signature by the deputy PM Đelić – a member of the Democratic Party, was widely perceived as a support to that political option by Brussels. This is another example of a properly timed decision, which appeared like a European incentive for the pro-EU parties at a politically sensitive moment. However, even this step was symbolic.

Actually, the EU did not concede much as both agreements were instantly suspended due to insufficient ICTY cooperation, following the request of the EU members, the Netherlands and Belgium (Orentlicher, 2018, pp. 82-83; EC, 2008). Still, this was perceived as a political boost for the Democrats. Unsurprisingly, the Democratic coalition became the backbone of the next pro-European Government, albeit burdened by the secession and international recognitions of Priština. However, for the first time since the assassination of PM Đinđić, the political will for deepening ties with Brussels has become more evident. Meanwhile, EULEX – the largest civil mission under the Common

Security and Defence Policy, aimed at strengthening local institutions, has been established across the breakaway territory.

### **ASSOCIATION WITH THE EU AND THE GROWING IMPORTANCE OF NORMALIZING THE-RELATIONS WITH PRIŠTINA**

Due to insufficiently complete ICTY cooperation, the SAA and the ITA have continued to be frozen until late 2009 by the EU. Meanwhile, the country started implementing ITA unilaterally, and by the year's end, the SAA ratification process has been reactivated. The Serbian Parliament ratified the SAA already in fall 2008; the newly-founded MP club "Forward Serbia" of the Radical Party did not object to the ratification (Nenadić, 2008). This caused the rift in this largest parliamentary party, out of which the pro-European wing "Forward Serbia" seceded, and gradually evolved into the Serbian Progressive Party. The SAA-ratification-process was symbolic in that regard, as it demonstrated the attractiveness of the European idea and contributed to the Europeanization of the political parties. The EU accession has now become the formal strategic aim of the largest part of the political spectrum. From its side, during this period the European Union encouraged the reform processes in the region with short-term incentives, such as visa liberalization in Serbia, but also Montenegro and Macedonia (Schimmelfennig & Sedelmeier, 2019). Serbia also applied for EU membership in 2009. In 2010, a new, stricter EU approach was introduced during the accession negotiations with Croatia: chapter 23 (judiciary and fundamental rights) was created as a separate negotiation area, and it was among the last closed chapters to be concluded by Croatia (Lukić, 2018, pp. 15-16). In the upcoming years, Montenegro and Serbia became the first countries to negotiate in chapters 23 and 24 (justice, freedom and security) from the very beginning of the accession negotiations.

During the mandate of the Government headed by the Democratic Party, between 2008-2011, high-ranking indictees for war crimes such as Radovan Karadžić, the former President of the Republic of Srpska, general Ratko Mladić from the Army of the Republic of Srpska and the former President of the Republic of Serbian Krajina Goran Hadžić were located and subsequently extradited to the ICTY (ICTY, 2019). As the Tribunal had finally evaluated the cooperation to be complete, the remaining EU countries which had objected to deepening relations with Serbia allowed the process to continue. It has not gained in speed, though, burdened by the Kosovo and Metohija political challenge and slow progress in domains such as the rule of law and the judiciary have chronically undermined deeper transformation of the system. Although the problematic judicial reform in Serbia was severely criticized by the European

Commission (EC) and the Council of Europe (CoE), the EU institutions seem to have opted not to sanction Serbia for that aspect of its integration process in order to motivate the country to remain committed to the normalization of relations with Priština (Dallara, 2014, pp.96-97). That is another example of how the EU prioritized stabilization in relations with Serbia, especially through promoting dialogue with the officials from Priština.

The EC sent a Questionnaire containing over 2000 questions and institutions from Serbia replied in record 45 days in 2011, demonstrating solid administrative capacities (European Stability-Initiative, 2019). Later that year, following the recommendation of the EC, the decision was made to grant Serbia candidate status on a Council meeting in March 2012, pursuant to further progress in relations with Priština (EC-Delegation-to RS, 2019). This depended on further enforcement in areas such as the integrated border administration, the regional representation of Priština, and support of Belgrade for EULEX and KFOR mandates in the northern municipalities (EC, 2011). Progress has been made, including the agreement by which institutions from Priština have been regionally represented as “Kosovo\*”. This enabled Serbia to become an official EU membership candidate in March 2012, joining the other candidates such as Montenegro, Turkey, Macedonia and Croatia.

Relations with Priština have become pivotal in the conditioning domain since Serbia became an EU candidate country (EC, 2012). Back in 2010, the EU-led status-neutral dialogue was initiated, which followed the co-sponsored Serbian-EU resolution at the UN General Assembly. Overall, the dialogue has resulted in over 30 agreements in areas of free movement, civil registry, checkpoints, the regional representation of the Priština authorities, telecommunications, energy and other areas (Szpala, 2018). Lengthy negotiations have so far also resulted in the first framework agreement on normalization of relations, colloquially known as the Brussels Agreement, in 2013. The main aspect of the Agreement refers to the establishment of the Community of Serbian municipalities but also sets principles for domains like telecommunications, internal affairs, the judiciary, etc. Its conclusion has secured Serbia formal recommendation by the Commission and the European Council (in June 2013) to launch accession negotiations. However, 6 years later, it has not yet led to the establishment of the Community of Serbian municipalities, which poses a question whether other aspects have had the priority over this important framework for the Kosovo Serbs. This is especially evident since in 2015 Priština and Belgrade concluded an additional agreement on the Community of Serbian municipalities in 2015 (RS Mission to EU, 2015) which has later been almost entirely denounced by the so-called Constitutional Court of Kosovo, thus disabling its enforcement.

The first intergovernmental conference between Serbia and the EU was held in January 2014. One should not underestimate the significance of that act, no

matter how symbolic. As in the case of the SAA-signing in 2008, the EU actually did not concede much, since the actual opening of chapters was halted for nearly 2 years due to insufficient progress in implementing Brussels Agreement obligations. Only in December 2015, the progress was deemed as sufficient to open the first negotiating chapters – 32 “Financial control” and 35 “Other issues—Item\_1 – Normalisation-of relations-between Serbia and Kosovo\*”.

The aspect-of-regulating relations with the institutions in Priština has formally entered the technical part of the EU accession process of Serbia via chapter 35. This is a result of the fact that the EU keeps prioritizing the stabilization aspect in case of the WB countries (Schimmelfennig & Sedelmeier, 2019). Through chapter 35, the EU keeps track and monitors progress in the Belgrade-Priština dialogue (Mišćević, 2016, pp. 74-75). The fundamental importance of this aspect was evident from the onset. *Inter alia*, normalization of relations with Priština in the form of a legally binding agreement is considered as an “urgent and crucial” need for the Serbian EU path (EC, 2019). Apart from 35, chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom and Security) are other fundamental areas for the transformation process (EU Delegation to RS, 2017). In fact, deepening of relations and opening/closing chapters has been tied with the overall progress in these so-called “veto areas”. In that regard, as the changed EU approach has put a focus on the most underdeveloped aspects of the political systems (judiciary, justice, etc.), and in the case of Serbia, additionally burdened by the high-political topic of relations with Priština, the negotiations have been progressing at a particularly slow pace. Alongside a growing number of benchmarks and openness of the negotiation process to intervention by any member-state at any occasion, the process is becoming growingly distant (Mišćević, 2016, p. 74). This has caused disappointment among the ordinary citizens, who have started viewing the European integration as a never-ending process which will not bring Serbia into the Union anytime soon, or perhaps ever (RCC, 2018). The EU membership perspective of Serbia has become less credible, which is, according to Schimmelfennig and Sedelmeier, also the case for the rest of the WB region (Schimmelfennig & Sedelmeier, 2019).

The Enlargement Strategy adopted in 2018 aimed to encourage the WB countries to enhance their efforts in meeting EU standards until 2025 as an indicative date of joining the Union (EC, 2018). However, despite the declarative support of the Commission, Serbia and Montenegro are currently going through the most strict accession talks, in a highly negative context regarding the enlargement idea across the EU. Even without the high-political criteria, the EU conditionality has been too demanding and too negative in order to bring more tangible results in the reform processes. Precisely due to the post-conflict nature of the region, its specificities in terms of democratic challenges and statehood problems, countries such as Serbia could use more incentives, encouragement

and guidance from the EU, not less. Paradoxically, the motivation for reforms seemed higher a decade ago than today, when Serbia is alongside Montenegro leading the accession regatta.

## CONCLUDING REMARKS

Two decades of dealing with high-priority political challenges beside working on fulfilling the Copenhagen criteria have not brought Serbia to signing the Accession treaty. Apart from the obligation to fulfill the political criteria (rule-of-law, human and minority rights, institutional development, etc.), legal (transposition and enforcement of the *acquis*) and other criteria, the post-conflict conditions such as the cooperation with the ICTY, good neighborly relations, but also statehood challenges and territorial integrity issues needed to be addressed as priorities throughout the process. This is because the EU approach and focus, which was initially tied to the stabilization aspect, has not changed.

The aspect of democratic transformation is a second priority for the European integration path of the WB states, both for the EU and the regional governments. For that reason, conditionality has been insufficiently successful outside the high-political domain, so far. In case the high-political issues get resolved, conditionality focus would be shifted on the Copenhagen criteria, which could stimulate reforms in these areas. However, one should be aware that the intangibility of the membership perspective and the unfavorable context in the region, but also in the EU, is insufficiently motivating. Precisely the combination of a credible membership perspective, conditionality and incentives for candidates is the basis for a successful continuation of the process (Todorović-Lazić, 2019, p.89). In spite of concluding some of these major tasks or making significant progress in others, Serbia as a *par excellence* political candidate has not been awarded proportionally to those high-risk efforts it has successfully overcome. Moreover, the accession date seems equally distant as it was at the beginning of this decade, which has led many citizens to stop believing in the EU membership perspective, despite the formal “disclaimer” that entry in 2025 could be achieved if all conditions are met, and fast.

The Union uses the political instability argument and maintains its stabilization approach both in order to encourage progress towards resolving the high-political disputes and to keep the candidate countries away from EU membership - at least until these issues have been properly resolved. The EU is not interested in importing additional instability by admitting new countries with unresolved high-political issues, so it has been applying the stabilization mode towards the WB states for the past two decades. Apart from that, as there is no political will among member states and the EU to make the membership perspective for the WB states more proximate and more credible, the state of



the current enlargement agenda is not satisfying compared to the previous enlargement cycles.

The stabilization focus in the EU approach towards the WB largely serves as a tool for negative conditioning. Negative conditionality has been applied at all stages of the European integration of Serbia; years were spent in the stagnant status due to high-political challenges. The set of high political obstacles Serbia needed to overcome is arguably the most challenging in the enlargement agenda, although the rest of the WB does not lack high-level problems. Although Macedonia has succeeded to reach an agreement through which the country name dispute has been resolved after a decade of stagnant relations with the EU, the consensus to finally initiate the long-awaited membership talks has not been secured yet, and the Union is postponing its decision on this aspect due to the lack of consensus (Peel, 2019). This example may serve to illustrate that, once the high-political challenges - regardless of their complexity and importance for the dynamics of European integration process - are finally solved, the countries are insufficiently compensated after delivering results. This not only puts at risk the credibility of the EU membership perspective but also creates a negative context for further decisions in the political domain, as it discourages other WB decision-makers from taking the high-risk measures.

The previous decades have shown that challenges reaching the high-political level became chronic, as a result of previous inability to address these issues at lower institutional levels. Likewise, the EU's stabilization logic has kept these challenges highly prioritized, which destimulated regional governments to prioritize other EU membership criteria or the progress in other areas has been overshadowed. Normalization of relations with Priština remains the most complex high-political condition for Serbia. However, one should not underestimate the potential of unresolved issues in the WB to acquire high-political characteristics. The Slovenian-Croatian border dispute may serve as an unfortunate example for the conditioning of Belgrade regarding border disagreements in Vojvodina. On-the-other-hand, that example also showed some willingness between the neighbors to temporarily set their differences aside in order to allow Croatian EU entry. If Zagreb had been vetoed from joining the EU for many years, that would have certainly not contributed to the regional stability. The EU membership should not be denied-indefinitely-due to high-political conflict potential. The deferral of accessions from one mandate to another also prolongs high-political problems and keeps the region in the "stabilization mode". Besides, the effectiveness of the conditionality instrument remains powerful even after EU entry.

The EU interest is to stabilize the geographically proximate WB countries and to gradually shape the region through the export of its norms, standards and political and economic model. However, the EU's unwillingness to improve the

reduced credibility of membership perspective is also reducing the successfulness of its instruments in the region. The stabilization is a top European priority in the region, but the EU needs to demonstrate its intention to bring closer the WB countries, especially those that have managed to overcome costly high-political challenges. The specific difficulty of these tasks has not been valorized enough. The sensitivity and complexity of fulfilling the high-political tasks should have been more positively recognized and should be more proportional, having in mind the high-political risk. This does not imply speeding up, or even determining the final entry date much in advance; the country cannot join until it has concluded the chapters and demonstrated convincing ability to assume membership obligations. Although the process of negotiating is largely technical and administrative, Serbia consistently opens fewer negotiation chapters than those which have been technically prepared largely due to not meeting the high-political conditions. This not only discourages the transformative progress in many of the 35 areas which are unconnected to high-politics but also contributes to a false perception that high-political domains are more important. Not every negotiation chapter should be connected to high-political decisions, as many are technical or politically uncontroversial. It is not appropriate for areas such as agriculture, consumer and health protection or fisheries, which have a more direct impact on citizens, to be negatively, high-politically conditioned. In that regard, perhaps the uninhibited opening of the politically-unrelated chapters which have been previously technically prepared may provide additional time for deeper transformation in those domains, and could (to a certain degree) counteract the reduced credibility of the EU membership perspective.

Certain examples from the history of the enlargement policy demonstrate that the EU has additionally valued, or maybe even prioritized the (geo)political aspect over the Copenhagen criteria in European integration paths of Bulgaria, Romania and maybe also some other countries. By admitting these countries, the EU has advanced the stability on the western shores of the Black sea and in that part of the Balkans. However, one of the main differences is that the EU accession perspective is no longer as credible as it was during the first decade of the 21st century. The EU remains primarily concerned with stability but is unwilling to compensate the stabilization efforts of the WB candidates with a more tangible membership perspective, which does not contribute to the Europeanization process in that region.

In the case of Serbia, high-political challenges have long been prioritized by the EU and have largely influenced the European integration flow. The author uses the term “vicious circle” to illustrate the presence of EU conditionality in the domain of high-political challenges throughout the entire process of the European integration of Serbia. Necessity to address one high-political issue after another has remained one of the most important aspects of EU conditionality

towards Serbia. At this stage in the European integration of Serbia, apart from the “veto strength” of the chapters 23 and 24, the normalization of relations with Priština through a legally binding agreement is considered as an “urgent and crucial” need for the country’s EU path (EC, 2019).

In order to successfully conclude its membership negotiations, Serbia needs to show its overall preparedness in meeting both the Copenhagen criteria and overcoming the political challenges. In the meantime, the reduced credibility of the EU membership perspective could be balanced by a more proportional application of conditionality and adequate rewards to encourage progress in areas other than high-politics. On one hand, in the context where the EU simultaneously prioritizes the stabilization and democratization aspects, its conditioning approach should be distributed in a way which does not put greater emphasis on the high-political domain than in important areas such as the judiciary, fundamental rights, etc. In that case, progress in the high-political domain should bear the same weight as the progress in meeting the Copenhagen criteria, but the Union should be aware that the simultaneous focus on both domains is very demanding and the progress may be very gradual, so its conditionality, and its incentives, should reflect that fact. However, based on data presented in this paper, the author considers that in the case of Serbia, the stabilization focus, which is tied to the resolution of the remaining high-political problems, is still being applied by the Union, but there is room for its improvement. Provided that the remaining high-political challenges are resolved, the country could move on to the next stage, where the focus of EU conditionality would be on the deep and comprehensive democratization and approaching the standards of the Copenhagen criteria. Meanwhile, efforts in the stabilization domain and successful overcoming of the specifically risky and comprehensive high-political challenges should be rewarded proportionally. That would be beneficial for the credibility of the membership perspective, and would encourage the country for making other unpopular and high-risk measures in meeting the Copenhagen criteria during the latter part of the process of EU accession.

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### **PROCES INTEGRACIJE SRBIJE U EU: ZAČARANI KRUG VISOKE POLITIKE?**

*Apstrakt:* Ovaj rad ispituje razvoj odnosa između EU i Srbije, koji su bili izloženi ocenjivanju u domenu Kopenhaških kriterijuma, kao i uslova u domenu visoke politike u oblastima poput postkonfliktnih mera, državotvornih izazova i sporom u pogledu teritorijalnog integriteta. Istraživačko pitanje glasi: kako je fokus Evropske unije na izazove u domenu visoke politike uticao na produblјivanje odnosa sa Srbijom i na kredibilnost njenog prijema u EU? Autor nastoji da pokaže da je fokus na domen visoke politike povezan sa činjenicom da je evropski pristup prema Zapadnom Balkanu ostao prvenstveno usmeren ka

stabilizaciji, pre nego demokratizaciji. Kroz teorijski pristup evropeizacije, poređenja sa primenom principa uslovljavanja prilikom “istočnih” proširenja EU, kao i kroz paradigmu realizma, autor nastoji da dodatno pojašni evropski fokus na domen visoke politike. Kao posledica postavljanja visoke politike i stabilnosti kao prioriteta u odnosu na fundamentalno važne domene poput vladavine prava, pravosuđa itd, preobražajni process u Srbiji je bio nedovoljno obuhvatan i ostao je nedovršen u tim oblastima. Takođe, uspešno prevazilaženje pojedinih visokopolitičkih izazova nije ubrzalo pristupni proces, već je uglavnom rezultovao smanjivanjem negativnog uslovljavanja. U zaključku, autor razmatra da bi prevazilaženje posebno zahtevnih visokorizičnih političkih izazova trebalo da bude valorizovano na proporcionalniji način, što bi doprinelo održavanju napretka u reformama, naročito u slučaju da u narednim godinama evropski fokus sa stabilizacije pređe na demokratizaciju.

*Ključne reči:* političko uslovljavanje, kriterijumi, stabilizacija, visoka politika, članstvo, kredibilitet, podsticaji, izazovi.

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## CHINA'S BELT AND ROAD INVESTMENT PROJECTS IN THE BALKAN COUNTRIES: SIX YEARS AFTER

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*Abstract:* The purpose of this paper is to understand the process of the internationalization of Chinese companies with a special focus on their energy and transport investment projects in the Balkan countries through an analysis of two periods: before and after the Belt and Road Initiative (BRI).

By using data from the American Enterprise Institute through descriptive statistics approach, the authors will test their hypotheses through 54 investment project examples whose individual value exceeds 100 million US\$ in a period from January 2008 to December 2018. The research aims to describe the trends of Chinese investment projects in the Balkans in terms of investment volume, the sectors in which they are placed and the investment pattern.

The foreign investment process is one of the crucial things for any global firm to get better results in the international business market. Through the BRI, Chinese companies have achieved this aim so far. Nevertheless, this paper will offer initial findings of those claims that can be used in the future as the primary database for upcoming research to see if types, level and field of Chinese investments remained the same in the Balkans.

This research is among the first studies dealing with the analysis of Chinese investment projects in the Balkans. From a theoretical standpoint, it will fill the gaps in the literature and also show the importance and impact of

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Chinese investments on the Balkan's economy, especially in sectors such as energy and transportation.

*Key words:* Balkan, Belt and Road Initiative, China, Investment Projects, Internationalization.

## INTRODUCTION

At the beginning of the second decade of the 21<sup>st</sup> century, China started to change its economic and political policy towards Central and Eastern Europe in a positive direction. First of all, China introduced the 16+1<sup>3</sup> Initiative in 2012 in Warsaw as an initiative that will gather countries from Central and East Europe (CEE) and China in a group which will try to improve mutual economic, political and cultural relations. This is a very important and successful initiative, which was integrated after 2015 into the most important Chinese geoeconomic initiative called the Belt and Road Initiative (BRI).

The BRI, on the other hand, integrates more than 130 countries into an almost worldwide initiative that aims to enhance economic cooperation between them by building better infrastructure and allowing for goods, people and transport to connect in a better way.

This paper will present investment projects that came through the Belt and Road Initiative in the Balkan countries that are one part of the CEEC. The Balkan Peninsula is one of the least developed regions of Europe, primarily due to war conflicts at the end of the 20<sup>th</sup> century in Yugoslavia, and due to unsuccessful implementation of communism or socialism. These countries lost their economic place in the competitive world, and it will take some time for them to solve all their economic problems. Among the Balkan countries, there are five of them that are members of the EU, and another five are in some stage of joining the EU. They have very different economic results, which are influencing the level and type of investments that they have in their native territory.

This is the reason why the authors choose to investigate Chinese investment projects in the Balkan countries, given that we have an increase of Chinese investments there. Also, this paper is dedicated to the comparison of Chinese investment projects in the Balkan countries before and after the BRI, in order to see if the BRI changed something in the investment behavior pattern of Chinese companies. According to this, the hypotheses in this research are:

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<sup>3</sup> Nowadays called the "17+1" Initiative, after Greece has joined the initiative this year.

First hypothesis - There is a significant increase in Chinese investment projects in the Balkan countries that is positively correlated to the implementation of the 17+1 Initiative and the Belt and Road Initiative.

Second hypothesis - Most of the Chinese investment projects in the Balkan countries are coming from Chinese state companies.

Third hypothesis - Energy, infrastructure and transport are the main fields in which Chinese companies are investing in the Balkan countries.

Fourth hypothesis - The level of Chinese private investments is increasing in this region due to the BRI.

### **LITERATURE REVIEW ON THE BRI INVESTMENT PROJECTS IN THE BALKAN COUNTRIES**

Literature review regarding this subject is relatively short and that was expected. The Belt and Road Initiative was implemented six years ago, so from an economic standpoint, that was not a sufficient period for conducting good empirical economic research. Most of the papers are dedicated to an explanation and analysis of economic cooperation between China and Central and East European countries, not so much of the Balkans per se, although the Balkan countries are included in this analysis.

Also, those who do take the Balkans (or Western Balkan for some authors) as a focus of their interest have analyzed different countries, due to their aspect of analysis.<sup>4</sup> This is the reason why the literature review is inconsistent. However, it must be presented so we could understand what kind of analysis has been done so far.

In one of the first papers that was dedicated to the subject of cooperation between China and the CEEC written by Liu Zuokui in 2013<sup>5</sup>, the author stated that these countries see China as a “window of opportunity” and not as “strategic opportunity”, since all of them have their clear path within the EU or are in some stage of joining the EU. (Liu, 2013, p. 4) This window of opportunity opened due to the crisis within the EU, and it will not be opened for long. Therefore, China needs to use this opportunity while it lasts. Liu then identifies the main problems for cooperation within this framework and suggests ways of improving further cooperation. One of the main conclusions of this paper is that the region is diversified and there is little chance for China

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<sup>4</sup> For example, Turkey is often excluded, as well as Greece. Kosovo is recognized by some countries, so some authors also include those calculations, etc.

<sup>5</sup> Please note that this paper is written in the time of the establishment of the 16+1 Initiative, while the idea of the BRI was not yet presented.

to cooperate with the region as a whole, but rather in a bilateral way and mainly through economic projects.

Jacoby stated in his article that between January 2003 and January 2015 Chinese FDI in the Balkan countries amounted to 70 projects, while the biggest investments at that time went to Romania, Bulgaria and Greece. The total value of these investments was 5.8 billion €. (Jacoby, 2015) The author also wrote that the increased level of investments started in the period 2011–2014, and the same pattern was noted in the CEEC. Jacoby finds that this rise of investments is correlated to several things: the Chinese government promoted a 10 billion US\$ fund for promoting investments in CEE; then a 3 billion US\$ fund to the Balkan region and promotion of the BRI. Also, it is interesting for this analysis that Jacoby stated in 2015 that greenfield investments were the primary ones, exceeding mergers and acquisitions.

Chen and Yang wrote about the cooperation framework 16+1, trying to see what are the economic and trade relations between China and the CEEC. While using quantitative analysis to investigate those relations, the authors concluded the following: “Overall, the social dimension of the business environment of CEE countries is good, followed by the political environment and investment and financing environment, while the environment of the macro economy, finance, trade, infrastructure and innovation ability should be improved. Thus, the “16+1 Cooperation” should be based on political cooperation, take the infrastructure as a breakthrough and the financial cooperation as the leverage to enhance bilateral cooperation and improve the level of infrastructure of CEE countries in order to achieve inter-connectivity and promote trade.” (Chen, Yang, 2016, p. 18)

Éltető and Szunomár also analyzed Chinese investments and trade with the CEEC<sup>6</sup>, in which they stated that even though at the first moment China saw those countries as a “back door to European markets”, their interest changed and now they are more oriented “towards efficiency - and strategic asset seeking motives.” (Éltető, Szunomár 2016, p. 26)

A report by Jens Bastian for the European Bank for Reconstruction and Development in 2017 is probably the most precise one about Chinese investments in Central and South-Eastern Europe along with the “Balkan Silk Road”. The author sees those countries as ones in which “prices for acquisitions are lower, while demand for preferential lending conditions is higher in countries along the Balkan Silk Road” (Bastian, 2017, p. 4). At the same time “in the Balkans, this embeddedness can also serve as a hedge against

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<sup>6</sup> Countries that were part of the analysis: Bulgaria, Czech Republic, Hungary, Poland, Romania and Slovakia.

Russian and Turkish involvement or present itself as an alternative to EU investment aspirations.” (Bastian, 2017, p. 7) Spill-over effects in the macroeconomic sense of this initiative are mostly visible through trade within the 16+1 mechanism. At the moment, it is giving the most obvious results, stating that especially exports from the CEEC to China were increased by 120% during this continuum. (Bastian, 2017, p. 33)

In the paper called “Chinese Presence in the Balkans - Old Allies, New Ties”, Musabelliu discusses development of the political and economic relationship between China and the Balkan countries, while explaining their complicated historical development. Musabelliu provides analysis of Chinese investments in the Balkans, done under the framework that she calls “New Diplomacy”.<sup>7</sup> (Musabelliu, 2017, p. 45) This analysis is concentrated on Chinese FDI and its comparison to FDI coming from different countries in the Balkans. The author concludes that: “As we can see the percentage of the Chinese share is still small, and according to some European scholars, the Chinese government is willing to take bigger risks than their European rivals and Chinese companies, especially State-Owned Enterprises, which are capable to finance the projects on very favorable terms.” (Musabelliu, 2017, p. 45)

Jaćimović et al. discussed in the paper “The role of Chinese investments in the bilateral exports of new EU member states and Western Balkan countries” export flow of the WB countries as a function of total inward FDI and Chinese FDI. The authors conclude among other things that for Chinese investors the countries that are new EU member states are more attractive than the WBC. (Jaćimović et al., 2018, p. 1191) In their opinion, there are several reasons for that: “First, by investing in one EU country, a newly established company can supply the whole EU market, and one part of its production can also be exported. Second, inward FDI in the EU, under the condition that the newly established company fulfills the rules of origin requirements for preferential treatment, can open doors to many markets, since the EU has a wide network of preferential trade agreements. Third, Chinese investment is often attracted by the technological knowledge of the companies in the developed economies in which they tend to invest, in order to control or acquire that advanced technology.” (Jaćimović et al., 2018, p. 1194-1195)

Dragan Pavličević, while analyzing political and economic cooperation between China and the CEEC, dedicates his economic analysis to capital projects, loans, investments and trade that is currently going on between China and CEE. The author says that even though the Chinese presence in this

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<sup>7</sup> Initiative 16+1 and Belt and Road Initiative.

region is important and there is an increase in economic cooperation, the EU is still the most important economic partner of CEE. Pavličević states that the EU, for example, has from 90% of total FDI in Poland to 70% in Bulgaria and that China's investment flows are not providing China with leverage over CEE. (Pavličević, 2019, p. 261) Besides that: "Overall, the content and trends in the China-CEE relationship will hence remain greatly dependent on the priorities defined under the China-EU relationship." (Pavličević, 2019, p. 271)

Also, the authors of this paper published recently an article in which they analyzed Chinese investments in European countries before and after the BRI (from 2006 to 2017) and compared them to investments in the Balkan countries. (Zakić, Radišić, 2019). The authors showed that the level of investments in Europe (without Balkan) and the Balkan countries rose significantly after the BRI. The Balkan countries are still receiving a smaller amount of investments when compared to the rest of Europe. (Zakić, Radišić, 2019, p. 51)

As shown, the selected literature review displays that China is an emerging partner of the CEEC and especially the Balkan countries. Its investments are growing, especially in the fields of transport and infrastructure. The 17+1 Initiative and the Belt and Road in a way accelerated Chinese interest in those countries. The region of CEE cannot be seen as unified, nor does China expect to work with a region as a whole. Some countries, more than the others, are working with mainly Chinese state investors. Among them, Poland, Hungary and the Czech Republic are important, while among the Balkan countries Serbia and Greece are the most important partners regarding Chinese state investments.

## **RESEARCH METHODOLOGY**

Usually, while speaking of the Balkans, people think about ten countries that occupy this peninsula: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Macedonia, Montenegro, Romania, Serbia and Slovenia. Technically speaking, the European part of Turkey belongs also to this peninsula, but for the purpose of this paper, we did not put Turkey into this group. Also in recent years, some scientists put Moldova in the Balkan countries, but that is very rare. Kosovo is not recognized by the Serbian Government as a country, so for that reason, we did not include Kosovo in this analysis.<sup>8</sup>

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<sup>8</sup> Also, it is not recognized by PRC.

It is also worth to point out, that we are analyzing former communist countries (socialist countries), except for Greece, that went through economic reforms in the 1990-ties in order to switch to a market economy. The transition for some of them was very difficult, with many internal, as well as external problems. The road to the EU community for the rest of the Balkan countries is a very long one, in which the skepticism about joining the EU is rising. However, the Balkan countries are doing all they can to reform their economies.

It is important to say that the Balkan countries do cooperate in an economic sense mostly with the EU countries. Besides that, they do trade more with the rest of the countries within the EU than among themselves. (Gligorov, 1997, p. 3) The exception to that rule is the trade between Serbia, Macedonia, Montenegro and BiH.

However, in recent years things are slowly starting to change, and one of the reasons for that is Chinese presence in the Balkans. China saw the potential in those countries and their strategic position as a connection between Europe and Asia. Because of that, the Balkan countries are definitely becoming more important to China than before. (Tončev, 2017, p. 2) But, it does not mean that the Balkan countries are more important than the EU. Actually, it is the opposite. The EU is still more important. It is China's biggest trade partner, but we can recently see more business and political activity of China in the Balkan region.

For the purpose of this research, the authors used data from the American Enterprise Institute (China Global Investment Tracker) and with a descriptive statistics approach tested the hypotheses through 54 investment examples, whose individual value exceeds 100 million US\$ in a period from January 2008 to December 2018. The descriptive statistics approach will show through an absolute and percentage value the level of Chinese investment projects in the Balkans, and the authors will use graphical analysis at the same time. For this kind of time frame (6 years after the BRI) and the number of investment projects, this is the only analysis that can be used.

## **RESEARCH RESULTS AND DISCUSSION**

To get a clear perspective of all investment projects, the authors decided to divide them into three categories: energy, transportation and the sector "Others". The sector "Others" was named in that way because it involves all other sectors in which Chinese companies are investing such as retail, technology, entertainment, tourism, medical sector, utilities, real estate, logistics and metals. So, in this sector, we mainly have services, except for metallurgy.

In Table 1, we have a presentation of Chinese investment projects in the Balkan countries in the energy sector from 2010 to 2018 in billions of US\$. At the end of this table, we have a type of investment that was made to see what type prevailed during those years.

Data presented in this table show that the order of the countries according to the value of investments received is like this: 1. Serbia (3.07 billion US\$), 2. Romania (2.46), 3. Greece (1.99), 4. BiH (1.76), 5. Croatia (0.22) and 6. Bulgaria (0.19). Projects in the energy sector were mainly financed by loans and acquisitions, and Chinese state companies were conducting those projects.

Since Serbia and Romania have received most of the money, we will consider these two countries and Chinese investment projects in these countries.

On the official website of China Machinery Engineering Corporation (CMEC) that is a part of Sinomach group, we acquired the data on projects in Serbia: “At present, CMEC is implementing the Phase-I and Phase-II project of Kostolac Power Station in Serbia, making it the largest Chinese contractor in this region. Serbia’s Kostolac B Power Station Phase-I Project was signed on Dec 8, 2010, and involves the overhaul of two 350MW units and the construction of two new desulfurization systems, as well as the reconstruction of the wharf and road and the expansion of the coal transport railway. Serbia’s Kostolac-B Power Station Phase-II Project was signed on Nov 20, 2013, and involves the construction of one 350MW supercritical coal-fired generating unit and the expansion of the capacity of the existing coal mine. The contract has come into effect in May 2015 and this project will be completed by 2020.” (<http://cseacn.org/cmec-eng/?lang=en>). This project is important because 70% of Serbia’s power is coming from coal and the rest from hydropower, so it is important to have a stable production of electricity.



*Table 1. Chinese Investment Projects in the Balkan countries in the energy sector from 2010 to 2018 in billion US\$*

<b>Year</b>	<b>Sector</b>	<b>Subsector</b>	<b>Company name</b>	<b>Country</b>	<b>Invested capital</b>	<b>Type<sup>9</sup></b>
<b>2010</b>	Energy	Coal	Dongfang El.	BIH	0,71	PL
<b>2010</b>	Energy	Coal	CMEC	Serbia	0,34	PL
<b>2012</b>	Energy	Coal	Huadian	Romania	1,3	ACQ
<b>2012</b>	Energy	Alternative	Ming Yang	Bulgaria	0,19	ACQ
<b>2013</b>	Energy	Gas	PCC	BIH	0,28	PL
<b>2013</b>	Energy	Alternative	Ming Yan	Romania	0,54	ACQ
<b>2014</b>	Energy	/	Sinomach	Serbia	1,2	PL
<b>2014</b>	Energy	Coal	Sinomach	Romania	0,27	FDI
<b>2015</b>	Energy	Coal	Dongfang	BIH	0,46	PL
<b>2016</b>	Energy	Gas	CMEC	Serbia	0,23	PL
<b>2016</b>	Energy	/	State Grid	Greece	0,35	ACQ
<b>2017</b>	Energy	Coal	CMEC	Serbia	0,72	PL
<b>2017</b>	Energy	Gas	Shanghai El	Serbia	0,21	PL
<b>2017</b>	Energy	Alternative	State Energy	Greece	1,64	ACQ
<b>2017</b>	Energy	Coal	Sinomach, CP	BIH	0,31	PL
<b>2017</b>	Energy	/	Power C.C.	Serbia	0,23	PL
<b>2017</b>	Energy	Alternative	Shanghai El.	Serbia	0,14	PL
<b>2018</b>	Energy	Alternative	Nornico	Croatia	0,22	ACQ
<b>2018</b>	Energy	Oil	CEFC	Romania	0,35	ACQ

Source: The authors' research is based on China Global Investment Tracker

On the other hand, Serbia built the last thermal plant 26 years ago, so it was important to secure the uninterrupted flow of electricity by modernizing the production of it. Having that in mind, it should be mentioned that there are two problems regarding this investment: 1) Serbia took this loan, but

<sup>9</sup> PL – project loans, FDI – foreign direct investment, ACQ – acquisition, JV – joint venture

without public tender, 2) by taking this loan, Serbia is implementing a strategy for electricity that is in opposition with EU regulations, and that is switching to low-carbon emission.

Regarding Romania, the situation is completely different. Romania signed some very promising memorandums and contracts, but due to many political changes in Romania, almost all of them are on hold. Among them are two very important projects – Rovinari Power Plant and Cernavoda nuclear power plant project. The first one is worth around 1 billion US\$ and it is put into Table 1 because it will be finished at some point. The second one was even more important because the deal was around 6.4 billion US\$, but since it will be not realized the project was not put into Table 1. (Popescu, Brînză, 2018 and Drahokoupil at all, 2017) This means that project realization in Romania was less efficient than in Serbia. This will be for sure a problem for the future China-Romania relations because the efficiency in project preparation and execution is very low.

In the next table (number 2), we have data for Chinese investment projects in the transportation sector from 2008 to 2018 in billions of US\$. Data are presented in this table in the same manner as in Table 1.

*Table 2. Chinese Investment Projects in the Balkan countries in the transport sector from 2008 to 2018 in billion US\$<sup>10</sup>*

<b>Year</b>	<b>Sector</b>	<b>Subsector</b>	<b>Company name</b>	<b>Country</b>	<b>Invested capital</b>	<b>Type</b>
<b>2008</b>	Transport	Shipping	China O.S	Greece	5,69	FDI
<b>2009</b>	Transport	Autos	Great Wall M.	Bulgaria	0,12	FDI
<b>2010</b>	Transport	CRS	China C.C.	Serbia	0,26	PL
<b>2013</b>	Transport	CRS	China C.C.	Serbia	0,85	PL
<b>2013</b>	Transport	CRS	Shandong G.	Serbia	0,33	PL
<b>2013</b>	Transport	CRS	Power C.C.	Macedonia	0,4	PL
<b>2014</b>	Transport	CRS	China C.C.	Montenegro	1,12	PL
<b>2016</b>	Transport	CRS	China C.C.	Serbia	0,23	PL
<b>2016</b>	Transport	Shipping	China O.S	Greece	0,78	ACQ
<b>2016</b>	Transport	CRS	Power C.C	Serbia	0,22	PL
<b>2016</b>	Transport	Aviation	Fosun	Greece	0,2	JV
<b>2017</b>	Transport	CRS	Shandong G.	BIH	0,64	PL
<b>2017</b>	Transport	CRS	China C.C.	Serbia	0,52	PL
<b>2017</b>	Transport	RC	China Railway	Serbia	0,35	PL
<b>2017</b>	Transport	Aviation	State C.E.	Slovenia	0,79	FDI
<b>2018</b>	Transport	CRS	China C.C.	Croatia	0,34	FDI
<b>2018</b>	Transport	RC	China Railway	Serbia	1,09	PL
<b>2018</b>	Transport	Autos	Shandong Lin.	Serbia	0,99	FDI

Source: The authors' research is based on China Global Investment Tracker.

The order of the countries according to the value of investments received is: 1. Greece (6.67 billion of US\$), 2. Serbia (4.84), 3. Montenegro (1.12), 4. Slovenia (0.79), 5. BH (0.64), 6. North Macedonia (0.4) 7. Croatia (0.34), and

<sup>10</sup> Note: CRS—reconstruction/construction of a road/highway section, RC- reconstruction/construction of the railways

8. Bulgaria (0.12). These projects were mainly financed by loans and FDI, and Chinese state companies were conducting those projects.

Greece received the biggest amount of investment due to contracts regarding the port Piraeus, which is besides the ports in Sri Lanka and Pakistan the most important port in the Chinese BRI strategy. Therefore, that amount of investment is expected. It is also worth mentioning that due to this investment, the port Piraeus is now ranked at the 36<sup>th</sup> place on the world biggest ports list (according to Lloyds List), while in previous time it was ranked on the 93<sup>rd</sup> place. (<https://www.thenationalherald.com/229205/chinas-cosco-makes-piraeus-2nd-largest-port-in-mediterranean/>) So, we can say that this project was very successful for both countries involved, and the plans of COSCO, the company that acquired this port, is to improve the port's capacity and work even more.

Regarding Serbia, there are three projects in the field of transport that are important to mention. First of all, even before we had a promotion of the BRI initiative, Chinese company China Road and Bridge Company (CRBC) had signed a contract to build a bridge across the river Danube, the so-called Mihajlo Pupin Bridge which was finished in the meantime. It was the first bridge that Chinese company built in Europe. The second project that was announced in a big way, but is completing slowly, is building the high-speed railway between Belgrade and Budapest. At the moment two Chinese companies are working on this railway in Serbia - China Communications Construction Company Ltd and Shandong Hi-Speed Company. The third project is building of a part of the Belgrade-South Adriatic E-763 road (so-called Corridor 11), that is a branch of the Trans-European Highway. The general contractor for one part of Corridor 11 is Shandong Hi-Speed Group and for the second part of Corridor 11 China Communications Construction Company Ltd.

When comparing transportation projects with projects in the energy sector, we can say that the efficiency of finishing transport projects in the Balkans is higher.

In Table 3, we have data for Chinese investment projects in the service sector and metallurgy that we named *Others* from 2010 to 2018 in billions of US\$. Data presented in this table are done in the same manner as in Table 1.

The order of the countries according to the value of investments that were received is: 1. Greece (2.42), 2. Serbia (2.35), 3. Slovenia (1.39), 4. Bulgaria (0.21) and 5. Croatia (0.13). These projects were mainly financed by FDI and acquisitions. It is interesting to see that in the service sector, Chinese private companies were the main investors such as Fosun, Truking Group, Shanghai Gongbao and KaiXin Rong and Zhejiang Jinke Entertainment Culture.

*Table 3. Chinese Investment Projects in the Balkan countries in the sector Others<sup>11</sup> from 2010 to 2018 in billion US\$*

<b>Year</b>	<b>Sector</b>	<b>Subsector</b>	<b>Company name</b>	<b>Country Invested</b>	<b>capital</b>	<b>Type</b>
<b>2010</b>	Real estate	Construction	Beijing C. E.	Greece	0,13	FDI
<b>2011</b>	Retail	Consumer	Fosun	Greece	0,12	ACQ
<b>2012</b>	Real estate	Construction	CBMI Sin.	Bulgaria	0,21	FDI
<b>2013</b>	Logistics	/	China O.S.	Greece	0,3	FDI
<b>2014</b>	Logistics	/	CNBM	Croatia	0,13	FDI
<b>2014</b>	Tourism	/	Fosun	Greece	1,2	FDI
<b>2016</b>	Technology	Telecom	Huawei	Serbia	0,17	JV
<b>2016</b>	Metals	Steel	Hebei Steel	Serbia	0,12	FDI
<b>2017</b>	Metals	Steel	Hebei Iron	Serbia	0,12	FDI
<b>2017</b>	Entertainment	/	Zhejiang J.	Slovenia	1,05	ACQ
<b>2017</b>	Health	/	Truiking Gr.	Greece	0,11	ACQ
<b>2017</b>	Technology	Telecom	S.G., KXR	Greece	0,56	JV
<b>2017</b>	Utilities	/	Sinomach	Serbia	0,31	PL
<b>2018</b>	Metals	/	Minmetals	Serbia	0,11	PL
<b>2018</b>	Retail	Consumer	Hisense G.	Slovenia	0,34	ACQ
<b>2018</b>	Metals	Copper	Zijin Mining	Serbia	1,26	ACQ
<b>2018</b>	Technology	/	China C.C.	Serbia	0,26	PL

Source: The authors' research is based on China Global Investment Tracker.

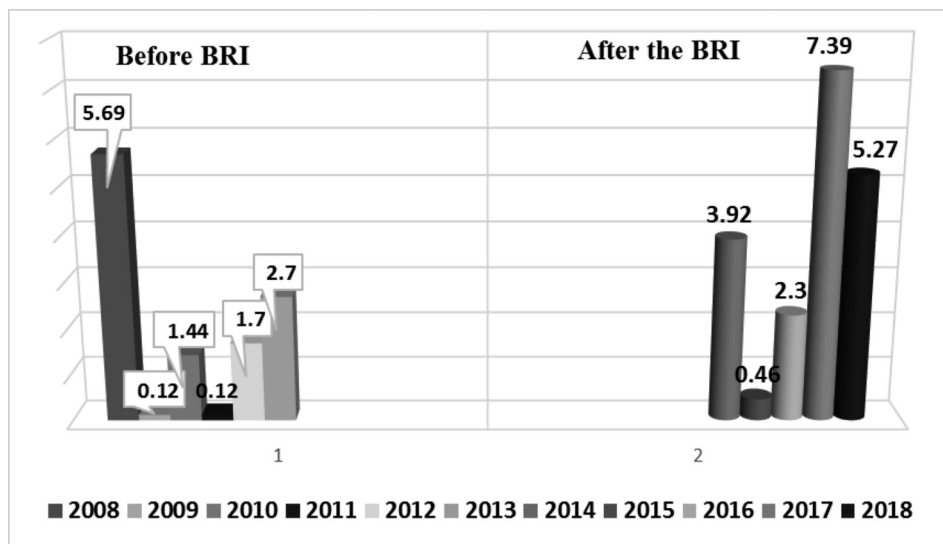
Chinese investments in the Balkan countries from 2008 to 2018 (billion US\$) are illustrated in chart 1. Before the BRI, the value of Chinese investment projects in the Balkan countries was 11.77 billion US\$, and after the BRI it was 19.34 billion US\$. So that is an increase of 7.6 billion US\$, or roughly an increase of 40% (chart 1).

According to chart 2, we can see that since 2008 we have an increase of Chinese investment projects in all sectors that we considered in this research,

<sup>11</sup> Retail, technology, entertainment, tourism, medical sector, utilities, real estate, logistics.

and especially in the field of transportation. It was also interesting to see if there were some changes in the fields of investments before and after the BRI.

*Chart 1. Chinese investment projects in the Balkan countries from 2008–2018*  
in billion US\$

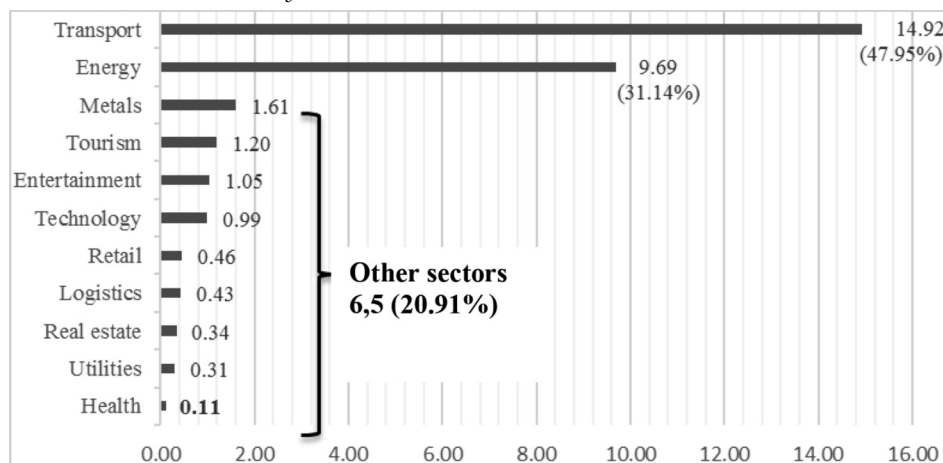


Source: The authors' calculation is based on China Global Investment Tracker

In Table 4, we can see that the percentage of those changes after the BRI is showing a slight decrease of investment projects in transportation, but that can be explained through the concession of the port Piraeus in Greece. That port was acquired by Chinese company COSCO in 2009 for a nominal sum of 4.3 billion EU for 35 years (Putten, 2014, pp. 10). Since that was a large investment, it initially affected the results for the period before the BRI, and that is why it looks like there is a decrease in this sector. If we exclude the biggest investment in the transportation sector before the BRI, then we would see that actually we have an increase in investments in the transportation sector.

Also, since the starting point for the service sector and metallurgy was very low, we have in percentage the highest increase in investments of 655.26% in this field when compared to others.

*Chart 2. Chinese investment projects in the Balkan countries according to the sector in which investments went in billion US\$ and share of those investments in the total investment value*



Source: The authors' calculation is based on China Global Investment Tracker

*Table 4. Chinese investment projects in the Balkan countries before and after the BRI, absolute value (billion US\$), share and percentage share from 2008–2018*

Sector	Before BRI (2008–2013) in Billion US\$	After the BRI (2014–2018) in Billion US\$	Share (2008–2018)	Percentage changes after the BRI
Transport	7,65	7,27	47.95%	<u>(-4.96%)</u>
Energy	3,36	6,33	31.14%	<b>88.39%</b>
Other	0,76	5,74	20.91%	<b>655.26%</b>

Source: The authors' calculation is based on China Global Investment Tracker

On map 1, we illustrated the number of investment projects in each country on the Balkan Peninsula and gave in percentages value of investment projects according to its type. Serbia has the biggest number of CIP in the Balkan countries – 23 of them, with the second biggest absolute value of 10.26 billion US\$ that is realized by loans – 74% and ACQ – 12.28 %.

Greece has the second biggest number of investments - 11 of them, with the biggest absolute value of 11 billion US\$ that is realized by FDI– 66% and ACQ – 27%.

In Slovenia, we have three investment projects that are worth 2.18 billion US\$ with FDI share of 36.24% and acquisitions of 63.76%. Croatia also has three

projects that are worth 0.69 billion US\$, with FDI share of 68.11% and acquisitions of 31.89%. Bosnia and Herzegovina have five projects that are worth 2.4 billion US\$ realized by loans. Romania has four projects, and 89% was executed by loans, while only 11% by FDI. In Bulgaria, we have three projects worth 0.52 billion US\$, 63.46% through FDI and 36.54% from acquisitions. In North Macedonia, we have 1 project worth 0.4 billion US\$ and financed by a loan.<sup>12</sup>

*Map 1. Map of the Balkan countries with agenda of investment projects in billion US\$ from 2008-2018<sup>13</sup>*



Source: The authors' calculation is based on China Global Investment Tracker

<sup>12</sup> As we already stated in the introduction of this paper, for this analysis we only took into account investment projects that are above 100 million US\$, so this is the reason that the number of projects is relatively small.

<sup>13</sup> PL – project loans, FDI – foreign direct investment, ACQ – acquisition, JV – joint venture. Albania and Kosovo are not colored because they do not reach criteria for analysis – projects that are above 100 million US\$.



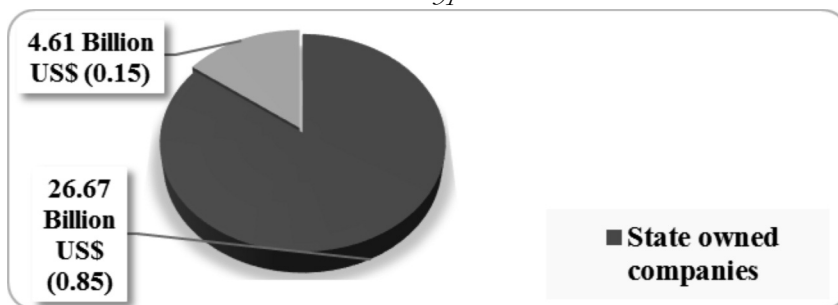
## CONCLUSION

Chinese investment projects are gaining a lot of attention, especially in Europe, and the number of research studies is increasing. The number of papers that are dealing with CIP in the Balkans is lesser, but there is an increase of interest to explore this subject. Since the Initiative Belt and Road and 17+1 are very important for this part of Europe, we can assume that that interest will result in more research papers.

Regarding this research, we can conclude the following:

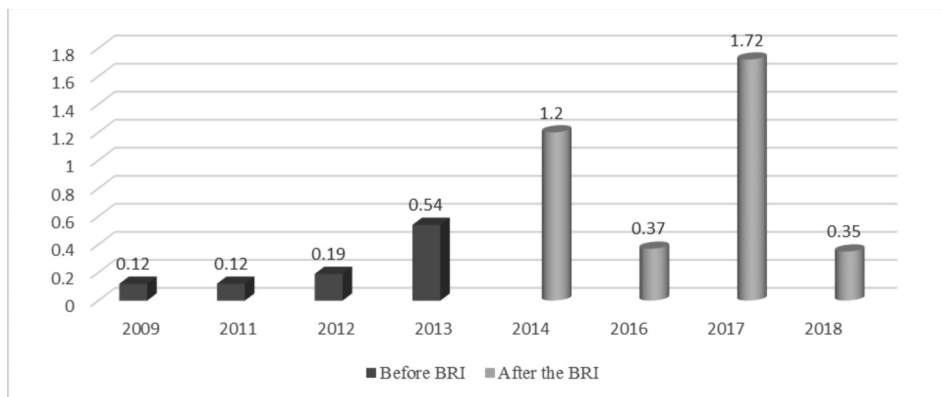
1. Before the BRI the value of Chinese investment projects in the Balkan countries was 11.77 billion US\$, and after the BRI it was 19.34 billion US\$. Therefore, there is a positive correlation between the level of investment projects in the Balkans and the BRI. Although, we should also emphasize that some of the projects were realized through the 17+1 Initiative.
2. The leading countries regarding Chinese investment projects are Greece and Serbia in absolute value. Chinese state companies are still the biggest investors in the Balkan countries (chart 3), but the number of private companies active in this region is increasing, and that can be seen in chart 4.

*Chart 3 - Hypotheses 2*



Source: The authors' calculation is based on China Global Investment Tracker

*Chart 4 -Hypothesis 4: Investments of Chinese private companies in the Balkan countries before and after the BRI in billion US\$*



Before BRI in Billion US\$	After the BRI in Billion US\$	Percentage changes after the BRI
0,97	3,64	275.26%

Source: The authors' calculation is based on China Global Investment Tracker

3. The biggest investment projects are in the field of transportation, then energy and at the end are the service industry and metallurgy. Investments in the energy sector were financed mainly with loans and after that with acquisitions. Transport projects were financed mainly by loans and after that with FDI. In the service industry and metallurgy, projects were financed by FDI and after that by acquisitions.

4. The most important rise up in investments right now in the Balkans is in the service industry and metallurgy, so it means that the pattern of investments is changing.

For better and more precise analysis, we need to wait at least four additional years to confirm or disclaim our hypothesis.

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### **KINESKI POJAS I PUT INVESTICIONI PROJEKTI U BALKANSKIM ZEMLJAMA: ŠEST GODINA KASNIJE**

*Apstrakt:* Svrha ovog rada je da se razume proces internacionalizacije kineskih kompanija sa posebnim osvrtom na energetske i transportne investicione projekte u Balkanskim zemljama kroz analizu dva perioda: pre i posle Inicijative *Pojas i put* (BRI).

Koristeći podatke Američkog privrednog instituta (American Enterprise Institute) i primenjujući deksriptivnu statističku metodu, autori će testirati svoje hipoteze kroz analizu 54 investiciona projekta čija individualna vrednost prelazi 100 miliona US dolara, u periodu od januara 2008. godine do decembra 2018. godine. Cilj ovog rada je da objasni trendove vezane za kineske investicione projekte u pogledu obima, sektora i investicionog obrasca.

Investiranje u inostranstvu je jedan od ključnih poteza za bilo koju svetsku kompaniju kako bi ostvarila bolje rezultate na međunarodnom poslovnom tržištu. Kroz BRI su kineske kompanije do sada ostvarivale taj deo svoje

poslovne strategije. No bez obzira na to, ovaj rad će ponuditi inicijalne rezultate ovih tvrdnji, koji se kasnije u budućnosti mogu koristiti kao primarni izvori podataka u narednim istraživanjima, kako bi se videlo da li tip, nivo i sektor kineskih investicija na Balkanu ostaje isti.

Ovo istraživanje je među prvima koje analizira kineske investicione projekte na Balkanu. Sa teorijskog stanovišta, ono će popuniti praznine u literaturi, a takođe će pokazati uticaj i značaj kineskih investicija na balkansku ekonomiju, a posebno na sektor energetike i transporta.

*Ključne reči:* Balkan, Inicijativa *Pojas i put*, Kina, investicioni projekti, internacionalizacija.

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## **EAST AFRICA REGION AMID CHINA – US TENSIONS: THREATS AND OPPORTUNITIES**

Danilo BABIĆ<sup>1</sup>

*Abstract:* In this less-predictable multipolar world, China and the United States are perceived as two superpowers with vested interests in the value of the East Africa region. The region is a key node in the Chinese project “One Belt, One Road,” with Chinese economic and political presence most prominent in Kenya, Zambia and Zimbabwe. Kenya, as an apparent geopolitical point of tension, is the main state stronghold for China in the region. At the same time, it maintained its attachment to the Western Block in the course of the Cold War even since its independence. In neighbouring Somalia, the United States influence is most marked, with presence through military operations and NGOs. States in the East Africa region are attempting to gain ‘the best of two worlds’, between Chinese expansionism and the continued enticement of US economic power. The paper explores how identities are shaped or influenced by major international economic realignments. It asks, what are the responses in the states of the region to the newly established circumstances and potential for (re)colonization of the economy and the mind in an era of indeterminacy.

Keywords: threats, opportunities, China, sub-Saharan Africa, USA.

### **INTRODUCTION**

According to the UN, the region of East Africa consists of Burundi, Comoros, Djibouti, Eritrea, Ethiopia, Kenya, Madagascar, Malawi, Mauritius, Mayotte, Mozambique, Reunion, Rwanda, Seychelles, Somalia, South Sudan, Tanzania, Uganda, Zambia, Zimbabwe (UNStats.un.org). The shores of the region have access to the Red Sea, the Gulf of Aden and the Indian Ocean. The west coast of the Red Sea represents one of the key trade and communications points among Africa, Asia and Europe. Since the XV century, the Red Sea has represented the fastest route among the Mediterranean Sea, the Black Sea and

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the Indian Ocean. Importance of the Red Sea became even greater after the construction of the Suez Canal.

Bab el Mandeb is a strait located between the Arabian Peninsula (Yemen), and Djibouti and Eritrea. It connects the Red Sea to the Gulf of Aden, which makes it strategically important. Only 29 km wide, the Bab el Mandeb strait is the third-largest strait in terms of oil transfer volume right behind the Turkish and Danish Straits (EIA Official web site).

The region of East Africa has vast natural resources including natural gas, gold, copper and other minerals, uranium, graphite and significant deposits of fish near its shores. The East Africa region has always been the object of competition among great powers.

The goal of this paper is to analyze the position of the East Africa region amid US-China rivalry. Africa is usually viewed as a theater (object) of US-China competition. We will try to avoid that typical framework and put Africa in focus (subject) of analysis. In terms of methodology we strive to emulate SWOT<sup>2</sup> analysis in order to identify strengths and weaknesses of the current American and Chinese policies in the region, and more importantly to recognize opportunities and threats that may arise from current policies in the foreseeable future. Opinions regarding the involvement of China and the United States in sub-Saharan Africa differ. Dambisa Moyo (Moyo, 2009) is very critical towards the US operations, while she advises caution regarding Chinese engagement. Deborah Brautigam (Brautigam, 2009) describes US policies as indolent and Chinese policies as highly pragmatic but predatory and dangerous for Africans. Joseph Onjala (Onjala, 2016, Onjala, 2017) on the other hand believes that Chinese investments are inevitable considering geopolitical situation nowadays. He thinks the Chinese are the only able and willing to fulfill the needs of the African continent; therefore, their involvement is a good thing in itself.

It is our strong belief that the biggest opportunity lies in the regional integration of East African countries. Thus, countries of the region could resist any potential attempts of neocolonialism, which is the biggest threat for the region.

## **INTERESTS OF THE USA AND CHINA IN AFRICA**

A draft of the new US policy towards Africa was presented on 13 December 2018 at Heritage Foundation, Washington, D.C. by the US National Security Adviser, John Bolton. As Bolton himself pointed out, the policy of Trump's

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<sup>2</sup> SWOT (S= strengths, W=weaknesses, O = opportunities, T= threats) analysis is a business planning technique invented by Albert Humphrey in the late 1960s.

Administration towards Africa reflects the essence of Trump's general policy – putting the interests of the American people first. The strategy focuses on the three key interests of the United States:

Firstly, promotion of US trade interests while hoping that economic partners in the region prosper and take their fate in their own hands. Bolton noted that the United States has expected reciprocity rather than subservience.

Secondly, preserving US security interests: fighting Al Qaeda, Al Shabab, and similar organizations.

Thirdly, the US will seek to ensure that US taxpayers' money that goes to aid is spent effectively. According to Bolton in Fiscal Year of 2017, the Department of State and USAID provided approximately \$8.7 billion in development, security, and food assistance to Africa. He also emphasized the inefficiency of the UN peacekeeping missions, heavily criticized in his speech. The United States will re-evaluate its participation and support to UN peacekeeping missions. Moreover, the US will not financially support, nor give legitimacy to missions involving poorly equipped local soldiers. In fact, the USA will support only effective missions that can fulfill their goal, and the goal is to resolve conflicts – not to freeze them. In his last remark about UN peacekeeping missions, Bolton said the United States has strongly condemned sexual offenses committed by the peacekeepers (remarks by National Security Advisor Ambassador John R. Bolton, December 13, 2018).

Although Bolton claims that America's vision for the region is the one of the independence, self-reliance and growth—not dependency, domination and debt, it is not clear how that vision will be implemented. A new initiative called “Prosper Africa” (which will support U.S. investment across the continent) is being proposed, but there are still no concrete projects. There is only a “wish list” to improve the overall business climate in the region and support Africa's middle class.

When we analyze the proposed strategy in-depth, we see many contradictions: Bolton himself admitted that the main focus of US strategy was to improve opportunities for American workers and businesses. It is hard to believe that the interests of Africa coincide with the interests of the United States.

This brings us to the real purpose of Trump's Africa policy actually directed at containing China whose policy in the region is being described as predatory by Bolton. According to him, the main Chinese objective is to gain a competitive advantage over the United States. Bolton states that China's policy in the region is characterized by corruption and excessive money borrowing to African governments, which will later allow China to keep African countries hostage because of (alleged) debt slavery. However, the biggest threat to US interests in the region is China's OBOR<sup>3</sup> initiative. This initiative is considered to be a project

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<sup>3</sup> OBOR= One Belt One Road



of Chinese global dominance (remarks by National Security Advisor Ambassador John R. Bolton December 13, 2018).

To conclude, the US Africa strategy is mostly about China, then America and the least about Africa. The United States does not offer any tangible economic projects to Africa except occasional spectacular announcements of the new Marshall's Plan for Africa. It offers development aid and a "value package" of democracy, human rights and transparency.

Relations among China and the African countries go deep into the past, but we will limit the analysis to the 21st century. The year 2000 is the year of the first FOCAC<sup>4</sup> meeting that represents a new platform for Sino-African relations and leads to institutionalization of these relations. Another year of significance for the development of Sino - African relations is the year 2006, which has been declared as the year of Africa in China's foreign policy.

Compared to other "emerging economies", China has developed the most comprehensive approach regarding Africa. Its "African policy" consists of three key pillars: improvement of trade relations, investment and development assistance.

At the core of the Chinese donation policy is the "Five Principles of Peaceful Coexistence", which were defined in 1954 and now shapes China's cooperation with Africa. Those are:

1. Respect of sovereignty and territorial integrity;
2. The principle of non-violence;
3. Non-interference with internal issues;
4. The principle of equality and mutual benefit
5. The "principle of peaceful coexistence" (Haifang, 2010, p. 55).

China insists on the terminology that illustrates cooperation among the countries of the Global South, at the heart of this discourse are terms such as "friendship", "solidarity", "partnership relations" and "equality" (Ibid).

Underneath the friendly narrative we can identify Chinese geostrategic interests in the region: (1) using Africa's natural resources (2) access to new (local) markets, (3) increased competition in the domestic Chinese market, (4) the transfer of overwhelming domestic workforce.

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<sup>4</sup> Forum on China–Africa Cooperation (FOCAC)

## **THREATS FOR THE EAST AFRICA REGION**

### **First threat –Djibouti military bases**

Djibouti's position on the northwestern edge of the Indian Ocean and southern entrance to the Red Sea allows Djibouti to control access to the Suez Canal and the Bab el Mandeb strait. Djiboutian ports overlook trade roads that account for 25% of the world's exports into Asian and Mediterranean markets (Aawsat 2018). Nowadays, the geostrategic location of Djibouti is even more important due to the ongoing war in Yemen. Djibouti hosts more foreign military bases than any other country. Djibouti is willing to host foreign militaries because they generate more than \$300 million in annual income. Five countries have military bases in Djibouti: France, Italy, Japan, USA and China. Especially concerning is the proximity of China's base and a sophisticated US base Camp Lemonnier with a staff of over 6,000 marines; the distance between two bases is only 10km. (Global Times, 7.5.2018).

The combination of the OBOR and the new military base has also opened new opportunities for Djibouti to rebrand itself as a logistics center. The Chinese state-owned telecom China Telecom has chosen Djibouti as the site of a high-speed internet hub. Moreover, the government of Djibouti has announced plans to build a large new airport with intention to utilize its proximity to the Middle East (China Telecom, December 5; Global Risk Insights, December 5). If successful, proximity to the OBOR could allow Djibouti to extend beyond its role as host to foreign armies. (SCMP, 2 December 2016).

The proximity of various military facilities produces tensions, and it is certainly a security risk for the East African region. US officials have accused Chinese counterparts of targeting their aircraft with lasers which harmed the eyesight of US pilots. Chinese authorities rejected these accusations (China Morning Post, 2.5.2018.).

### **Second threat – US bilateral policies**

Since Donald Trump became the President of the United States, he withdrew from the Paris Climate Agreement, TPP, the Iran Nuclear deal, etc. A clear pattern can be identified: the USA is dismantling multilateral agreements and tries to re-negotiate its position bilaterally. Trump's Administration took one step back, from globalism to classic American imperialism. We believe that key to African economic progress is integration (both within East Africa and the African continent in general). Bilateral actions might lead to the creation of proxies and emulating the Cold War environment. In a very fragile and sensitive region such

as East Africa with a history of conflict, these events would have severe consequences.

One potential problem is a peace deal with Eritrea and Ethiopia. Peace deal itself is a fantastic event, and it is regarded as a positive thing not just for East Africa but as a great victory for the Western world. If the United States and Eritrea create a new relationship, Eritrea could be a plan B for the American military base in the region, since Djibouti is overly friendly with the Chinese (Foreign Policy, 12 July 2018). Eritrea's President Isaias Afewerki, now in his 27<sup>th</sup> year in power, can be considered as an autocrat and the US is certainly no stranger to supporting autocrats who behave in accordance with American interests.

Somalia represents another very serious problem. Somalia has been highly unstable for almost three decades and recently the USA has made the situation even worse. The USA was conducting an air campaign in Somalia which a former US government official described as a “massive war on autopilot”. This year alone the US Air force conducted around two dozen airstrikes which had at least 252 civilians killed. The US Army and its AFRICOM command deny these allegations labeling the victims as terrorists or collateral damage (Democracy Now, 5 March 2019). Somalia is an ideal war zone for US military: There is an obvious “bad guy” embodied in the form of Al Shabaab; most of the airstrikes are conducted by drones that are no longer needed in Syria, so the risk of American casualties is low; Somalia is poorly covered by the media and more importantly has little congressional oversight which allows all kind of military actions to take place with impunity. We strongly believe that this “black ops-like” warfare can only have negative consequences for the region.

### **Third threat – Crushing the local African industry and creating jobs for third parties instead of local jobs.**

A well-known critic of African socialism George Ayittey said that Chinese impact on African economies had been disastrous. African textile industry has been destroyed by cheap Chinese textile imports. The Chinese are also invading sectors traditionally reserved for locals such as small retail shops. Claims of Ayittey have been confirmed by former Harare Mayor Bernard Manyenyeni. Manyenyeni stated that the influx of cheap products has negatively affected Zimbabwe's clothing, manufacturing, electrical and equipment sectors. Linda Masarira, national spokesperson for the opposition party Movement for Democratic Change (MDC) said that the effects of cheap Chinese goods on the Zimbabwean market have been negative and huge. The Opposition Party (DOP) leader Harry Peter Wilson proposed “phased out” importation ban on cheap Chinese goods to boost the capacity of local industry and create jobs (The Epoch times, 15 January 2019). George Ayittey also claims that China-Africa agricultural

cooperation is actually a secret Chinese plan to offload population surplus within China.

At the beginning of massive Chinese investments in Africa, the Chinese did import a great number of the domestic labor force. African authorities have recognized that increasing employment is a major challenge. Therefore, in 2013 the Ugandan Government adopted a law according to which all investments in the oil sector must include domestic companies and employment of domestic laborers up to 48% (Концова. 2016, pp. 48-49). Over time, by reducing cultural barriers and establishing mutual trust, the number of Chinese workers gradually decreased in favor of local workers. Chinese workers remained in supervisory positions and positions that require key expert knowledge (Brautigam, 2009).

On the other hand, the damaging impact of development aid on small entrepreneurs was best described by Dambisa Moyo in her book *Dead Aid*. She gives an example of a local African mosquito nets producer who remained unemployed due to USAID malaria program that involves free sharing of the nets (Moyo, 2009, pp. 52-53).

Regardless of Bolton's vision of creating business opportunities in Africa, Americans have few workers and entrepreneurs in the region. In fact, one of the basic development aid policies is the ban on financing manufacturing activities that could represent competition to the U.S.

In order to reduce this threat, East African countries should implement legislation similar to one in Uganda and enforce it. Moreover, to reduce imports of cheap low-quality Chinese textile products and limit the import of low-quality second-hand clothes that comes to Africa via humanitarian aid. Paul Kagame in Rwanda is already implementing this measure.

#### **Fourth threat – Chinese debt trap**

The story of Sri Lankan port of Hambantota serves as a scarecrow to all countries that do business with China. In short, the Chinese government gave a one billion dollar loan to Sri Lanka to construct the port (actually the port has been constructed by Chinese companies). The port could not generate revenue, therefore the Sri Lankan government was forced to give 99 year-long lease agreement of the port to a Chinese state-owned company to repay the debt. This story is being exploited by the Western media to exaggerate the risks of taking Chinese loans (The New York Times, 25 June 2018; BBC News, 26 May 2017).

In fact, Chinese loans comprise only 10% of the total Sri Lankan debt. The government of Sri Lanka simply borrowed too much on commercial terms and the Chinese loan for the port of Hambantota was just a final straw (CNA 15 March 2019). One could also say that giving real estate as collateral is much more

benign for a country than to completely change the economic system, which is the usual condition by the IMF and the WB.

In case of East Africa, as Joseph Onjala points out, taking Chinese loans is not a terribly difficult choice because levels of domestic savings and investments are pretty low and money is necessary if you want to develop (Onjala, 2017).

UNCTAD report on the risk of debt distress from 2016 states that the majority of East African countries have low risk: Ethiopia, Kenya, Madagascar, Tanzania, Uganda. Only two countries in debt distress are Zimbabwe and Sudan (UNCTAD, 2016). Let us look at some of these countries individually.

In August 2018, the total public debt in Kenya was 56.4% of GDP, approximately \$49 billion. Half of that amount or \$24.9 billion is the external debt (The conversation, 5 August 2018). For a country with a population of 51 million<sup>5</sup>, these trends are quite positive. In comparison, Serbia's public debt in February 2019 was 50.4% of GDP (it was 70% in 2015) (The Serbian Ministry of finance section for public debt, February 2019). The population of Serbia is less than 7 million.

China indeed holds 72% of Kenya's external debt of approximately \$5.34 billion (534.1 billion of KSH) (Africa Bossiness Daily, 2 August 2018). We can see that Kenya is not in danger of falling into the Chinese debt trap for two reasons: Firstly, Kenya does not have a debt problem. Secondly, the share of Kenya's debt to China is very small compared to the total public debt amount. In a way, this was acknowledged even by the IMF, which changed the Kenyan debt distress from low to moderate in October 2018. The reasons for the negative change are certain fiscal imbalances and overvalued Kenyan shilling, not China (Bloomberg, 24. October 2018).

Tanzania is in a similar position. In the fiscal year of 2017/2018, Tanzania's total national debt stood at \$22.5 billion, which is 43% of GDP. Tanzania's total external debt reached \$16.03 billion (BOT Annual report 2017/2018). The Bank of Tanzania does not provide the official data of external debt holders but it is a general sentiment that China is the biggest bilateral creditor. According to the IMF, Tanzania maintains a sustainable debt level, and low risk of external public debt distress (Tanzania invest, October 2016).

Ethiopia's external debt stock reached \$26.4 billion in 2017/18 fiscal year. As a result, the country's external debt stock to GDP ratio stood at 28.9%. (NBE 2017/2018). According to Professor Alemayehu Geda, Chinese stake at total debt stock is around \$17 billion (New Business Ethiopian, 6 September 2018).

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<sup>5</sup> This is an estimate, the last census was held in 2009.

Therefore, we conclude that anxiety due to exposure to the Chinese debt, for now, is completely unfounded. Several studies and the macro-economic indicators suggest that debt situation faces a low risk of unsustainability. Studies by Ryan and Maana (Ryan, Maana, 2014) and by the IMF (IMF, 2015, IMF 2016) clearly support this conclusion.

### **Fifth threat – Environmental hazards and poor working conditions**

The region of East Africa suffers from many environmental problems such as deforestation, droughts, overfishing and water source degradation. Projections of climate change suggest that East Africa will experience warmer temperatures, a 5-20% increased rainfall from December-February and 5-10% decreased rainfall from June-August by 2050 (Hulme et al., 2001). Furthermore, we are witnessing an increasing number of acute weather disasters, cyclone Idai being the latest, which devastated Central Mozambique and parts of Zimbabwe. Nevertheless, real problems usually occur after the disaster in the form of infectious diseases, famine and shortage of clean drinking water. These catastrophic events inflict additional blows on already poor infrastructure in the region.

The aspect of Chinese engagement which is the most criticized is Chinese ecological and labor-safety standards. The focus of criticism is Chinese mining operations in Zambia. In April 2005, fifty-two Zambians were killed in a mining accident. That was the spark that led to massive discontent with Chinese investments. In a keynote speech, former Zambian President Michael Sata stated that Chinese labor conditions were very bad. He also stated that they did not add any value to what they claimed was an investment. Such high-level political attention fueled the discontent. In August 2008, more than five hundred Zambian workers attacked a newly built Chinese-owned Chambishi Copper Shelter and burnt down the kitchen of a Chinese-resident. One Chinese and three Zambians were seriously injured. In another accident that attracted a lot of media attention in 2010, a Chinese supervisor at the Collum Coal mine in Southern Province shot thirteen Zambians. The workers at the mine were complaining against the state of safety standards in the mines and their low wages ([chinoiresie.info](http://chinoiresie.info)). In that point in time, it was widely recognized that Zambian authorities are not particularly worried about the polluted environment and that local legislation on environmental protection is poor (Gordon, 2012, p. 7). In response to this, as of July 2007, the government had increased the number of inspections of vehicles, logistics, and staff at the Mines Safety Department (MSD). According to official data, inspections conducted by officials at the MSD increased from 260 in 2004 to 1,269 in 2014. In October 2015, a union leader at the NFCA mine told me that the 2006 protest positively changed safety and labor relations at the mine. ([chinoiresie.info](http://chinoiresie.info)).

The African Union also points to the connection between environmental changes and Chinese investments, but Chinese investments are generally treated as welcome. China considers international standards as Western standards and rejects it. (Gordon, 2012, pp. 9-10).

Nevertheless, some changes are evident in China's policy as well. Since March 2008, China has established a new Ministry of Environmental Protection, reflecting leaders' growing concerns about the impact of pollution, energy consumption, and global warming. China Exim Bank published new guidelines for social and environmental impact assessments in July 2008, aligning the bank's approach with the central government's "Green Credit" policy. Furthermore, that same year the Chinese Academy for Environmental Planning started drafting environmental guidelines for Chinese companies involved investment (Brautigam 2009, 303). China is trying to invest in renewable energy. China's low-carbon investment in Africa is mainly in the field of hydropower development. In Zambia, more than 1,000 MW of hydropower capacity is being developed between the Kafue Lower Gorge and the Kariba North projects. Cooperation projects also include the Mphanda Nkuwa Dam on the Zambezi River in Mozambique (Shikwati, 2012, p.37).

Other examples include Ethiopia, with a hydro potential of 30,000 MW. China's hydropower industry has three major advantages: low cost, skills and the nation's "going out" strategy. (Ibid, p.40).

On the other hand, the USA as an official government is not dealing with environmental issues in East Africa. That job is left to NGOs. According to Scholfield and Brockington, there are 139 conservationist NGOs in East Africa. Almost half of these organizations i.e., 65 of them have their headquarters in the United States (Scholfield, Brockington, 2009, pp. 14-15). Concern for African nature is not entirely well-intended. In fact, it is a residual of colonial narrative, which suggests that Africans are not able to take care of the natural beauties they have been given and that someone should do it instead of them (Clarke, 2009, pp. 255-256).<sup>6</sup>

The narrative of environmental protection is a part of the larger story of "climate colonialism". The phenomenon of climate colonialism is manifested in a way that population of the "South" is suffering the consequences of climate change for which "North" is responsible. At the same time, the initiatives that are being undertaken to rectify these consequences are being carried out at the expense of the inhabitants of the "South". In the dominant discourse, you cannot find information that almost all protectors of nature in Africa are white people,

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<sup>6</sup> Centuries ago, a similar discourse was used to justify colonization: Africans have been declared unfit to govern themselves, hence they should be civilized by others.

nor about the eviction of the local population in order to preserve the “authentic” African landscapes, which are in fact only the Western imagination of Africa portrayed by Discovery Channel and National Geographic (Ibid., pp. 264, 267). However, it is not the biggest problem that these media companies provide the “passive atmosphere of the wilderness”. The problem is that they are the biggest promoters of exoticism, essentialism, latent racism, and other clichés about how Africans (that is black people) are not capable of preserving African natural beauty. In this way, these “educational channels” give their contribution to preserving existing knowledge hierarchies.

Although some progress is evident in these sectors the tempo of improvement is quite slow. We can say that neither China nor the USA cares enough about the environment and labor conditions in the region of East Africa. Countries of the region need to strengthen domestic legislation and to implement it consistently. We also believe that the path to better working conditions leads through labor unions (particularly in those countries with a socialist legacy). Unions will prove more effective than NGOs because strikes that they organize can make a real pressure on the government and foreign investors without compromising the sovereignty of the state. On the other hand, “name and shame” campaigns that are usually implemented by the NGOs are ineffective, especially with Chinese who do not care about Western PR.

## **OPPORTUNITIES FOR THE EAST AFRICA REGION**

### **First opportunity – Infrastructure construction**

Infrastructure needs in the region are enormous. Hundreds of millions of Africans lack even the most fundamental facilities. While the USA tries to provide “software” such as capacity building, China puts more focus on “hardware” such as roads, railways and other tangible infrastructure that brings direct and visible benefits to the host country. (Shikwati, 2012, pp. 7, 18). In addition to the mentioned infrastructure, China builds political infrastructure in the countries of East Africa. Thus, a new building of Parliament and the Ministry of Foreign Affairs was built in Djibouti. New buildings of Parliament were also built in Uganda and Mozambique. The construction of African Union buildings in Addis Ababa has also been supported by the Chinese (Петров Н., Гевелинг Л. В., 2010). China’s construction of the African Union headquarters worth \$200 million indicates its contribution towards creating a big symbol for the continent’s integration (Shikwati 2012, p. 44). There is a problem with the construction of this kind of infrastructure. These prestige buildings, “white elephants” as they are called represent unproductive infrastructure. But the Chinese are doing much more than that. Their scheme of building infrastructure is the following: 1)



Building airports, 2) roads, 3) power (energy) capacities, 4) railways, 5) ports. The expected benefits are regional and domestic connectivity, efficiency in goods transport delivery, stabilized costs of energy and support to the industrialization (Onjala, 2017).

The Western media claim that the exploitation of natural resources (Chinese neocolonialism) is the real reason for the construction of infrastructure. However, there is one significant difference between Chinese and colonial infrastructure. Colonial infrastructure was oriented outward (from the heartland towards the ports, from which the resources were exported to Europe). On the other hand, the Chinese build infrastructure from the ports into the continent, by doing so they are facilitating integration within countries and in the region as well.

It looks like the Western media are more concerned about the potential future Chinese neocolonialism than they condemn the colonialism that has already happened in the past. The Chinese are guilty “in advance” of what the Western countries have already done with impunity.

### **Second opportunity – Rescuing people from poverty**

The World Bank Group former president Dr. Jim Yong-Kim<sup>7</sup> said: “China has lifted 600 million people out of poverty in the last 30 years. Demand is growing among other developing countries to learn from this remarkable progress. The knowledge hub will play an important role in making China’s lessons available to the world and further our common mission to end extreme poverty” (South China Morning Post, 29 March 2013). In 1978, nine out of ten individuals in China’s population of 1 billion were struggling to survive on an income under \$2 a day just below the “extreme poverty line”. In 2014, 99% of the Chinese population was above that line (China Daily, 11 August 2018).

But how is that possible? There are at least four factors: First, economic growth has really trickled down. Accelerating industrialization and urbanization has transformed a large number of agricultural surplus labor in the countryside into urban employment in China. Between 2002 and the end of 2012, earnings from wages and salaries as a percentage of total household income rose from 26% to 43% for rural households in the bottom 20 percentile, at a rate that was roughly comparable to the national average. Evidently, low-income rural households have benefitted proportionally from the changes in the country’s employment pattern engendered by the dual process of industrialization and urbanization.

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<sup>7</sup> He stepped down 1<sup>st</sup> February 2019.

Second, the distribution of cultivated land in rural China has been quite equal within society. Bottom quintile households own about 90% of land areas as the top quintile owns. The relatively equal distribution of land enables the bottom poor to proportionally benefit not only from development and reform in agriculture but also from the transfer payments the state provided to support agricultural development.

Third, universal social development programs made contributions to the income growth of the bottom households. China has implemented a couple of social development programs in rural areas since 2000, including universal compulsory education up to grade 9, rural medical cooperative system, social pension system for rural residents, and a minimum living allowance scheme. Official data indicate that increased transfer income for the bottom quintile households between 2002 and 2012 contributed 21% of their increased disposable income during the period.

Last, but not least, targeted poverty reduction programs are organized nationally since 1986. They played an important role; the Chinese government launched a package of targeted poverty reduction programs covering broad areas, from physical infrastructure, social development, to industrial development and income generation to assist poor households (World Bank blog, 19 October 2016).

Which of these measures can be applied in the region of East Africa in order to reduce poverty in the region? The biggest problem in the region is joblessness. Hence, at first, we believe it will be beneficial if East Africa becomes “China’s China.” Due to increasing wages in China, Chinese companies are outsourcing their production into Africa. This is usually the case in labor-intensive industries such as the textile industry and also agriculture. In East Africa, there are vast plantations of tobacco, sisal, cotton that are extremely labor-intensive. One could argue that these are low quality, low paid jobs and that this policy may contribute to the deindustrialization of the region. Although we recognize these claims, we believe this policy should be embraced and endorsed. In conditions of constant population growth and widespread poverty, the region needs an abundance of job opportunities, even if those jobs were poorly paid. It is up to local authorities to negotiate with Chinese (and other international) partners and provide better jobs and technology transfer at later stages of development.

### **Third opportunity – Gaining benefits from USA- China competition**

Kwame Nkrumah once said: “We face neither East nor West; we face forward.”<sup>8</sup> This should be the guiding principle of East African countries. They

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<sup>8</sup> Conference speech delivered in Accra, 1960.

should not blindly follow the US or Chinese economic model but take a course of action that is in their own best interest. They should use the rivalry between China and the USA and leverage their position to get the most out of both sides. Healthy competition between China and the United States can improve working conditions and provide higher wages for African workers.

A good example of this policy was Tito's Yugoslavia, which successfully balanced between the East and the West. While the United States and the Soviet Union competed for the loyalty (better to say neutrality) of Yugoslavia, the communist government in Belgrade did a great job securing benefits for its citizens while maintaining the sovereignty of the country. Eventually, Yugoslavia was an unsuccessful endeavor which failed when one of the two major blocks collapsed and it is not a good role model, but one part of its policy – “sitting on the fence” between the two great powers was certainly a work of art. On the other hand, we have a negative example of modern-day Serbia. Its authorities are doing their best to match the interests of foreign actors (whether it is the EU, Germany, the United States, Russia, China, and even Turkey). In order to gain benefits from US-China competition, the countries of East Africa need to integrate and put their interest first.

#### **Fourth opportunity – Regional Integration of East Africa**

African integration is an ongoing and lively process. There are eight Regional Economic Communities (REC) on the continent along with numerous regional free trade areas, such as the African Free Trade Zone (AFTZ) and at least half a dozen regional organizations not recognized by the African Union (AU) which is the umbrella regional organization. It is obvious that integration processes in Africa suffer from the Spaghetti bowl effect<sup>9</sup>. To overcome this problem the AU launched a new comprehensive integration process called the African Continental Free Trade Area (AfCFTA) in March 2018. For now, this deal has a good chance of success since it has been signed by all countries on the continent, except Nigeria.

We will analyze the performance of two RECs whose members are countries in the region of East Africa: EAC<sup>10</sup> and IGAD<sup>11</sup>.

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<sup>9</sup> The spaghetti bowl effect is the term first used by an economist Jagdish Bhagwati in 1995 in the paper: “US Trade policy: The infatuation with free trade agreements. It represents the multiplication of free trade agreements which paradoxically hinder free trade.

<sup>10</sup> Burundi, Kenya, Rwanda, South Sudan, Tanzania, and Uganda.

<sup>11</sup> Djibouti, Eritrea, Somalia Ethiopia, Kenya, Uganda, Sudan and South Sudan.

*Table 1. Comparison of selected RECs in Africa*

	Trade integration	Regional infrastructure	Productive integration	Free movement of people	Financial and macro- economic integration
EAC	0,780	0,496	0,553	0,715	0,156
IGAD	0,505	0,630	0,434	0,454	0,221
Average of 8 RECs	0,540	0,461	0,384	0,517	0,381

Source: Africa regional integration report index 2016, UNECA, p. 16.

We can see that the EAC and IGAD are performing above average; the only weak point of both RECs is financial and macroeconomic integration.

One of the biggest achievements of the EAC is a customs union which reduced tariffs significantly and created a favorable business environment. In July 2010, Kenya, Tanzania, Uganda, Rwanda and Burundi officially launched the Common Market for East African Community, a single market with a population of over 100 million. (Shikwati 2012, 13). Another very useful project to facilitate good business environment and integration within the EAC is East African passport. The passport is issued in three of the five EAC member states (Kenya, Uganda and Tanzania) and it costs \$10 in currencies of EAC members' countries (Booth et al. 2007).

The biggest challenges yet to be resolved are common tourist visa and monetary union. There were several attempts to introduce a common currency called the East African Shilling. The first two deadlines in 2012 and 2015 have not been met. The third target date is 2024 (Asongu et al. 2015).

The IGAD's mission is to promote regional cooperation and integration, to add value to member States' efforts in achieving peace, security and prosperity. The aim of IGAD is to harmonize policies with regard to trade, customs, transport, communications, agriculture, and natural resources and environment, and promote free movement of goods, services, and people within the region; creating an enabling environment for foreign, cross-border and domestic trade and investment; providing "e- capacity" building and training at regional and national levels.

The IGAD has four main areas of operation: (1) Agriculture, Natural Resources and Environment; (2) Economic Cooperation, Integration and Social Development; (3) Peace and Security; and Humanitarian Affairs; (4) Corporate

Development Services – single market open to competitive entry and well-integrated into the continental and global economies.

Main challenges for the organization are: eliminating barriers which prevent the IGAD from being a Free Trade Area; develop strategies to liberalize intra-regional trade; enhance domestic, cross-border and foreign investment in the IGAD; and promote economic development and diversification in industrialization among member states (IGAD state of the region report 2016).

Regional integration in Africa is crucial to promote Africa's political stability. It will provide African solutions to Africa's problems, security most of all. Also, regional integration will enable East African countries to stand together, thus preventing any future attempts of (neo)colonialism whether it comes from the East or the West (Shikwati, 2012, p. 11).

China-Africa Cooperation is in line with African integration. Actually, China is a catalyst for integration in East Africa. Although large, the countries of East Africa are still insufficiently developed to receive all Chinese investments. Hence, China fully endorses the integration of the region's markets because of its interest.

## CONCLUSION

To summarize, the biggest benefit (strength) of Chinese presence is infrastructure investments, which will have even greater potential in the future. The biggest weaknesses of Chinese operations are poor labor conditions and ecological standards. The biggest weakness of US strategy is an abstract policy that has no tangible benefits for the ordinary African people. We believe that positive aspects of US engagement are atomized and almost nonexistent.

While Trump Administration focuses more on the commercial threat from China than East Africa itself, Beijing is investing in long-term relationships in East Africa providing tangible things like trade and infrastructure. If the United States wants to have a bigger influence in the region, it needs to offer a compelling alternative to counter China. Thus far there is no visible, tangible strategy that can offer something concrete that would satisfy the needs of the ordinary people. In fact, the only thing that the US offers is a recycled modernist narrative. What Americans do not understand is the fact that “bread and butter” are more important to Africans than democracy. For that reason, China is winning the battle for African hearts and minds.

To avoid threats and seize the opportunities, it would be beneficial for the countries of the region to be neither pro-Chinese nor pro-American, but pro-African. Moreover, we believe that countries of the region should continue to integrate to have a better negotiating position. In this way, the usual *divide et impera* scenario that great powers do to small countries could be avoided.

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## **REGION ISTOČNE AFRIKE USRED TENZIJA IZMEĐU KINE I SAD: OPASNOSTI I PRILIKE**

*Apstrakt:* U sve manje predvidivom multipolarnom svetu Kina i SAD predstavljaju dve supersile sa ogromnim interesovanjem za region Istočne Afrike. Ovaj region predstavlja ključno čvorište kineskog projekta “Pojas i put”. Kinesko ekonomsko i političko prisustvo najviše je izraženo u Keniji, Zambiji i Zimbabveu. Kenija je najočiglednija tačka tenzije jer predstavlja najsnažnije kinesko uporište u regionu dok istovremeno čuva svoje tradicionalno partnerstvo sa Zapadnim blokom stečeno još od Hladnog rata. Uticaj SAD je najjači u susednoj Somaliji, pre svega kroz vojno prisustvo i NVO sektor. Države istočnoafričkog regiona nastoje da dobiju najbolje od oba aktera balansirajući između kineskog ekspanzionizma i još uvek privlačne američke ekonomske moći. Rad istražuje kako velika prestrujavanja na polju međunarodne ekonomije utiču na lokalne identitete. U radu se pitamo koji su odgovori država regiona Istočne Afrike na novonastale okolnosti i mogućnost (re)kolonizacije ekonomije i uma u nepredvidivom vremenu.

*Ključne reči:* Opasnosti; Prilike; Kina; Podsaharska Afrika; SAD.

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## BOOK REVIEW

### SHAPING THE WORLD ORDER ACCORDING TO MILITARY POWER EVOLUTION IN INTERNATIONAL POLITICS

Veljko Blagojević and Igor Pejić, *Military Power in International Politics: Past - Present - Future*, Lambert Academic Publishing 2019, 400 pages.

The book *Military Power in International Politics: Past – Present – Future* is a scientific work of two authors, Veljko Blagojević and Igor Pejić, published by Lambert Academic Publishing in 2019. The main subject of research is the role of military power in world politics, and how the military instrument molded the foreign policy decision making of great powers. The basic premise of the study is that anarchy in international relations is still an important factor that influences world politics, as well as how actors react and adapt various measures in order to accomplish specific strategic goals. The theoretical framework of the book is largely based upon realism and structural realism that, despite numerous criticisms in the contemporary science of international relations, provide a solid base upon which military might and war can be examined.

In a world governed by state-centric views, international politics are still exercised through a prism of realism that places the concept of power as one of the most important crucibles of past, present and most probably future international relations. A simple observation of human history indicates a reoccurring problem, a dilemma that had plagued the minds of many diplomats and statesmen. It is primarily focused on the possession of sufficient means and instruments, through which military power can be implemented as a tool of states' foreign politics. Various tinkerers and strategists from Sun-Tzu to Klauzevic, from Machiavelli to Mearsheimer and Colin S. Gray, have tried to explain the correlation between the military instrument and the state's position in the global arena of politics. Though the questions of military power may seem strictly related to the war and in many cases that is the "hard truth", in essence, the possession or lack of an efficient military instrument has determined the success rate of countries' foreign policy agenda. Despite the contemporary global political tendencies towards a more multilateral and less anarchic world politics, military power still seems to be at the crux of great power politics largely focused on the changing nature of the world order.

The analysis of the research subject follows a clear pattern of temporal comparison and examination of military power from the 17<sup>th</sup> century to modern times. The main axis of the research was also interrelated with the foreign politics of the states that represented crucial actors of their time. The authors were eager to represent the correlation between military strategies and vectors of foreign politics, the pattern which has evolved through time and space and signifies a recurring schema between statecraft and military-craft. Stratagems used and implemented by various generals and commanders mirror the political objectives of states on various levels. Previous statement should not be regarded simply in Klauzewitizian terms of war and politics, but rather as a deeper reflection of the overall connection between the dynamic nature of military strategy, and how it corresponds to the geopolitical and geostrategic objectives of states that are ultimately bound by the power capacities that they do or do not possess in a given timeframe.

Research problems examined in the book led the authors to interesting conclusions that have been summarized at the end of each chapter, which at the same time represent a certain era of world politics. A distinguishable feature of this work is a reoccurring analysis of military conflicts evolution and how these armed battles impacted the geopolitical layout of various regions. The research subject in the book has already been scientifically verified through discussion in various scientific papers and articles on international relations, geopolitics and military. The main themes of such scientific works were the development and evolution of strategy, development of RMAs, armed conflicts and great wars, the Cold War, foreign politics, international relations and the concept of power as a driving force of global politics.

The structure of this scientific study is composed of the introductory part, the historical review of military power and foreign politics, the Cold War, the unipolar moment, the shapes of multipolarity and concluding remarks. The introductory part explains the idea of military power, its significance in international relations and how it correlates with foreign policy objectives of the states. This part serves as an overall framework of the scientific study. The second chapter deals with the historical dimension of military organization and how it evolved from the 17<sup>th</sup> century onward. Although the chapter represents a bigger section without sub-sections, it encompasses a larger part of very important history in order to understand modern military development and the role of military power in international politics.

The Cold War chapter, as its name suggests, is focused on the events from the end of the Second World War to the fall of the Berlin Wall. The main theme of the chapter revolves around bipolarity, nuclear armaments and fragile balance of power that had been tested constantly in rimlands of the world. As the authors underline, “the Second World War had dissolved the

power of the European countries, at the same time ending the multipolar balance of power, allowing USSR and the US to fill the newly created power vacuum” (p. 41). The interesting part of this chapter represents its geopolitical character, supplemented with asymmetrical military operations in the third world countries.

The Unipolar moment is focused on the events after the fall of the Berlin Wall and the disintegration of the Soviet Union: “With the collapse of the Soviet Union, the United States have managed to establish its position in the international sphere as a predominant power, never before seen in the history of modern civilization” (p. 115). In this chapter, the authors have thoroughly examined armed conflicts and military operations of the United States as the leading military power of this period. One of the main points in the chapter represents the Revolution in Military Affairs and how it led to the restructuring of modern combat operations and the overall reorganization of military forces. The authors have made a fine remark of how these technological improvements affected the implementation and scope of military power and how it allowed the US to project its power-reach globally.

The next chapter deals with the growing sense of multipolarity in our contemporary international relations. The chapter is focused on present-day problems and military development, security threats and the so-called “revisionists” or rising powers-challengers to the US hegemony. As the authors explain, “American grand strategy in the post-Soviet era often aims at promoting security and stability in destabilized regions of “crossroad countries”. However, these spaces of instability have developed suspicion and a certain dose of hostility towards Washington’s peacemaker approach. In such places, America is not perceived as a provider of security but rather a harbinger of insecurity, which consequently “opened the door” for China and Europe, or even Russia to emerge as solid alternatives” (p. 255). Finally, the concluding chapter encompasses scientific results and projections that are focused on the development of future military operations and the role of military instruments as a state tool of foreign policy.

We can conclude that the book *Military Power in International Politics: Past - Present – Future* is an important scientific paper for understanding international politics and military power for all scholars and students interested in this specific subject. The book has 400 pages and 547 footnotes, which further proves the authors’ commitment to this study and their willingness to examine and better understand the significance of military power in international politics. The book’s bibliography has more than 250 different primary and secondary sources, which indicates the scope of this scientific endeavor.

*Jovanka KUVKALOVIC-STAMATOVIĆ*

## SINO-SERBIAN BRI COOPERATION

Liu Zuokui and Ivona Ladevac (eds.). *The Cooperation between China and Balkan Countries under the “Belt and Road” Initiative*, Chinese Academy of Social Sciences, Beijing, China, 2019, p. 250

Academic papers dealing with the Sino-European cooperation at the very beginning of the XXI century have conceptualized the key issues and challenges for China-Europe’s relations. A vast number of studies have provided an overview of the then *state-of-the-art* relations between the two sides highlighting the greatest achievements, while some offered predictions of future developments. Scholarly interest has significantly risen in parallel to the announcement of reviving the medieval Silk Road under the new name “One Belt, One Road”, later recognized as the Belt and Road Initiative. The publication “The Cooperation between China and Balkan Countries under the ‘Belt and Road’ Initiative” is a thematic proceeding dedicated to a sub-initiative “16+1” and cooperation between the People’s Republic of China and sixteen Central and Eastern European countries participating within the Initiative.

The thematic proceeding is issued by the Chinese Academy of Social Sciences (CASS) from Beijing. Its publication is facilitated under the “China–CEEC Think Tank Book Series” and is edited by Liu Zuokui and Ivona Ladevac. In total, 13 articles have been arranged into the four thematic groups due to their narrow scopes. These four thematic units are divided according to the articles’ level of analysis depending on whether it is Europe, the CEE region, Serbia or some local context.

The first thematic part is devoted to China-Europe cooperation under the Belt and Road Initiative. It consists of three articles all dealing with the economic issues which lay between the PR China and Europe (primarily the EU). The articles are dealing with some key areas of economic cooperation, such as fundamental principles on which the cooperation is based. In this sense, protectionism as a meta-narrative of Chinese investments in Europe is presented. Growing Europe’s concerns regarding the risks of the “Belt and Road” Initiative are also among the goals of these articles. Some assumptions, such as the continuation of the trade dispute between China and the EU, the increase of obstacles for cooperation and acceleration in investment security building, are argued. The next article provided an overview of the BRI’s influence on Chinese investments in Europe, especially in the Balkans. The paper presented a tremendous increase in Chinese investments in Europe after the Belt and Road Initiative was introduced. The authors presented the types of economic presence pointing out that most of them were acquisitions and

foreign direct investments. By emphasizing the clear BRI engagement into the rise of Chinese investments in Europe, the authors concluded that their influence had steadily increased as highly competitive Chinese companies are now playing by the EU regulations. The last article in this Chapter deals with Serbian views on the '16+1' Initiative within Sino-EU relations. It points out a comprehensive strategic partnership between the PR China and the Republic of Serbia and the relevance of its impact on the relations between the two countries. The authors argue the strategic intersection position of Serbia within the BRI project and thus the importance of its attitude towards China-EU relations. They claim that traditional ties between Serbia and China, as well as sharing of same political goals, clearly contribute to the positive attitude of Serbia towards the Belt and Road Initiative.

Regarding the Sino-European bilateral conceptualization, the second part is dedicated to the China-CEEC cooperation under the Belt and Road Initiative, as a narrower segment of this relation. This Chapter consists of four articles of which the first two deal with in-depth analyses of trade status and tariff policy impact between China and the CEE countries and the Sino-European competition and cooperation regarding the investments in the Balkans. While the former one gives detailed analysis and usage of the quantitative model of trade between China and CEE to calculate the impact on the economy under the tariff policy and providing some policy recommendations, the later one sheds some light into the comparison of EU and Chinese investments in the Balkans. Besides, articles in this Chapter include analyses of Chinese economic presence in Serbia, viewed from the Serbian citizens' perspective as well as of the EU framework for FDI screening and its impact to '16+1' cooperation.

The next, third Chapter consists of three articles and is devoted to the China-Serbia cooperation under the Belt and Road Initiative. Within the first paper, the authors analyze the economic and legal aspects of Chinese investments in Serbia, both FDI and investments through the credits in infrastructure and energy. Global relations in the international community and its impact on Sino-Serbian implementation of the BRI are the subjects of the analysis in the second article where the authors have tackled Chinese questioning of the existing balance of (great) powers. The key research question of the third paper within this Chapter refers to China's potential to become the biggest Serbian exporter. It highlights Serbia's needs to reindustrialize its economy in order to boost export and overcome other issues among which trade deficit.

The three articles of the last Chapter of this proceeding deal with issues of cooperation on the local level and people-to-people cooperation between China and Serbia. The first article evaluates Hungarian perceptions of the Belt

& Road Initiative and its people-to-people capacities. Based on the previous achievements of the Initiative, the author concludes that three factors are affecting this exchange: the perception of the given country towards Chinese proclaimed goals, historical development experience of a specific country and the long-term national development strategic decisions and views regarding China and the BRI. The topic of the next article is the Chinese economic orientation in Europe and new international position of cities. As the major metropolitan areas are becoming more independent in all areas of daily politics, economics, tourism, and facilities needed, this provides a solid base for arguing that China observes cities as relevant partners within the BRI. The author describes abolishing full sovereignty of national states over its major cities, which leaves the space for more independent actions. This is the key argument of this article as the author implies a new position of cities within the globalization process. The last article of this Chapter emphasizes the significance and urgency of local cooperation between China and Central and Eastern European countries.

This publication offers a comprehensive and up-to-date view on diverse aspects of cooperation of the PR China and Balkan countries in both regional and local context. Therefore, it is very useful reading not only for those within the academic research field but for all parties interested in contemporary Chinese presence and its consequences in this part of Europe. Considering the increasing number of Belt and Road countries and its wider implications in political, economic, security and cultural sense, the topic of the present Chinese and Balkan countries cooperation and its future should not be neglected.

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Research papers should not exceed 6000 words including abstracts, references, acknowledgements and footnotes.

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A separate title page should be attached. This will be detached during the refereeing stage to maintain the anonymity of the author. The title page should include: The name(s) of the author(s); a concise and informative title; the affiliation(s) and address(es) of the author(s); the e-mail address of the author(s); the author(s) academic biography, up to 150 words, in the third persons. If the first author is not the corresponding author, this should be clearly indicated.

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Please, provide an abstract of 100 to 250 words in English. The abstract should not contain any undefined abbreviations or unspecified references. Please, provide 5 to 10 keywords which can be used for indexing purposes.

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The manuscript text file should be submitted in Word or other similar format. Use a normal, plain font (12-point Times New Roman) for text, line spacing 1 (single), justified. The title of the paper should be written in capital letters, bold, font size 14. Page setup margins should be 2.5 cm (top, bottom, left, right), paper size A4. Use italics for emphasis. Use the automatic page numbering function to number the pages. Abbreviations should be defined at first mention and used consistently thereafter.

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An article may be divided into three levels of sub-divisions. Level one section should be introduced by a heading printed in capital letters, bold, centered. Level two sections should be introduced by a heading printed with the initial capital letter, centered. Level three sections should be introduced by a heading printed in Italic with the initial capital letter, centered. Paragraphs should be indented.



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EC. (2002). Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), Official Journal of the European Communities L201 37–47, 31 July (European Commission, Brussels).

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