NATIONAL INTEREST(S) IN WORLD POLITICS

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PREFACE

With the support of the Science Fund of the Republic of Serbia, the project "National Interests of the Republic of Serbia: From Contention to Legitimisation" — No. 7752625 — NATIONAL(S) has been ongoing at the University of Belgrade – Faculty of Political Science, since late January 2022. This project has inspired a range of activities, most notably the international scientific conference "National Interest(s) in World Politics," held in Belgrade on January 25 and 26, 2024. The conference brought together numerous researchers and professors from Serbia, Europe, Asia, the USA, and beyond.

During this two-day conference, discussions were held on the theoretical frameworks of the concept of national interests and numerous historical examples of its evolution. Additionally, relations between the foreign policies of various countries and international law concerning the definition of national interests were highlighted. Significant attention was also given to specific crises in regions such as the Middle East (following the onset of the Israel-Hamas conflict in October 2023) and Eastern Europe, dominated by the war in Ukraine since February 2022. In order to clarify the crucial aspects of Serbia's position within its highly complex environment, the conference also addressed the context of the Belgrade–Pristina dialogue, regional relations, and the framework of the country's European integration. At the end of the conference, both internal and international aspects of defining Serbia's national interest were discussed. The conference featured thirty-nine presentations, of which twenty-six have been included in this collection of papers. Additionally, sixteen participants from abroad took part in this two-day scientific conference.

We are deeply grateful to all participants of the international scientific conference "National Interest(s) in World Politics" for their contributions to the event and the papers they submitted. The submitted articles have been published in accordance with the previously prepared book of abstracts. We believe that this book of proceedings, which illuminates the concept of national interests from various perspectives as a category in the postmodern world, will be of considerable benefit to experts, students, and the broader public. In a contemporary world undergoing drastic changes, we hope this collection of papers will contribute to a better understanding of current international dynamics as well as Serbia's position in the Western Balkans and the broader European context. The long-term positioning of Serbia within this environment will, therefore, influence its position and ability to achieve its national interests.

Once again, we would like to express our gratitude to the Science Fund of the Republic of Serbia for the financial support provided under the "National(S)" project necessary for this conference to take place. We also extend our thanks to the administration and staff of the University of Belgrade – Faculty of Political Science, for their assistance in organising this event.

Belgrade, July 27th, 2024

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From Objectivist Ontology to Sovereigntist Practice: How Serbian Citizens' Perception of National Interest Shapes Their Desired Prioritization of Foreign Policy Goals***

ABSTRACT

This paper examines the connection between citizens' perception of the national interest's ontology (objective, subjective or intersubjective) and their operationalization of this concept in practice through the desired prioritization of foreign policy goals. Focusing on the case of Serbia, our starting assumption is that those who perceive national interest as an objective concept tend to support sovereigntist foreign policy practice and to prioritize political and military foreign policy goals to those devoted to the implementation of economic, ecological, cultural, and other aspects of the national interest. We will test this assumption using the findings of the face-to-face public opinion survey conducted in the Republic of Serbia on representative sample in August 2022.

KEYWORDS: *national interest's ontology, objective national interest, subjective national interest, Republic of Serbia*

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INTRODUCTION

The connection between citizens' perception of the national interest's ontology (objective, subjective or intersubjective) and their operationalization of this concept in practice through the desired prioritization of foreign policy goals has not been systematically researched in the scope of International Relations or Foreign Policy Analysis. Focusing on the case of Serbia, our starting assumption is that those who perceive national interest as an objective concept tend to support sovereigntist foreign policy practice and to prioritize political and military foreign policy goals to those devoted to the implementation of economic, ecological, cultural, and other aspects of the national interest. This assumption is based on analogy with the International Relations theory in which more objectivist approaches tend to focus more on souvereignst and statist foreign policy proposals and desires.

We will test this assumption using the findings of the face-to-face public opinion survey (with a representative three-stage-random stratified sample of 1186 respondents) conducted from August 5 to 15, 2022, implemented in the scope of National(S) scientific project financed by the Science Fund of the Republic of Serbia. Through unpacking the undertheorized linkage between the perception of national interest's ontology and choice of foreign policy priorities, the paper aims to contribute to two branches of literature – International Relations literature about the concept of national interest and Foreign Policy Analysis literature about public opinion stances on foreign policy.

In the first chapter, we will present a brief overview of the theoretical literature on national interest's ontology, in order to explain the distinction between subjectivist and objectivist approaches. Afterwards, we present study design and method, and then present results of our research. Finally, we debate the broader theoretical relevance of our findings in the discussion section.

THEORETICAL CONCEPTUALIZATION OF NATIONAL INTEREST

According to one of the most influential International Relations theorists, James Rosenau, the concept of national interest has two main usages – 1) analytical tool and 2) instrument of political action – but both usages of the concept "refer to what is best for a national society."[1] Such an approach leads to an essential ontological question of whether something is objectively "best for a national society "or whether the choice of what is best depends upon subjective (individual or group) reflections and attitudes. In his seminal study, "National Interest in American International Relations Theory",

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[1]   James Rosenau, "National Interest", In: David L. Sills (ed.), *International Encyclopedia of Social Science*, The Macmillan Co. and the Free Press, New York, 1968, pp. 34–40.

Serbian theorist Andreja Miletić outlines the dichotomy between objective and subjective understanding of national interest among IR theorists.[2] Objectivists belong mostly to the realist theoretical branch, as well as to the international system theory, and they understand national interest as an objective and measurable concept determined by the relative distribution of power.[3] Subjectivists are those theorists that focus on the role of individual or group interpretations – such as Foreign Policy Analysis scholars and behaviorists, as well as others that neglect the notion of "national" and emphasize the competing subnational interests hidden under this notion, such as certain liberal and critical theorists.[4]

During the last decades, International Relations theorists have developed many positions between the two poles in objective-subjective dichotomy. Constructivists such as Wendt treat national interests as essentially inter-subjective.[5] Jutta Weldes claims that national interests are not fixed and objective but constructed through a complex process of articulation and interpretation by decision-makers.[6] However, these processes are conducted in the context of shared knowledge, language, and culture, and these intersubjective structures reduce the subjectivity of the concept.[7] Samuel Huntington puts the concept in correlation with the national identity, which is neither wholly subjective and changeable nor completely objective and fixed.[8] Joseph Frankel also takes the middle ground, accepting that "whether considered an independent, a mediating or a dependent variable, or just a rationalization, 'national interest' constitutes an element in the making of foreign policy to which, however it may be defined, statesmen profess to attach great importance".[9] In Serbian political theory, Dimitrijević and Stojanović

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2   Andreja Miletić, *Nacionalni interes u američkoj teoriji međunarodnih odnosa*, Centar za međunarodne studije Fakulteta političkih nauka, Beograd, 1978, p. 41.

3   *Ibidem*, pp. 41–64.

4   *Ibidem*, pp. 64–88.

5   Alexander Wendt, "Anarchy is what States Make of it: The Social Construction of Power Politics", *International Organization*, vol. 46, no. 2, 1992, pp. 391–425.

6   Jutta Weldes, "Constructing National Interests", *European Journal of International Relations*, Vol. 2, No. 3, pp. 275-318.

7   For a more detailed overview of different approaches to the concept of national interest in the scope of constructivist theoretical thought, see: Dragan Simić and Dragan Živojinović, „Konstruktivistička teorija i koncept nacionalnog interesa". In: Dejan Jović, Konstruktivističke teorije međunarodnih odnosa, *Politička kultura*, Zagreb, 2016, pp. 177–198.

8   Samuel P. Huntington, "The Erosion of American National Interests", *Foreign Affairs*, Vol. 76, no. 5, pp. 28–49.

9   Joseph Frankel, *Key Concepts in Political Science: National Interest*, Palgrave MacMillan, London, 1970, p. 18.

also take the middle-ground approach, claiming that national interests are not objective by their essence and physically determined by geography or similar factors but that the pursuit of specific goals in the longer historical period makes them becoming more fixed ideational structures.[10]

Considering that national interest is used both to describe and prescribe policy, as Joseph Nye rightly claims, understanding this concept is essential for foreign policy making process.[11] Numerous studies in Foreign Policy Analysis focused on how decision-makers and foreign policy elites understand national interests. However, even though numerous studies aimed to investigate what public opinion treats as the national interest of their community in the concrete situation, they did not tackle the issue of how citizens perceive the ontology of this concept. For this purpose, we have conducted a public opinion poll asking Serbian citizens about the concept's ontology. Of course, it would be too ambitious to expect citizens to have deep theoretical knowledge about the concept or even to have more nuanced opinions. Therefore, we believe that all more sophisticated and complicated options in the intersubjective sphere should be left aside and merged to a general dichotomic approach which distinguishes only between objectivists and subjectivists. Even though it focuses on (ideational) structures which shape national interest and which are relatively stable (although changeable), intersubjective approach could essentially be merged in this dichotomy with subjectivist view, considering its negation of the objective character of the national interests. Citizens should be questioned if they perceive national interest to be objective or subjective.

Based on the analogy with the theoretical division, we would expect those citizens who perceive national interest to be objective to have a more sovereigntist and statist approach, to be more focused on the ethnic component of the identity and on issues of (hard) security, military might, and power capabilities. This assumption is based on the fact that objectivists in International Relations theory mainly belong to the realist camp – from classical (such as Morgenthau)[12] over neorealists (such as Waltz)[13] to neoclassical realists (such as Dueck).[14] Objectivism and determinism

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[10]   Vojin Dimitrijević, Radoslav Stojanović, „Međunarodni odnosi", Savremena administracija, Beograd, 1996.

[11]   Joseph S. Nye Jr., "Redefining the National Interest", *Foreign Affairs*, Vol. 78, No. 4, 1999, pp. 22–35.

[12]   Hans J. Morgenthau, "Another 'Great Debate': The National Interest of the United States", *The American Political Science Review*, Vol. 46, No. 4, 1952, pp. 961–988.

[13]   Kenneth N. Waltz, *Theory of International Politics,* Addison-Wesley Publishing Company, Reading, 1979.

[14]   In his comprehensive study of the use of national interest as a concept in realist theory of International Relations, Dragan Živojinović rightly points that among neoclassical realists conceptualization of a national interest was not very important topic, and that Dueck is more an exception than a rule among the post-Cold

of national interest are especially visible among theorists of geopolitics. Of course, this does not mean that certain theorists from other theoretical branches do not consider national interest to be (at least partially) objective. Neoliberal theorists George and Keohane outline survival, autonomy, and economic welfare as shared interests of all states, which could be considered "the objective core".[15] Even one of the leading social constructivists (despite the fact that he treats national interest as essentially constructed), Alexander Wendt, positions his intersubjective ontology of the national interest closer to objectivism when he accepts the thesis of three general national interests of all states developed by George and Keohane adding the fourth one – collective self-respect.[16] Still, although not all objectivists are realists – the majority of them are, and the rest are primarily liberals with more statist lenses.

On the other hand, considering the degree of scepticism that theoretical subjectivists (and intersubjectivists) have in the "national interest", we expect subjectivist citizens to be less sovereigntist-oriented, more inclusive in terms of the definition of interest (less ethnic and more citizen-oriented), and more focused on issues other than military power (such as economy, environment, good governance etc.). This assumption is based on the fact that leading subjectivists who mostly perceive national interest as "a constantly changing pluralistic set of subjective preferences"[17] are not only already mentioned FPA scholars, but also classic liberals who focus more on pluralism of interest and their competition inside a state, as well as Marxists who perceive national interest as a cover for the interest of a ruling class.[18] Also, majority of critically oriented scholars doubt the objectivity of this term, similarly as constructivists and poststructuralists.[19] What is common to all these diverse directions is that they draw attention to individuals or groups (such as classes) and their interests and perceptions. It is important to mention that even some realists, such as Krasner, adopt the more pluralist and subjectivist view of

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War realists. See: Dragan Zivojinović, „Razumevanje pojma nacionalni interes u realističkim teorijama", In: Dejan Jović, Teorije međunarodnih odnosa: Realizam, *Politička kultura*, Zagreb, 2013, pp. 257–258.

[15] Alexander George, Robert Keohane, "The Concept of National Interest: Uses and Limitations", In: Alexander George (ed.), *Presidential Decision-making in Foreign Policy*, Westview, Boulder, pp. 43–68.

[16] Alexander Wendt, *Social Theory of International Politics*, Cambridge University Press, Cambridge, 1999, pp. 233–238.

[17] Joseph Frankel, *Key Concepts in Political Science: National Interest*, Palgrave MacMillan, London, 1970, p. 17.

[18] Stephen D. Krasner, *Defending the National Interest: Raw Materials Investments and U.S. Foreign Policy*, Princeton University Press, Princeton, 1978, pp. 20–30.

[19] See: Scott Burchill, *The National Interest in International Relations Theory*, Palgrave MacMillan, New York, 2005.

national interest – but this is more an exception than the rule.[20] The majority of subjectivists are pluralists and do not belong to the ideal type of statists and sovereigntists.

The article addresses how understanding the ontology of national interests (its objectivity) among the general public correlates with the sovereigntist, statist, and power-centred worldview (perception of the international realm and foreign policy). Based on the positive correlation between objectivism and sovereigntist thought among IR theorists, we hypothesize that such a correlation also exists in public opinion. By answering this previously unaddressed question, it aims to enrich the FPA and IR literature about the public opinion understanding of national interests, as well as the literature about the relation between political elites and the audience in the process of national interest construction and foreign policy decision-making.

STUDY DESIGN AND METHOD

The research was conducted for the purposes of the scientific project National(S) funded by the Science Fund of the Republic of Serbia. The survey was conducted using face-to-face interviews and TAPI (Tablet-Assisted Personal Interview) method. A total sample of 1186 respondents were selected through a representative three-stage random stratified sampling method, with a confidence interval of +/- 2.8 and expected incidences of 50%. The study was conducted over a ten-day period, from August 5 to 15, 2022. A structured questionnaire consisting of 48 questions was utilized to gather insights into various aspects of public opinion related to the perception of national interest of Serbia. The sampling strategy involved a representative three-stage-random stratified sample. Randomization of respondents occurred at three levels, including polling stations, households, and by the first upcoming birthday of the respondents in the households. This comprehensive methodology aimed to provide robust and reliable sample for findings generalization.

The demographic data shows that gender distribution was nearly balanced, with 49.5% of respondents being male and 50.5% female. The average age of the respondents in our sample was 48 years. Regarding the type of locality, 52.9% of the survey was conducted in urban areas, while 47.1% took place in rural settings. Regionally, in our sample we had respondents from Belgrade 26.2%, Vojvodina 25.8%, Western and Central Serbia 26.2%,

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[20]   It is important to mention that Krasner, although is considered as a realist scholar in International Relations and International Political Economy, is not a clear ideal type, and that his scholarship could also belong to the institutionalist camp, while he shares some common ground also with constructivists. For more, see: Robert O. Keohane, "Stephen Krasner: Subversive Realist", paper presented at the 2010 Annual Meeting of the American Political Science Association, https://papers.ssrn.com/sol3/papers.cfm?abstract id=1643351.

and Eastern and Southern Serbia 21.8%. In terms of educational attainment, 24.9% of the respondents had completed only primary education, 53.6% had finished secondary education, and 21.5% had obtained higher education degrees. All the demographic data are consistent with the latest census data.

Our research question concerns whether there is, and what kind of difference exists in the perception of various aspects of Serbia's national interest between objectivists and subjectivists. With this this research question in mind we wanted to test the following hypothesis:

H1: Individuals who view national interest as an objective concept tend to prioritize political and military foreign policy goals over economic, ecological, cultural, and other aspects of the national interest.

H2: Individuals who view national interest as an objective concept are more likely to support sovereigntist foreign policy practices.

H3: Individuals who view national interest as an objective concept are more likely to share ethnic concepts of national interest.

H4: Individuals who view national interest as an objective concept tend to prioritize the sovereigntist and ethnic goals of Serbian foreign politics.

We posed two questions and conducted computation in SPSS to generate a binary variable that divides the sample of respondents into those with an objectivist perception of national interest (realists' persona) and those with a subjectivist perception (pluralist/constructivists persona). The questions were "*To what extent do you agree with the following statements?*" 1) "There is an objective national interest, and every government is obliged to adhere to it in formulating and conducting domestic and foreign policies." 2) "Every government defines the national interest according to its program." Based on the responses to these questions, we created a variable that was later used in the analysis to test our hypotheses.

RESULTS

The research data shows that in our representative sample, 17% of respondents perceive national interest through a subjectivist lens, while 83% view national interest as an objectivist category. The research did not reveal any statistically significant demographic differences (gender, age groups, education, urban/rural, religion, financial status) between the social personas perceiving national interest in an objectivist or subjectivist manner. Our intuitive assumptions that women, better-educated individuals, younger respondents, and those with a higher financial status would be more inclined toward a subjectivist perception of national interest proved to be incorrect.

To test first hypothesis, we asked participants to choose, based on their preferences, the most important aspect of Serbia's national interest. We offered them following options: Political interests (Kosovo and Metohija, Republika Srpska); Economic interests (economic growth, higher incomes, better

living standards); Environmental interests (reducing pollution, healthier air, protecting water and land); Identity interests (preserving one's own identity and uniqueness); Democratic interests (well-governed state, democratic and efficient institutions, rule of law). The majority of general population in the total sample consider economic interests to be the most important aspect of Serbia's national interest, with a high percentage of 46.1%. Political interests are also significant, but a smaller percentage of respondents (23.3%) consider them to be the most important. Environmental interests, identity interests, and democratic interests are less emphasized, with percentages of 8.5%, 10.2%, and 10.9% respectively. These results suggest that economic stability and prosperity take precedence over other aspects of national interest among the respondents. However, concerning the testing of H1, the analysis indicates that there are no statistically significant differences between individuals who perceive national interest as an objective or subjective concept when prioritizing political and military foreign policy goals over economic, ecological, cultural, and other aspects of the national interest.

Table 1. The most important aspect of Serbia's national interest
for objectivist and subjectivist

	Political interest	Economical interest	Ecological interest	Identity interest	Democratic interest
Objectivist	20.5%	46.9%	10.6%	9.2%	11.6%
Subjectivist	31.4%	45.3%	7%	5.8%	8.1%

$x^2 = 7.082$, df 5, p < .215

To test second hypothesis, we created an instrument measuring various aspects of sovereigntism as categories of Serbia's national interest. Our intention was to analyse how different aspects of sovereigntism are perceived by objectivists versus subjectivists. We asked respondents to indicate on a scale from 1 to 5 to what extent they consider the following sovereignist categories as important parts of Serbia's national interest. All the mentioned aspects of national interest were rated highly, with average ratings ranging from 4.36 to 4.57. This indicates that respondents consider the preservation of sovereignty (4.57), territorial integrity (4.52), political independence (4.5), Serbia's military neutrality (4.36), and Serbian identity and tradition (4.53) as highly important. These high ratings suggest that these sovereignist aspects form the foundation of national interest for the majority of respondents, but do they differentiate between objectivists and subjectivists? The independent samples t-test reveals statistically significant differences in the valuation of sovereigntist aspects of national interest depending on whether the respondent perceives national interest in an objectivist or subjectivist manner. Analysis

of variance indicates that values for all sovereigntist aspects are significantly higher among objectivist which suggests that our hypothesis 2 is confirmed.

Table 2. The most important aspect of Serbia's national interest
for objectivist and subjectivist

	Preservation of sovereignty M (SD)	Territorial integrity M (SD)	Political independence M (SD)	Military neutrality M (SD)	Identity and tradition M (SD)
Objectivist	**4.7** (.565)	**4.6** (.704)	**4.58** (.747)	**4.37** (1.027)	**4.66** (.638)
Subjectivist	**4.27** (.828)	**4.23** (1.075)	**4.17** (.893)	**3.94** (1.253)	**4.14** (1.121)
	$F_{(490)}=31.26$ $p < .00$ $\mu2 =.062$	$F_{(496)}=28.65$ $p < .00$ $\mu2 =.031$	$F_{(492)}=3.53$ $p < .00$ $\mu2 =.039$	$F_{(482)}=7.16$ $p < .001$ $\mu2 =.021$	$F_{(494)}=41.69$ $p < .00$ $\mu2 =.063$

With hypothesis three, we aimed to determine whether different perceptions of national interest affect the understanding of who is the primary agent of national interest, specifically whether individuals who view national interest as an objective concept are more likely to share ethnic concepts of national interest. To address this puzzle, we asked our respondents what they believe national interest pertains to. According to the data, 41.8% of respondents believe that national interest of Serbia pertains to the interests of all citizens living in Serbia. Meanwhile, 32% think that national interest of Serbia refers to the interests of the Serbian nation, 18.2% to the interests of the state, and 6.9% to the interests of the government. Segmenting these data, we analysed how objectivists and subjectivists responded to this question and confirmed our hypothesis. The data show no significant differences between objectivists and subjectivists regarding the interests of the state, all citizens living in Serbia. However, statistically significant differences appear when considering the Serbian nation and government of Serbia. The research insights indicate that objectivists significantly more than subjectivists believe that the main agent of Serbia's national interest is the Serbian nation, as shown in Table 3, while subjectivists, in accordance with the theory, more than objectivists believe that the national interest of Serbia pertains to the government.

Table 3. Who do you think the national interest of Serbia pertains to?

	Serbia as a state	All citizens living in Serbia	Serbian nation	Government of Serbia
Objectivist	18%	38.2%	39.4%	3.6%
Subjectivist	24.1%	41%	22%	12%

$x^2 = 17.071$, df 4, $p < .00$

Addressing the fourth hypothesis that individuals who view national interest as an objective concept tend to prioritize the sovereigntist and ethnic goals of Serbian foreign politics, we asked respondents two questions. On a scale from 1 to 5, we asked respondents to indicate the extent to which they believe the preservation of Kosovo and Metohija as part of Serbia and the preservation of Republika Srpska as an entity are important national interests of Serbia. The general population in the sample, with very high average values, considers both of these goals to be important parts of Serbia's national interest. The average agreement with the statement that the preservation of Kosovo and Metohija as part of Serbia is a national interest of Serbia is 4.36, while the average for the preservation of Republika Srpska as an entity is 4.19. Data obtained from an independent t-test (Table 4) show that objectivists statistically significantly more than subjectivists believe that the preservation of Kosovo and Metohija as an integral part of Serbia and Republika Srpska as an entity are important national interests of Serbia, thus confirming the fourth hypothesis.

Table 4. The most important aspect of Serbia's national interest for
objectivist and subjectivist

	Preservation of Kosovo and Metohija M (SD)	Preservation of Republika Srpska M (SD)
Objectivist	**4.33** (.944)	**4.2** (.1.020)
Subjectivist	**4.02** (1.125)	**3.66** (1.275)
	$F_{(497)}=.356$ $p < .006$ $\mu 2 =.015$	$F_{(494)}=11.32$ $p < .000$ $\mu 2 =.035$

In addition to testing these four hypotheses, our questionnaire included several interesting questions that reveal differences in perceptions of various aspects of international relations related to Serbia's national interest. We asked respondents who Serbia should rely on the most in international relations and found statistically significant differences between objectivists and subjectivists. These differences are particularly notable regarding Russia and the USA, but also the EU and China. Objectivists are more inclined towards Russia and the EU compared to subjectivist, while subjectivists are more inclined towards China and the USA compared to objectivists.

Table 5. Who should Serbia rely more on in international relations?

	Russia	EU	China	USA
Objectivist	49.7%	28.8%	10.7%	0.9%
Subjectivist	35.2%	18.3%	15.5%	11.3%

$x^2 = 33.593$, df 4, p < .00

The research has revealed another interesting aspect regarding potential international integrations of Serbia. The data indicates that objectivists show a greater inclination towards cooperation with Russia compared to subjectivists, whereas subjectivists express a stronger preference for NATO membership than objectivists. Conversely, there is no distinction concerning EU integrations and membership in the Eurasian Economic Union with Russia.

Table 6. The most important national interest of Serbia for objectivist and subjectivist

	Good relations with Russia M (SD)	NATO membership M (SD)	Membership in the EU M (SD)	Membership in the Eurasian Economic Union with Russia M (SD)
Objectivist	**4.33** (.891)	**1.99** (1.296)	**3.12** (1.518)	**3.28** (1.382)
Subjectivist	**3.99** (1.055)	**2.31** (1.421)	**3.22** (1.489)	**3.46** (1.424)
	F(498)=5.423 p < .00 μ2 =.019	F(494)=4.468 p < .03 μ2 =.009	F(480)=.137 p < .55 μ2 =.001	F(472)=.114 p < .30 μ2 =.002

DISCUSSION

In attempt to address our research questions by testing hypotheses, we found a significant difference in how objectivists and subjectivists personas perceive various aspects of national interest. According to our research in Serbia, for every single subjectivist-pluralist-constructivist persona, there are nearly five objectivist-realist personas. Given that we have not found any demographic influences determining whether a person will be of an objectivist or subjectivist "nature/perception" this question remains open for our future research. The general findings align with the theory suggesting that objectivists lean more towards a sovereigntist and state-centric approach, emphasizing the ethnic component as the driver of national interest, whereas subjectivists adopt a less sovereigntist-oriented perspective, highlighting the significance of citizen-oriented and government-oriented national interests. However, the

research did not demonstrate that objectivists prioritize the value of hard power (political interest, economic interest, military interest), typical of the realist-objectivist school of thought, more than subjectivists nor did it show that subjectivists prioritize classical constructivist concepts (ecological interest, identity interest, democratic interest) more than objectivists. While differences between these two social personas are absent in this case, it is evident that Serbian citizens overall emphasize realistic national interests such as political and, above all, economic interests.[21]

On the other hand, it has been demonstrated in the dataset that objectivists personas consider all factors of national interest with a sovereigntist connotation to be more important than subjectivists personas do. In our research these factors include Preservation of sovereignty, Territorial integrity, Political independence, Military neutrality, Identity, and tradition. *Why is that so?* The traditional Realist school of thought views international relations as power games where the highest stakes are survival of a political entity or state. In this sense, the state prioritizes self-preservation policies, focusing on maintaining its sovereignty and territorial integrity, political and military neutrality and identity protection. If successful in doing so, the state is capable of retaining autonomy and providing its citizens with stability and protection from external threats. Additionally, realists place greater emphasis on power and competition among states, leaving less space for them to view politics from a values-based perspective which emphasize cooperation and postmodern political values.

The findings also indicate that objectivists significantly more than subjectivists perceive the Serbian nation as the primary actor and consumer of national interest, which aligns with the theory stating that sovereigntist, nationally oriented perceptions are more typical for objectivists (realists) than for subjectivists (pluralists/constructivists). The implications of these perspectives are particularly pronounced concerning the current "threats" to Serbia's national interest with regard to the status of Kosovo and Metohija and Republika Srpska. Following the matrix at a meta-level, objectivists remain consistent and consider these sovereigntist aspirations more important within the framework of Serbia's national interest, compared to subjectivists.

It should be emphasized that we do not claim that citizens with objectivist or subjectivist public opinion have such foreign policy preferences because of the direct or deliberate influence of certain international relations theories. Vast majority of citizens do not have any profound theoretical knowledge, but they do have an attitude and intuition about the nature of the national interest and how it should be pursued. Therefore, findings of

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[21]   For a study on how to analyticaly use the concept of national interest for the analysis of Serbian case, see: Milan Lipovac, Ivan Dimitrijević, „Nacionalni interes kao analitički koncept: mogućnosti za analizu nacionalnog interesa Srbije", *Srpska politička misao*, no. 4, vol. 50, 2015, pp. 87–108.

this research only indicate that in many aspects exist correlation between the policy preferences and attitudes of citizens who perceive national interest as subjective or objective and positions of international relations theorists who perceive national interest as objective or (inter)subjective. However, findings of this research indicate that there are broader structures of thought and knowledge about the national interest and international relations which function in similar manner both among public and among theorists.

CONCLUSION

This paper aimed to test the connection between citizens' perception of the national interest's ontology and their desired prioritization of foreign policy goals. Our research question was whether there is, and what kind of difference exists in the perception of various aspects of Serbia's national interest between objectivists and subjectivists. Based on the analogy with stances of different International Relations theory presented in the first chapter of this paper, we have developed four hypotheses. We tested them using the findings of the face-to-face public opinion survey (with a representative three-stage-random stratified sample of 1186 respondents) conducted from August 5 to 15, 2022.

Our research showed that individuals who view national interest as an objective concept do not tend to prioritize political and military foreign policy goals over economic, ecological, cultural, and other aspects of the national interest, despite the fact that we expected so based on the analogy with the realist theory thought. However, other three hypothesis were confirmed based on the statistically relevant difference between two groups (subjectivists and individualists). Namely, individuals who view national interest as an objective concept are more likely to support sovereigntist foreign policy practices, are more likely to share ethnic concepts of national interest and tend to prioritize the sovereigntist and ethnic goals of Serbian foreign policy.

We have also presented other important findings, which could be indicative for further research. Objectivists are more inclined towards Russia and the EU compared to subjectivist, while subjectivists are more inclined towards China and the USA compared to objectivists. Objectivists also show a greater inclination towards cooperation with Russia compared to subjectivists, whereas subjectivists express a stronger preference for NATO membership than objectivists. Conversely, there is no distinction concerning EU integrations and membership in the Eurasian Economic Union with Russia.

Future research should focus more on the underlying causes of such an outcome. Possible answers might include the influence of educational system, social environment, media, political elites, psychological factors... Also, it should involve other methods, including focus groups and experiments, which would allow for more detailed tracing of the process which stand

behind the connection which exist between the perception of ontology of the national interest and sovereigntist foreign policy preferences. Finally, same analysis should be conducted in other societies, which would allow for a more comprehensive comparison of similarities and differences in this regard among different states.

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Exploring The Interplay of The Public and Decision-Makers in Defining National Interest in the Western Balkans

ABSTRACT

In this article, we argue that, in addition to decision-makers, public opinion can play a role in the construction of the national interest. We differentiate between two scenarios: in the first, the public opinion is divided over an issue; in the second, the public is strongly preferring one of the alternatives. Our hypotheses concern the ability of elites to freely formulate the national interest. In the first scenario, we argue that elites have larger degree of freedom to formulate the decisions in terms of national interest. In the second scenario, elites are constrained by the public and they can formulate the decisions that partially deviate from the public opinion, but they cannot "cross the red line" set by the public. To test our hypothesis, we conduct a series of comparative case studies focusing on three Western Balkans countries – Serbia, Montenegro and North Macedonia – that can be perceived as competitive authoritarian regimes, which offers a greater opportunity for generalization of the influence of public opinion. We find confirmation for our hypotheses in all three countries.

KEYWORDS: *national interest, public opinion, constructivism, political elites, foreign policy, Western Balkans, competitive authoritarianism*

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INTRODUCTION

In the theory of international relations as well as in everyday political communication, national interest represents one of the main political concepts. It is mostly associated with the foreign policy actions of nation states and the goals they aim to achieve in international relations. In the modern era, national interests are not exclusively tied to political objectives; rather, they encompass various economic, social, environmental, and other aspirations of a given state. Researchers of national interest focus on various issues related to this concept: what it represents, what its constituent elements are, and who determines what the national interest is.

Literature in the field is dominant in the United States, mainly focusing on the national interests of the US and to some extent United Kingdom, while the study of national interests in Europe and the rest of the world is still not as developed. There is also a significant emphasis on the influence of elites and the media on the public[1], but the reverse approach to the causal mechanisms (i.e. impact of public on the elites) is present to a lesser degree.[2] Recognizing that there is still a significant theoretical gap regarding the influence of the public on the formulation of national interest, and the general lack of research on national interests in Europe, in this study we decided to explore how the public influences decision-makers in formulating national interest in three Western Balkans countries – Serbia, Montenegro and North Macedonia.

The choice of these countries represents a distinctive characteristic of our research. They are marked by specific political-historical contexts and political systems, which we will classify as competitive authoritarian regimes. These regimes contain formal democratic institutions which are seen as "means for obtaining and exercising political authority"[3], but also feature authoritarian elements, such as incumbents' abuse of the state resources and limiting of civil and media liberties. Therefore, they cannot be described as fully democratic due to low implementation of democratic standards.[4] For our topic of research, it is important to emphasize the abuse of media resources by the government, which ensures biased and partisan coverage of relevant topics.[5] By controlling the narrative of everyday political communication, elites can influence the

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[1]   See: Maxwell McCombs and Amy Reynolds. *News influence on our pictures of the world*, Lawrence Erlbaum Associates Publishers, Mahwah, 2002, pp. 1–18. See: Joseph Nye, "Redefining the National Interest", *Foreign Affairs*, Vol. 78, No. 4, pp. 22–35.

[2]   Ole Holsti, *Public Opinion and American Foreign Policy*, University of Michigan Press, Michigan, 2009.

[3]   Steven Levitsky and Lucan A. Way, "The rise of competitive authoritarianism", *Journal of Democracy*, Vol. 13, no. 51, pp. 51–65, p. 52

[4]   *Ibidem.*

[5]   Steven Levitsky and Lucan A. Way, *Competitive authoritarianism: Hybrid regimes after the Cold War*, Cambridge University Press, Cambridge, 2010, p. 12.

public and skew their perception of government actions in every policy area, including decisions related to the national interest. This is essential for our hypothetical framework and generalization potential of our conclusions.

THEORETICAL FRAMEWORK

National interest is a concept of great importance for international relations theories because it explains the behavior of a state in international politics. According to Jutta Weldes[6], national interests have a dual significance: firstly, they represent the goals that decision-makers should follow when formulating foreign policy decisions and, secondly, serve as a rhetorical tool for legitimizing and gathering political support for the actions of the state.

International relations theorists have different approaches to defining the concept and constituent elements of national interest. Our research starts from a constructivist perspective. James Rosenau famously divided the national interest into objective and subjective, and following this division, the constructivist approach certainly leans more towards subjectivism. However, constructivists also emphasize the context in which certain policies are formulated, so it can be said that the constructivist concept of national interest lies between the subjective and objective[7].

Differentia specifica of constructivism compared to other theories is the emphasis on societal interests influence on national interest. The realist theories of international relations view the national interest primarily in terms of power and security. For them, national interest is about ensuring the survival of the state in an anarchic international system. Realists believe that national interest is objective, enduring, and driven by the need to maintain sovereignty and power. On the other hand, liberal theories of international relations also consider security important but emphasize that national interest is broader and includes economic prosperity, human rights, and the promotion of democracy which can be achieved through cooperation, international institutions, and rule-based order.

Meanwhile, constructivists argue that national interest is not fixed or objective but is socially constructed and shaped by a state's identity, norms, and the international context. They believe that what a state perceives as its national interest can change over time as its identity and the norms it adheres to evolve. A state can pursue specific national interest not just focusing on power or economic gains, rather because it aligns with its identity and norms

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[6] Jutta Weldes, "Constructing national interests", *European Journal of International Relations*, Vol. 2, no. 3, pp. 275–318.

[7] Dragan R. Simić i Dragan Živojinović, "Konstruktivistička teorija i koncept nacional-nog interesa" u Dejan Jović (ur.), Konstruktivističke teorije međunarodnih odnosa, *Fakultet političkih znanosti*, Zagreb, 2016, p. 179.

it upholds. One of the societal influences is public opinion, which represents a fundamental element of our research. The constructivist approach is suitable to examine the impact of public on the national interest decision-makers since it allows to take into consideration the ideas and values in a society. The decision-makers are not isolated from the rest of the political community (especially in the 21st century) and due to professionalization of politics, their choices are shaped by both international constraints and the expectations of the domestic public.

Jutta Weldes emphasizes that national interest is a social construction: decision-makers engage in a process of interpretation to understand the situation facing the state and how to respond to it, thus formulating the national-interest decisions. In fact, the content of national interest is created through a deliberative decision-making process through shared meanings of the state's role in the international system.[8] Weldes criticizes the realist view of national interest as too general and highlights that in the realist perspective, the interpretation process is neglected, arguing that this process is not predetermined or independent from the will of decision-makers, but rather the decision-makers are those who must interpret the situation and react to it.[9]

Weldes believes that it is important to answer three questions: who constructs national interest, why, and how. The first question is already answered above – the (foreign policy) decision-makers are the one who construct national interest. Addressing how national interest is constructed, Weldes believes that process occurs as decision-makers use a wide range of available cultural and linguistic resources to create perceptions about the world and the role of the state in international relations. Specific identities are attributed to the objects, and well-defined relationships between them are established (which may not necessarily be true or positive). By providing a vision of the world and different relationships within it, decision-makers practically define national interest.[10]

Considering that we explore the relationship between decision-makers, public opinion, and national interest, we believe it is appropriate to use the constructivist paradigm, which explains national interest in a social context. The procedural aspect of democracy, through its institutions, allows voters (the public) to limit the government's actions in various areas, including foreign policy and national interest decisions. Periodic elections enable voters to influence decision-makers to adhere to the dominant

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[8]   Jutta Weldes, "Constructing national interests", op. cit., pp. 277, 280.

[9]   *Ibidem*, pp. 278.

[10] *Ibidem*, pp. 280–282.

stance the public holds on certain issues through mechanisms of reward and punishment.[11]

It is important to emphasize that foreign policy decision-makers are primarily politicians, and their authority over foreign policy in democracies and competitive authoritarian systems is often a result of political competition in elections. We regard politicians as rational actors who seek to remain in power and to be re-elected. Thus, they will strive to make the decisions that enjoy (most) support in public opinion in all policy areas, including foreign policy. However, no state operates in isolation, but rather acts within the international system, which sets certain constraints and interdependences between states. Therefore, politicians will at times be faced with decisions that contradict the public opinion. In these situations, we assume they will seek to minimize political losses through various mechanisms of political communication.

Having set the theoretical framework of national interest construction, by which political elites are the ones dominant in its construction and are motivated to be re-elected in the office (as the rational actors who will try to maximize the political support and minimize the public dissent), we can start constructing our methodological approach and hypothesis.

METHODOLOGICAL FRAMEWORK

The research focuses on three Western Balkans countries – Serbia, Montenegro and North Macedonia. By reviewing relevant strategic documents[12] in the field of foreign policy, national security and defense, we established a list of issues relevant for the national interests of each country. The research aims to explore how public opinion influences the formulation of national interest. To achieve our goal, we selected case studies with two different scenarios:

1) The first scenario envisions a divided public opinion on an issue of national interest. Divided public opinion is the situation where there is no absolute majority (<50%) for any alternative, or a situation of polarized public opinion – one alternative may be supported by more than 50% of citizens, but the support for another alternative is also significant and the difference between their levels of support is less than 10%.

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[11]   Robert Y. Shapiro and Lawrence R. Jacobs, "Public Opinion, Foreign Policy, and Democracy: How Presidents Use Public Opinion Polls" in: Jeff Manza, Fay Lomax Cook and Benjamin I. Page (eds), Navigating Public Opinion – Polls, *Policy, and the Future of American Democracy*, Oxford University Press, New York, 2002, p. 186.

[12]   National Security Strategy of the Republic of Serbia (2019), National Security Strategy of Montenegro (2006), National Security Strategy of Montenegro (2018), National Defense Strategy of North Macedonia (2020)

2) The second scenario envisions a clear preference of the public for one alternative regarding an issue of national interest. For the purpose of this research, "clear preference" of the public is understood as a situation where at least 50% of the public prefers one alternative, and the second alternative is at least 10% less popular than the first one.

Our research uses a qualitative approach. To assess the impact of the public on the decision-makers, we combine the methods of comparative case studies and discourse analysis. Case studies are often used to study complex theoretical concepts that are difficult to measure and are thus unsuitable for quantitative analysis.[13] The construction of national interests by political elites is a phenomenon to which this approach certainly applies. Comparative case studies can be used to assess new ideas, propositions, or conjectures, which is a goal that fits our research purposes.[14] In terms of discourse analysis which we will use to test our hypotheses, we are relying on the steps of the discourse-historical approach as laid out by Martin Reisigl and Ruth Wodak.[15] This approach pays attention to the context and the discursive strategies, such as nomination, predication and argumentation, which are all useful for the analysis of political discourse.

We start from the presumption that political elites are those who largely create and formulate national interests for the country, but that other actors such as the public have some impact. The first hypothesis of our research is that elites are capable of freely formulating the national interest when there is no clear majority opinion on an issue in the public. The second hypothesis is that elites, when formulating the national interest, can only partially contradict the public opinion when there is a clear opinion of the public on some issue, but they cannot fully contradict the public (i.e. "cross the red line"). Our third hypothesis is that elites' political communication in case of formulation of the national interest that partially contradicts the public, is expected to include significant framing and vagueness.

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[13]   Alexander L. George and Andrew Bennett, *Case studies and theory development in the social sciences*, MIT Press, Cambridge, 2005, p. 36.

[14]   Axel Marx, Benoît Rihoux and Charles Ragin, "The origins, development, and application of Qualitative Comparative Analysis: the first 25 years", *European Political Science Review*, Vol. 6, No. 1, pp. 115–142, p. 116.

[15]   Martin Reisigl and Ruth Wodak, "The Discourse Historical Approach" in Wodak, R. and Meyer M. (eds), Methods of Critical Discourse Studies, SAGE, Thousand Oaks, 2016, pp. 23–62.

Here is the simple visualization of our hypothetical approach:

Figure 1: The "Red line" model, Authors
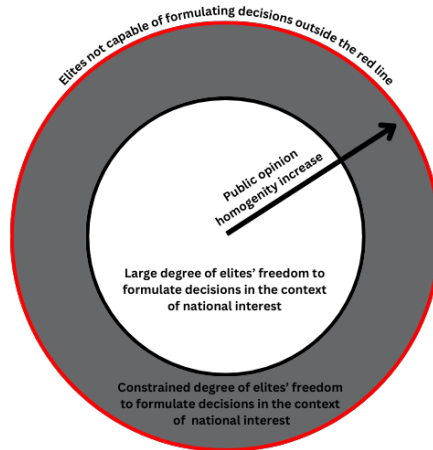
By reviewing several cases in the next pages, we want to confirm that decision-makers may have deviated with their formulations of national interest decisions from the public opinion to some extent, but have never crossed the "red line" that is abstractly set by the public.

The three Western Balkans countries we are including in our research can be classified as hybrid or competitive authoritarian regimes, where the influence on public opinion on the elites is expected to be lower than in consolidated democracies. Having this in mind, if our hypotheses are confirmed in the case of Western Balkans, we suspect that they will be generalizable, with a high degree of likelihood, to liberal democratic countries as well. To test the first hypothesis, which postulates a lack of clear majority in the public opinion, the issues of Serbia's EU candidacy and Montenegro's NATO membership were chosen. These issues were chosen due to the fact that they frequently feature in the political discussions of the respective countries, providing multiple cases and enabling cross-case comparison across time.

To test the second and third hypothesis, we chose individual cases in which it was likely, based on their previous political decisions, that the elites might try to formulate the national interest contrary to the existing majority opinion. This enabled us to test the existence of "red lines" and discursive strategies we postulate in the hypotheses. We looked at the cases of Serbia and its dialogue with Kosovo and North Macedonia and its relation to Bulgaria's conditions for advancing in the EU accession process. We regard all of the cases chosen for our research to be typical or paradigmatic, as their characteristics – data on citizens' preferences available to the public, a tendency of public opinion to either be divided (in the cases testing the first hypothesis) or clearly preferring one of the alternatives (in the cases testing the second and third

hypothesis), as well as the tendency of elites to formulate national interests in these areas through public discourse – are closely representing average cases to which our hypotheses apply.[16]

In all cases, we analyzed the speeches of the political leaders in the national parliaments. In the first two sets of cases, these were government programs presented by the Prime Ministers-designate. In the final two cases, the speeches were taken from thematic sessions dedicated to the issue in question.[17] For all cases, the temporally closest public opinion poll on the appropriate issue was used as a reflection of the opinion of the citizens at the time.[18]

THE FIRST SCENARIO: DIVIDED PUBLIC OPINION / ABSENCE OF A CLEAR MAJORITY

Serbia and the European Union membership

All Serbian governments since 2000 have put EU membership as one of their priorities. This was also reflected in the programs of Prime Ministers-designate. EU membership is also defined as the national interest of Serbia in the country's National Security Strategy[19]. On the other hand, public opinion has fluctuated significantly throughout this period. Over the past 15 years, the support for EU membership dropped below 50% on several occasions. These cases fit the parameters of our first hypothesis, which postulates that in these scenarios the elites are free to define national interest as they see fit. We therefore take a look at three of them in the following part of the article.

Case 1: Ivica Dačić's government program (2012)

The program of Prime Minister-designate Ivica Dačić was presented on July 26, 2012. In June 2012, a public opinion poll commissioned by the Office for European Integration of Serbia showed that 49% of citizens would vote for EU membership in a referendum, while 29% would vote against. The following

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[16] Miloš Bešić, *Metodologija društvenih nauka*, Akademska knjiga, Novi Sad, 2019, pp. 375.

[17] All excerpts from the parliamentary sessions in the article were quoted from the officials records of the parliaments of Serbia, North Macedonia and Montenegro, available online and in bibliography.

[18] Public opinion polls used in this article were published by the Ministry of European Integration of the Government of Serbia, Serbian think tank CRTA, Montenegrin think tank CEDEM and International Republican Institute in North Macedonia. All polls are available online and in bibliography.

[19] National Security Strategy of the Republic of Serbia 2019, Official Gazette of Republic of Serbia 94/2019–13, Belgrade, p. 52.

is the excerpt of Ivica Dačić's exposition of the government program focusing on EU membership of Serbia.

> *"Honorable MPs, as an old European nation, we will invest our most valuable traditions – freedom, democratic spirit and respect for European values – in the process of unifying Europe and fulfilling the conditions for admission to the European Union. Fulfilling the conditions for Serbia's admission to the European Union should be considered as an act for the general civilizational progress of our country. Our goal is to speed up the process of European integration, with maximum efforts to obtain a date for starting negotiations with the EU. This government will implement the necessary systemic measures and fulfill the criteria established by the European Council in Copenhagen which are also necessary in the process of stabilization and association."*

The way in which the document describes the process indicates that it is of high importance to the future government. It clearly defines "admission to the European Union" and "speeding up the process of European integration" of Serbia as its goals and defines it in a predominantly positive tone and values-based terms. The first paragraph is particularly illustrative in this regard. It mentions freedom and democratic spirit as the values to be invested in this process, as well as the fact that Serbia is an "old European nation". Furthermore, fulfillment of conditions is described as "an act of general civilizational progress". The use of the adjective "civilizational" is the most important aspect of this sentence, once again stressing how crucial the EU membership is to Serbia.

Case 2: Aleksandar Vučić's government program (2016)

The presentation of the program of Prime Minister-designate Aleksandar Vučić took place on August 9, 2016. In June 2016, according to a poll by the Office of European Integration, 41% of the citizens would have voted for EU membership while 31% would have voted against.

> *Membership in the EU as one of the Government's strategic commitments indicates that we want to see Serbia in the club of democratic states of the continent. If 28 European countries could do it, Serbia can do it too. We do not have time to analyze why we are in the last coach for membership and why we have not better utilized the last decade or two, when the railway schedule was somewhat more intensive... We are doing what we are doing not because we have an approach of idolatry towards the EU, but because we are thinking about the interests of the peoples of Serbia, Serb people, all our citizens and we will act in accordance with this in the future.*
> *Our relationship towards European integration was not based on euphoria, but on responsibility, truth and realistic possibilities of Serbia's progress. We will never measure the progress of Serbia with the number of opened chapters, but the number of jobs created and the improvement of the citizens' living standards. The number of opened chapters*

will be a benchmark on how good we are at achieving the most advanced standards in the modern world, which the standards of the EU certainly are.

This government program differs from Dačić's because it defines EU membership in a much more interest-oriented, rather than values-oriented language. It achieves this by contrasting administrative demands with the interests of Serbian citizens, primarily economic ones. Values are mentioned only once, in the part where the EU is described as a "club of democratic states". What is also a difference compared to Dačić's exposition is the fact that the possibility of a slower integration process is mentioned. It appears that Vučić wanted to make a point that his government would strive towards EU membership based on rationality and not emotions. This is achieved by using the words "idolatry" and "euphoria" in a negative sense. Nevertheless, he also acknowledged the positive sides of the EU, stating that it has the "most advanced standards in the modern world".

Case 3: Ana Brnabić's government program (2022)

The third government program prepared by Ana Brnabić was presented to the parliament on October 25, 2022. At the time of the delivery of the program, the Ministry for European Integration had not released a poll on EU membership in more than a year. Less than two months later, however, in December 2022, a poll was released showing that 43% of citizens would vote for EU membership, while 32% would vote against. Due to the temporal proximity of the poll to the presentation of the government program, we consider it to be relevant for our research.

> *...Everything said beforehand is a way to get to our stated goal – that by 2026 average salary in Serbia should be 1000 Euros and average pension 500 Euros. In order to achieve this, a precondition is to achieve everything to maintain peace and stability in this region. This is why, despite all problems and many disagreements over important issues, we continue to work on European integrations of Serbia. Serbia will continue its European path, because Serbia belongs to the family of European nations and countries. More than 65% of foreign investments in the Republic of Serbia are investments from the EU countries...*
> *Our entire region can be stable in the long term, better connected and prosperous, only if it is a part of the wider European family. One can criticize the European Union for many things, but it is the most successful peace project of the entire humanity and, strategically, our final destination is within the Union... We are building a European Serbia, and the membership itself certainly does not depend only on us.* (Brnabić 2022, translated by authors)

Compared to the previously analyzed programs, this is by far the least enthusiastic and committed to EU membership. It refers to the flaws of the EU

and does not mention the word "membership", but a vaguer description of "final destination within the Union", as well as the formulation of "continuing the European path", without indications about when this path may end. The European Union is also described in negative terms, with phrases such as "one can criticize the EU for many things". This sentence was made in the context of calls from the EU to Serbia to join the Union's sanctions on Russia after its February 2022 full-scale invasion of Ukraine. The justification of Serbia's EU membership is not primarily based on values or economic interests, as in previous programs, but in terms of maintaining peace and stability (though economic and values-based arguments appear as well).

While all three government programs analyzed in this chapter supported the goal of EU membership, they differed significantly in their justification and the level of commitment. Due to these differences, it can be concluded that our hypothesis was confirmed.

Montenegro and NATO membership

Shortly after its independence in 2006, Montenegro adopted its first National Security Strategy, which defined NATO membership as one of its strategic goals. Having achieved it in 2017, the new National Security Strategy in 2018 defined active participation in the activities of NATO as a "key precondition for protection of Montenegro against the threats to national security". Nevertheless, the public opinion on NATO membership has been divided in the country for more than a decade. This makes the case of Montenegro's NATO membership suitable for testing the first hypothesis. We take a look at five government programs since 2012.

Case 1: Milo Đukanović's government program (2012)

The program of the seventh government headed by Milo Đukanović was delivered to the parliament on December 4, 2012. In September of that year, CEDEM recorded the support for NATO membership to be at 36.8% of the population. In the part of the exposition focusing on NATO membership, Đukanović intensified the importance of this goal by stating that the government would do everything it can to get the invitation to join the Alliance. He also used the argument of increased security that the membership would provide.

> *The new government will be increasingly focused on the acceleration of progress in Euro-Atlantic integration, because it is expected that Montenegro makes a decisive step towards membership in NATO in its mandate. It is realistic that during the next summit which deals with the enlargement of NATO we get the invitation. More precisely, we will do everything on our side that this happens...*

Case 2: Duško Marković's government program (2016)

Duško Marković presented his government program to the parliament on November 28, 2016. According to CEDEM, in December 2016 support for NATO in Montenegro was 39.5%.

> *The collective security system has literally become today's imperative. All of the events of recent years on the world and regional – and let me say it – on the domestic stage, confirm the correctness of our Euro-Atlantic policy and the correctness of our decision to become a member of NATO... The government you are electing today will complete the process of Montenegro's accession to NATO, which has begun on May 19 this year in Brussels, when the member states signed the Accession Protocol.*
> *The full membership of our country in NATO will strengthen its position on the international stage in all areas. Montenegro will no longer be an object of other people's interests, nor will it be disputed of its sovereignty, but an active factor in building peace and stability in the region and beyond. Membership in NATO will ensure the quality of security for our country and our citizens and stability that we have never had before.*

Marković used stronger arguments on security than Đukanović, especially in the context of the, at the time, recent alleged coup attempt. He also argued for membership in the context of national pride and sovereignty.

Case 3: Zdravko Krivokapić's government program (2020)

After the end of the thirty-year rule by the Democratic Party of Socialists, Prime Minister-designate Zdravko Krivokapić delivered his programme on December 2, 2020. While the support for NATO membership in August 2020 was higher than in recent years – 44.7% – Krivokapić's exposition contained only a short and neutral reference to it.

> *Foreign policy priorities remain accession to the European Union as well as fulfillment of obligations taken over with membership in the NATO Alliance and other international organizations.*

Case 4: Dritan Abazović's government program (2022)

Following the collapse of Krivokapić's government, Dritan Abazović's presentation of the government program took place on April 25, 2022. A public opinion poll carried out by CEDEM two months later, in June, showed that the support for NATO membership was 42.1%. Abazović's definition of national interest regarding NATO membership combined the previously heard arguments of security and sovereignty, though in a shorter form.

> *Now it is necessary to speed up negotiations on accession to the European Union, nurture and improve good neighborly relations and preserve credibility in NATO... Montenegro's membership in NATO is a guarantor of the inviolability of its borders and the preservation of its independence, but also the possibility for our country to contribute to regional peace and security.*

Case 5: Milojko Spajić's government program (2023)

The presentation of the government program by Prime Minister-designate Milojko Spajić took place on October 31, 2023. Support for membership in NATO was 41% in September, meaning that the public opinion was divided once more.

> *Through membership in NATO, we will continue to improve the international position of Montenegro. Above all, we strengthen the security and defense policy of our country and contribute international and regional peace and stability. The government will implement with full capacity goals of the Alliance, and with credible membership we will continue to implement common policies and obligations arising from it...*
> *Considering the continuous increase in security threats and risks, implementation goals and concepts of NATO, and participation in international peacekeeping missions, exercises and other activities of the Alliance, will be at the top of the priorities of the Ministry of Defense.* (Spajić 2023, translated by authors)

The phrases such as "implement with full capacity" and "at the top of the priorities" demonstrate a stronger level of public commitment than the exposition of the previous Prime Ministers.

Elites in Montenegro consistently, with a possible exception of 2020, showed a stronger commitment to NATO than the general public, which has remained divided over the issue. This confirms our hypothesis about elites being free to determine national interest when the public is divided. Nevertheless, as in the case of Serbia and EU membership, a wider variation of elite positions would have been even stronger evidence.

THE SECOND SCENARIO: PRESENCE OF A CLEAR MAJORITY IN THE PUBLIC OPINION

In this chapter, we test our second and third hypotheses. We selected two cases: Serbian elites' communication of the Belgrade-Pristina dialogue and the communication of elites of North Macedonia regarding the Bulgarian conditioning over identity issues.

Case 1: Belgrade-Pristina Dialogue

The speech we are analyzing in this section was delivered by the President of Serbia Aleksandar Vučić, as the country's *de facto* highest negotiator in the Dialogue with Pristina, in the parliament on February 2, 2023. The single point on the agenda was the "Report on the negotiating process with the provisional institutions in Pristina from September 1, 2022 to January 15, 2023, submitted by the Government". One of the main topics discussed during the session, which will also be analyzed here, is the Serbian response to the proposal of an Agreement on the path to normalization between Kosovo and Serbia. The agreement was reportedly drafted by France and Germany and later endorsed by the entire EU. Less than a month following the speech in the parliament, Vučić verbally accepted the agreement on February 27, 2023 in Brussels.

The Agreement does not entail formal recognition of Kosovo by Serbia. However, it has been described as moving Serbia towards "*de facto* recognition" by multiple actors before and since, including Vučić himself during his previous address to the parliament in September 2022. This is why we argue that it still represents a partial contradiction to the Serbian public opinion on Kosovo. At the time of this speech, the nearest public opinion poll was carried out by CRTA, showing that 71% of the citizens were against the recognition of Kosovo in exchange for guarantees of security for Serbs and Kosovo and fast EU membership, while only 20% were for. The following are excerpts from Vučić's speech which focuses on the proposed agreement.

> *Point number four (of the agreement – authors) is much more dangerous. In the second paragraph of point 4 it is written that Serbia will not oppose the membership of Kosovo in any international organization... Unlike those who like to shout slogans and be heroes at someone else's expense, yes, I said – Serbia will talk and Serbia will negotiate, even on the worst papers, because Serbia has no right to repeat the experiences it had in the past. Rambouillet [agreement] was forced upon Serbia... Point number six (of our policy – authors) will be to maintain our vital national and state interests...We will continue to maintain our military neutrality... Another thing is to preserve our independent decision-making... so that no one from the East or the West interferes in those decisions. The third part... is respect for the Constitution of the Republic of Serbia.*

It is important to note that Vučić's speech was quite long, consisting of almost 9000 words. The parts of the speech addressing the proposed agreement were, therefore, only a part of a long exposition which touched upon multiple issues. The quotes above demonstrate that Vučić did not take a clear position on whether accepting the agreement was in the national interest of Serbia or not. He pointed out some of its negative features and said that Serbia would "talk and negotiate". He also mentioned the failed 1999 Rambouillet negotiations, which were followed by the NATO bombing campaign against the Federal Republic of Yugoslavia. This can be interpreted

as an argument for considering the acceptance of the agreement, though this is not entirely clear.

In the part where he defined the national interest of Serbia going forward, Vučić was once again vague and spoke in general terms of maintaining military neutrality, independence and respect for the Constitution. He did not specify what is the relation of the proposed agreement on Kosovo to the Constitution of Serbia.

The crucial context for the speech is that he verbally accepted the agreement only weeks later. However, in the speech itself Vučić did not clearly define accepting of the agreement as national interest of Serbia. Since we established that public opinion on the recognition of Kosovo was "majority against" and that this agreement was seen as containing some elements of the recognition, this speech confirms our second hypothesis about "red lines" that the decision-makers cannot cross while formulating national interest.

Case 2: Bulgaria's conditions for North Macedonia
in the context of the EU integration

Following years of delay, the EU officially started accession talks with North Macedonia in July 2022. This was preceded by an agreement that the country would accept conditions set by Bulgaria, concerning identity issues. One of the conditions involves amending the Constitution of North Macedonia to include Bulgarian people among the country's founding peoples. The procedure for amending the Constitution was launched by the parliament in August 2023, but it was not completed by the end of the parliament's term in early 2024 due to the lack of the necessary two-thirds majority.

Public opinion polls conducted by the International Republican Institute both in October 2022 and May 2023 showed that 50% of the people oppose the negotiating process under these conditions, while around 40% support it (38% in 2022 and 41% in 2023). Given that there is a (slim) majority opinion on this issue, we test our hypotheses in this case as well. We analyze the excerpts from the speech of Prime Minister Dimitar Kovačevski to the parliament, delivered on 18 August 2023 in support of the adoption of the constitutional changes.

> *With the adoption of the proposal, we make a decision, not to stand still, not to trot, not to wait again, but to step into full membership in the European Union and achieve the set goal of full membership by 2030... And most importantly, the constitutional amendments that are before us do not threaten any Macedonian identity issue. The proposal does not affect and does not refer to any Macedonian identity issue. And that is completely clear.*
> *We, for our own sake, must be a European country. I know that this path is neither easy nor short. We saw similar examples in history and in other countries where Eurosceptics existed and exist. After all, they will always exist, but all previous examples for us should*

be a valuable experience and a guide for how we should move, because it is the European
Union that will provide the new members with a better life for the citizens, it will provide
them with a higher standard, investments and jobs, will enable them to progress quickly
in a short time, time which is the most important for people. Therefore, today is the day
when it will become clear who really wants to see the state in the European Union, and
who is blocking the European future of the citizens of today and future generations.

Kovačevski's entire speech of support for the constitutional amendments was framed as a support for the continued European integration process of North Macedonia. In a speech of around 3000 words, Bulgarians were mentioned only twice. Meanwhile, Kovačevski emphasized the importance of the European integration process in detail, mentioning its benefits for North Macedonia, its future generations and the possibility of becoming a member state by 2030.

The substance of the constitutional change and the identity issues were, therefore, barely addressed in the speech which focused on the accession to the EU as a national interest of North Macedonia. Therefore, while he presents the adoption of the amendment – which is opposed by the majority of the public – as the interest of the country, Kovačevski framed it heavily in terms of another issue. This confirms our third hypothesis. It should be noted that the in this case, the difference between the majority opinion and the alternative view was only 9% in one poll, which illustrates that further modifications to the hypotheses can take place in future work.

CONCLUSION

The case studies in this research confirmed the three hypotheses that we proposed. The first hypothesis, that the elites are free to formulate national interest as they see fit in a scenario when the public opinion is divided, was confirmed by the analysis of both Serbia's formulation of EU integration process as its national interest and Montenegro's formulation of NATO membership as this country's national interest. In the case of Serbia, the justifications the elites gave for remaining in the process of EU integration has varied throughout the years, starting with commitment to values, then emphasizing the economic interest and finally stressing the interest of maintaining stability despite growing disagreements with the EU. In Montenegro, meanwhile, the support of the elites for NATO membership has been clear and strong, which has not been the case with the public opinion.

There are some limitations to this conclusion. Though there was a variance in how political leaders of Serbia formulated national interests regarding EU integration, the complete spectrum of possible formulations, which would potentially include abandoning this goal, was not present. The same is true for Montenegro and its membership in NATO. Future cases with an even

wider spectrum of formulations would present a stronger confirmation of our hypotheses.

The cases analyzed for the second scenario, in which there is a majority public opinion on an issue, confirmed the additional two hypothesis that we proposed. In Serbia, President Aleksandar Vučić failed to define the acceptance of the 2023 European proposal for Serbia-Kosovo normalization as the national interest. The fact that a large majority of the public was against recognition of Kosovo at the time of the speech can be understood, according to our model, as a red line which the elites could not cross (the second hypothesis). In North Macedonia, Prime Minister Dimitar Kovačevski formulated the acceptance of conditions set by Bulgaria as a national interest but avoided framing it in terms of identity issues. Instead, he spent the vast majority of his speech framing it in terms of continuing the EU integration process. The inclusion of Bulgarians in the Constitution was a partial contradiction of the public opinion, which required a significant amount of vagueness and framing in the formulation of the national interest, as our third hypothesis proposed.

The fact that our three hypotheses were confirmed in countries regarded to be flawed democracies or competitive authoritarian regimes should make them generalizable to a wider set of countries, namely liberal democracies, where public opinion is expected to have even more influence on political actors. The reason for this is that, in liberal democracies, elites have less control over media narratives and it is harder for them to successfully limit their penetration to the general public, as often happens in competitive authoritarian regimes. Due to a wider distribution of power and a larger number of competitors for it, we can also expect that there would be more actors with an interest to inform the public about the contradictions between the public opinion and the formulation of national interest by the elites. If, therefore, public opinion sets "red lines" for elites in regimes that are not full democracies, as our research has shown, they are expected to be even more pronounced in the regimes that are.

Potential future research in this area should monitor the developments in the observed countries to verify our hypothesis over time. The methodological framework could also be extended with a more comprehensive analysis that could include media conferences of decision-makers and political debates outside the parliament. While we recognize that parliament sessions are not the only occasions during which the national interest is constructed, we maintain that they can be sufficient for the purposes of our research, as the topics we chose were discussed extensively in their respective national parliaments.

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Assessing the Legitimacy of Serbia's EU Membership Goal***

ABSTRACT

The paper discusses the legitimacy of Serbia's interest in becoming an EU member state through the lens of the normative theory and the presumption that in a liberal democratic state, national interests should be consented to or embedded in a national consensus. In addition, to be legitimate, national interests need to be relevant internally and accepted externally. However, even though EU integration and membership have been declared a national interest in Serbia, all the aspects of its legitimacy have been challenged. Serbia's political elites claim to pursue EU membership, but the instrumental use of the goal and the EU's unacceptable conditionality relating to the country's territorial integrity and foreign policy autonomy has fuelled Euroscepticism, challenging the legitimacy of the EU membership goal among Serbian citizens. The resulting lack of the necessary reforms and insincere policy towards the EU made the Serbian EU membership claim also illegitimate externally, creating a vicious circle of mutual dependence between the internal and external (il) legitimacy of the goal.

KEYWORDS: *Serbia, EU membership, foreign policy, national interest, legitimacy, public opinion*

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INTRODUCTION

The concept of national interest is greatly contested;[1] its definition and practical implementation in small states is even more.[2] The Republic of Serbia is not an exception to that kind of dispute, regarding both its national interests' definition, implementation, and legitimisation. However, one of its interests, "European integration and EU membership", appeared to be less prone to either internal or external dispute, at least on the surface. Both among scholars and policy-makers, it is often taken for granted that Serbia's EU accession is one of the main foreign policy goals. In the 2019 National Security Strategy, it has been further upgraded and represented as one of the national interests.[3] Nevertheless, we observe an obvious mismatch between the official policy of EU membership pursuit and its practical implications. There are many indicators and reasons for this discrepancy, which led us to question the legitimacy of the seemingly indisputable national interest. Having in mind this discrepancy and questioned legitimacy, the question about the appropriateness of defining the EU membership as a national interest arises. In other words, does the aim of EU membership deserve the notion "of a need that has, by some standard of legitimation, attained the status of an acceptable claim on behalf of the nation"[4]? Or may the EU integration and membership rather represent a foreign policy goal by which some other needs or interests are pursued (a mean to an end)? While we tackle this question in this paper and acknowledge the difference between the concepts, we use the terms "national interest" and "goal" interchangeably because both are used in official documents and public discourse.

Discussing the legitimacy of national interests or foreign policy goals might appear unconventional, at least, especially from the realist point of view where national interest is one of the foundational concepts.[5] For realists, it is not the national interest's legitimacy to be questioned, but the national interest is a "guiding maxim for statesmen and the ultimate measure of foreign

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[1] Scott Burchill, *The National Interest in International Relations Theory*, Palgrave Macmillan, Houndmills, Basingstoke, Hampshire, 2005, p. 9; Joseph Frankel, *National Interest*, Macmillan, London 1970, p. 15.

[2] Miriam Fendius Elman, "The Foreign Policies of Small States: Challenging Neorealism in Its Own Backyard." *British Journal of Political Science*, 25(2), 1995, 171–217. doi:10.1017/S0007123400007146; Tom Long, "Small States, Great Power? Gaining Influence Through Intrinsic, Derivative, and Collective Power", *International Studies Review*, Volume 19, Issue 2, June 2017, 2016, doi:10.1093/isr/viw040.

[3] *Strategija nacionalne bezbednosti Republike Srbije*, Službeni glasnik Republike Srbije, Godina LXXV, broj 94 od 27. decembra 2019.

[4] Miroslav Nincic, "The National Interest and Its Interpretation", *The Review of Politics,* 61(1), 1999, p 30, doi:10.1017/S0034670500028126.

[5] Scott Burchill, *The National Interest in International Relations Theory*, op. cit., p.4.

policy legitimacy".[6] To question the legitimacy of an EU neighbouring state's goal of EU membership is even more unusual because it is presumed that this kind of relationship is being established by the consent of both sides and is generally understood as mutually beneficial.[7] Still, the Serbian EU integration process is at an obvious impasse, burdened with many obstacles[8] and, as we show in this paper, far from self-evident.

Even though Serbia officially pursues the goal of EU membership, this goal (or interest) can be questioned from the point of view of its legitimacy, either input, output[9] or throughput[10]. In other words, the results of the Serbian EU integration and membership goals (output), Serbia's citizens' support for the goal (input) and the quality of the policy-making process regarding this foreign policy goal (throughput legitimacy) all can be criticised on normative grounds[11].

Another issue that we aim to put under the spotlight in this paper is the relationship between the internal and external legitimacy of national interests.[12] We will use the case of Serbia's EU membership goal to show how

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6   *Ibidem*, p. 207.

7   Andrew, Moravcsik and Milada A. Vachudova, "National Interests, State Power, and EU Enlargement", *East European Politics and Societies*, 17(1), 2003, p. 43, doi: 10.1177/0888325402239682.

8   Miloš Petrović, Maja Kovačević and Ivana Radić Milosavljević, „Srbija i Evropska unija dve decenije nakon Solunskog samita", *Institut za međunarodnu politiku i privredu*, Beograd, 2023; Miloš Petrović, "EU integration process of Serbia: a vicious circle of high politics?", *The Review of International Affairs*, VOL. LXX, No. 1175, July–September, 2019.

9   Fritz Scharpf, *Governing in Europe: Effective and Democratic?* Oxford University Press, 1999, doi:10.1093/acprof:oso/9780198295457.001.0001.

10 Vivien A. Schmidt, "Democracy and Legitimacy in the European Union Revisited: Input, Output and 'Throughput.'" *Political Studies*, 61(1), 2013, doi:10.1111/j.1467-9248.2012.00962.x; Vivien A. Schmidt, "Conceptualizing Legitimacy: Input, Output, and Throughput" in Europe's Crisis of Legitimacy, Oxford University Press, Oxford, 2020, doi:10.1093/oso/9780198797050.003.0002; Vivien, Schmidt and Matthew Wood, "Conceptualizing Throughput Legitimacy: Procedural Mechanisms of Accountability, Transparency, Inclusiveness and Openness in EU Governance", *Public Administration*, 97(4), 2019, doi:10.1111/padm.12615.

11 See, for example, David W. Clinton, "The National Interest: Normative Foundations", *The Review of Politics*, 48(4), 1986, pp. 495–519; Petr Kratochvil, "The Return to Normativity: National Interest as a Theoretical Concept", *Czech Journal of Political Science*, 1, 2009.

12 On the notion of internal and external legitimacy and their relationship, see also Edward Stoddard, „Between a Rock and a Hard Place? Internal–External Legitimacy Tensions and EU Foreign Policy in the European Periphery", *Journal of European Integration*, 37(5), 2015, doi: 10.1080/07036337.2015.1019487. Joseph H. H. Weiler, "The Rule of Lawyers and the Ethos of Diplomats: Reflections on the Internal and External Legitimacy of WTO Dispute Settlement", Harvard Jean Monnet

a country enters a vicious circle of mutual dependency between the internal and external (il)legitimacy of national interests pursued in the international arena. In other words, we will argue that problems with internal legitimacy have consequences for the external acceptance of Serbia's EU membership goal. And *vice versa*, the external non-acceptance or at least de-prioritisation of such goal results in inconsistent policy towards Serbia as an EU candidate country. This inconsistency fuels the perception of the EU's conditionality as non-credible and illegitimate, which further undermines the internal acceptance of the EU membership aim and the readiness to undertake the necessary reforms. In the next sections of the paper, we will discuss the different aspects of national interest legitimacy and their mutual relationship and argue that both the EU and the domestic political actors in Serbia play their part in delegitimising Serbia's EU integration and membership goal.

We argue that the deficiencies in all aspects of internal legitimacy undermine the external legitimacy of the Serbian EU membership claim, i.e., the acceptability by external actors of Serbian EU membership ambition. Because Serbia's EU membership goal is not legitimised internally, this situation is conducive to Serbia's non-compliance with the key priorities of the EU accession process, leading to poor progress. The result is a questionable external legitimacy of Serbia's EU membership goal materializing in the low readiness of the current EU member states and their citizens to accept Serbia as a member state soon.

Even though EU integration has been declared an important foreign policy goal, compliance with the EU accession conditionality remains low after ten years of accession negotiations. After analysing the governing officials' statements, documents, and programs, we found that the reasons for (non)compliance given by the political leaders are based on the motives of self-interest rather than on internalised norms and values and the belief that the rules must be obeyed.

In addition, the political elites' rhetoric about the EU and the integration process has been used to manipulate public opinion rather than to provide accurate information, serving the purpose of an instrumental use of the EU integration goal. In this paper, we argue that the goal of EU integration and membership is instrumentalised as it is not being pursued because it is perceived as good in itself. Instead, it has been pragmatically used to achieve other goals (economic benefits and political support for the ruling elites) and sidelined when in conflict with some of them (e.g., territorial integrity issues and relations with Russia). By analysing the public officials' statements and public opinion surveys, we have noticed that there is a general understanding among the elites and the public that the goal of EU membership clashes with other national interests, such as the country's territorial integrity, which

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Working Paper 9/00, internet: https://www.jeanmonnetprogram.org/archive/papers/00/000901.rtf, Accessed: 20 May 2024.

weakens its acceptability. Thus, the goal of EU integration and membership has not been prioritised but used for achieving other goals and pursued only to the extent that it does not upset other (more important) state interests. From this point of view, we can even question whether we can consider the "EU integration and membership" a national interest or simply a (adjustable) foreign policy goal.

THEORY AND METHODS

In this paper, we start from the point of view of normative theory and the national interest as a normative concept.[13] Nincic also argues that the function of the concept of national interest is "ultimately normative – to provide a standard by which to judge the conduct of foreign affairs".[14] Kratochvil sets out three criteria for judging the legitimacy of national interests: relevance, consensus and external acceptability.[15] Relevance means that a policy substantially impacts the functioning of the community, transforms it, brings new rights and obligations, and is present over a longer period, no matter the change of government. This characteristic to "transcend changes in government"[16] is a feature of national interest present more generally, in other theoretical approaches, including realism. In this paper, we will assess the aspect of relevance by analysing its presence and framing in the government's programs and documents. Compared to the "regular" state's foreign policy affairs, the legitimacy matters even more regarding the EU integration process because it is complex and comprehensive, affecting virtually all states' functions and policies. When it comes to the EU membership candidates, the accession process aims to transform both the state and society by changing its laws, constitution, and procedures, often demanding a profound change in society's habits, norms, values, or political culture. Thus, the acceptance of the goal of integration and everything that it brings, not only because it is a useful thing to do but also because it is a good thing to do, is paramount to the success of the integration project.

Rationalist accounts would presume that actors obey the norms and rules as long as they are perceived to be in their self-interest. Thus, every norm is

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[13] Petr Kratochvil, "The Return to Normativity: National Interest as a Theoretical Concept", *Czech Journal of Political Science*, 1, 2009.

[14] Miroslav Nincic, "The National Interest and Its Interpretation", op. cit., p. 30.

[15] Petr Kratochvíl, "National Interest and Its Legitimacy: An Attempt at a New Approach" in Petr Drulák and Mats Braun (eds.), *The Quest for the National Interest. A Methodological Reflection on Czech Foreign Policy*, Peter Lang AG Internationaler Verlag der Wissenschaften, Frankfurt am Main, 2010, p.28, www.dokumenty-iir. cz/Kratochvil/Quest National.pdf.

[16] Scott Burchill, *The National Interest in International Relations Theory*, op. cit., p. 36.

evaluated against the actor's interests, and loyalty to the system depends on the costs or benefits it brings about.[17] In other words, loyalty to the system or an idea/goal will disappear as soon as it starts producing costs for the actor. It is well known and accepted that the integration process is entered into because it is perceived as bringing benefits to both society and the political elites. The perceived long-term benefits are the reasons why actors are ready to fulfil the conditions and even pay some short-term costs. However, if the EU integration goal is taken up when bringing some gains for the political elites and dropped or undermined as soon as it starts to produce costs, we can then speak of an instrumentalisation of such a goal, and the relevance is doubted even in these rationalist terms. In addition, if the basic norms and values of the EU are not grasped and internalised, the costs that the integration brings will be even harder to bear.

The criterion of consensus means that there will be a general agreement on the basic goal of a certain policy, although not always on the strategies and measures to achieve it.[18] To assess this criterion, we will discuss the public attitudes towards the EU membership goal and the possibility of the public participating in the deliberations about the EU accession process. The very restricted and technocratic nature of the negotiation process already significantly impedes this requirement. A purposeful exclusion of the public and/or manipulation of the topic of EU enlargement adds to the gloomy picture. Simultaneously, what determines the national interest is its common-sense acknowledgement by a significant majority of the population.

Whether a goal of cooperation with another state (or international organisation) is seen as legitimate among the domestic constituencies will depend on many factors, one of which may be the legitimacy of the foreign state's actions or demands or the legitimacy of the external actor's authority. Suppose cooperation with a foreign actor is deemed illegitimate domestically. In that case, the ruling elites will have difficulty implementing the goal of cooperation or integration. Eventually, they may even be ousted from power if the issue becomes too big to handle.

As Hurd claims, a perception about the legitimacy of an institution/rule "affects behavior because it is internalized by the actor and helps to define how the actor sees its interests".[19] Thus, when the norm is internalised, it affects the actor's understanding of his/her interests and "the actor does not perceive a conflict between its interests and its obligations".[20] This point is important

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[17] Ian Hurd, "Legitimacy and Authority in International Politics", *International Organization*, 53(2), 1999, pp. 386–387.

[18] Petr Kratochvíl, "National Interest and Its Legitimacy: An Attempt at a New Approach," op. cit., p. 29.

[19] Ian Hurd, "Legitimacy and Authority in International Politics", op. cit, p. 381.

[20] *Ibidem*, p. 388.

for understanding the question of the legitimacy of Serbia's EU integration and membership goal, as we will show by analysing the perception of the EU's norms and values, its conditionality policy in Serbia and the (non)acceptance of the obligations stemming from the EU integration process.

Finally, external acceptability, according to Kratochvil, is the third criterion not stemming from the democratic theory but consistent with the IR theories: "A genuine double legitimisation of a national interest requires both that the policy be based on a domestic consensus and, at the same time, that it be accepted as justified by other countries and as compatible with their national interests. In other words, a national interest cannot be a policy that directly harms the interests of other actors which are seen as legitimate by the international community".[21]

Coercion and/or self-interest are usually considered as running the relations in the international arena. However, legitimacy also plays a role in aiding compliance with international norms[22] or impacting cooperation between states. (Il)legitimate actions by a state can influence its relationship with other states and international actors by either boosting or constraining the cooperation. The legitimacy of rules, demands and actions may be important, especially in relations between liberal-democratic states/societies. Nowadays, it is hard to imagine intensive cooperation among states which consider each other's actions illegitimate in international or domestic arenas. If there is widespread external nonacceptance of a state's national interest among its major interlocutors, there will likely be consequences for pursuing such an interest. In the contemporary interdependent world, legitimacy (and ethics issues)[23] is relevant even for great powers, while for small states like Serbia, it is critical.

In the following sections, we will discuss how Serbia's defined national interest in "EU integration and membership" corresponds with the three criteria set above. As we mentioned in the introductory part, its possibly deficient legitimacy opens the question of justification of listing it among the national interests and perhaps the necessity of a redefinition of national priorities. This brings us to the concept of national interest, which we understand as a need based on common values and is given priority by society over other, more narrow goals. National interest is worth pursuing, even if it means paying a certain price.[24] There exist other foreign policy goals or specific national or state interests that should be serving such a basic need or

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[21] Petr Kratochvíl, "National Interest and Its Legitimacy: An Attempt at a New Approach," op. cit., pp. 30–31.

[22] Ian Hurd, "Legitimacy and Authority in International Politics", op. cit., p. 380.

[23] On the question of ethics and national interest, see W. David Clinton, "The National Interest: Normative Foundations," *The Review of Politics*, op. cit.

[24] See also Joseph S. Nye, "Redefining the National Interest," *Foreign Affairs*, 78(4), 1999, p. 23. doi:10.2307/20049361.

national interest. Clinton distinguishes between general national interest and specific goals/national interests that he calls state interests, arguing that the national interest is only one overall good, while state interests are particular interests or narrower goals.[25] As state interests are many, they are not equally important; one can be prioritised over others, and these can even be mutually exclusive or in conflict.

Serbia's National Security Strategy defines the national interest as "a permanent need and aspiration of the Republic of Serbia and its citizens ... based on universal and national values which are derived from the Constitution and the heritage of Serbian people and all the citizens living in the Republic of Serbia. Fundamental national values are: freedom, independence, peace, security, democracy, the rule of law, social justice, human and minority rights and freedoms, citizens' equality, tolerance, transparency, solidarity, patriotism and a healthy environment. Basic national values are protected by pursuing national interests".[26]

RELEVANCE OF SERBIA'S EU INTEGRATION AND MEMBERSHIP GOAL

Serbia has been pursuing the European integration goal since the early 2000s, first as a part of the Federal Republic of Yugoslavia and, since 2003, the State Union of Serbia and Montenegro. Only after the dissolution of the State Union in 2006 did Serbia continue the EU integration process as an independent state. In 2012, Serbia was granted the EU candidate status, and in 2014, the country started the accession negotiations.

The analysis of the official state documents and government programs from the past two decades shows that EU integration and membership have always been an important and undisputed goal. However, the definition of the goal varies in different documents (a "strategic goal", "historic interest", "national interest", etc.) reflecting the current global and regional political situation, the goal's relation with other national interests and foreign policy objectives, and its author's understanding of these relations and contexts.

Serbia's EU Membership from a "Strategic Goal" to a
National Interest: the analysis of official documents

One of the first documents defining Serbia's approach towards the EU and its future membership was the Serbian National Assembly's *Resolution on Association to the European Union* adopted in 2004. The Resolution starts with the claim about the existence of a "clearly expressed orientation of the

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[25]   W. David Clinton, "The National Interest: Normative Foundations", op. cit., p. 500.

[26]   "Strategija nacionalne bezbednosti Republike Srbije", 2019, op. cit., p.17.

citizens of Serbia" and the established political consensus about the accession to the EU.[27] The Resolution sets the rapid accession of Serbia to the EU (and to the Partnership for Peace) as a "strategic and national goal" and expresses the Assembly's determination to, among other things, fulfil all the necessary conditions, prioritise the harmonisation of laws with the EU *acquis*, and calls on the Serbian government to adopt a strategy for the association to the EU.

The National Strategy of Serbia for the Accession of Serbia and Montenegro to the European Union was adopted by the Government of Serbia in 2005, a year before the dissolution of the State Union. In the document drafted by the then-leading Serbian scholars and experts in the field, the accession to the EU was understood as a "strategic orientation", a "social goal", and a "key element of the internal transformation" (National Strategy 2005, 5-10).[28] In other words, future Serbian EU membership was seen not as a national interest but as a foreign policy goal underpinning national interests. Those interests were also defined in the Strategy, and the goal of EU integration was understood as compatible with those, including the aim of closer internal integration of the State Union, but also internal integration of Serbia, whose province of Kosovo*[29], at the time, has not yet declared independence and whose status was being negotiated.

In a similar vein as the Strategy, the 2013 *Basis for conducting the negotiations and concluding the Agreement on accession of the Republic of Serbia to the European Union* defines membership in the EU as Serbia's "strategic goal".[30] The document states both the value and interest-ridden reasons for concluding the accession agreement with the EU, such as the "strong adherence to the European Union's basic ideas, accomplishments and values", an "impetus to political and economic reforms", stability in the

[27]   Narodna skupština Republike Srbije, „Rezolucija o pridruživanju Evropskoj uniji", 2004, p. 1, internet: https://www.mei.gov.rs/upload/documents/nacionalna dokumenta/rezolucija narodne skupstine o pridruzivanju eu.pdf, accessed 16 March 2024.

[28]   Vlada Republike Srbije, Nacionalna strategija Srbije za pristupanje Srbije i Crne Gore Evropksoj uniji, str. 5-10, internet: https://www.mei.gov.rs/upload/documents/ nacionalna dokumenta/nacionalna strategija srbije za pristupanje ccg eu.pdf, accessed 12 February 2024.

[29]   The asterisk reads: "This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration of Independence." See European Union Press Statement. *EU Facilitated Dialogue: Agreement on Regional Cooperation and IBM Technical Protocol*. 5455/12, Presse 9, Brussels, 24 February 2012. Available at: https://www.consilium.europa.eu/uedocs/ cms data/docs/pressdata/EN/foraff/128138.pdf [Accessed 6 July 2022] (Authors' note).

[30]   Vlada Republike Srbije, „Predlog Osnove za vođenje pregovora i zaključenje Ugovora o pristupanju Republike Srbije Evropskoj uniji, sa predlogom Zaključka", 2013, p. 5, internet: https://www.mei.gov.rs/upload/documents/nacionalna dokumenta/ pregovori sa eu/osnova za pregovore.pdf, accessed 16 february 2024.

region and peace and security in Europe, trade and investment opportunities that European integration brings about, but also macroeconomic stability, increasing the standard of living, social security, and competitiveness.[31]

The first attempt of the newly independent state (since 2006) to define its national interests in an encompassing manner came with the National Security Strategy in 2009. Under the heading "National interests in the field of security", the Strategy sets as the "permanent interests of all its citizens" the "preservation of sovereignty, independence and territorial integrity of the Republic of Serbia and national, cultural, religious and historical identity of the Serbian people and national minorities."[32] Although no explicit hierarchy was set, it could be presumed that this group of interests should be of the highest priority. The next category is the one of "special importance for the development and progress of the Republic of Serbia", and here we find the country's "integration into the EU and other international structures" and "preservation of internal stability, the rule of law and development of democracy and democratic institutions".[33] On several occasions, the document states the country's "European orientation" and the readiness to "harmonize to the greatest extent its foreign and security policy with the positions and actions of the EU" and build its "national security system capacities and capabilities through the European integration process".[34]

The 2019 *National Security Strategy of the Republic of Serbia* is the revised and updated version of the 2009 Strategy, which was one of the EU accession conditions "so that Serbia's EU orientation in these areas (security and defence, *authors' addition*) is fully reflected".[35] The 2019 Strategy clearly lists Serbian "European integration and membership in the European Union" as one of the national interests. Thus, the EU integration is not simply a "strategic goal" anymore serving the national interests (e.g. the development and progress of the country), but a national interest in its own right.[36] The Strategy sets three goals in order to fulfill this newly defined national interest:

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[31]   *Ibidem*, pp. 5–6.

[32]   *Strategija nacionalne bezbednosti Republike Srbije*, Službeni glasnik Republike Srbije, Godina LXV, broj 88, Beograd, 28. oktobar 2009., str. 54.

[33]   *Ibidem*.

[34]   *Ibidem*.

[35]   European Commission, Commission Staff Working Document, Serbia 2016 Report, Accompanying the Document Communication from the Commission to the European Parliament, the Council, the European Social and Economic Committee and the Committee of the Regions, SWD (2016) 361 Final, Brussels, 9.11.2016, p. 80.

[36]   National interests of the Republic of Serbia are: preserving the sovereignty, independence and territorial integrity; preserving internal stability and security; securing the existence and protecting Serbian people wherever it lives, as well as the national minorities and their cultural, religious and historical identity;

- – "Forming a modern and developed society founded on shared European values, which are part of the Serbian national identity and historical heritage;"[37] the goal points to a comprehensive transformation of society in accordance with the shared values and EU accession criteria, but also, specifically to the reforms of the judiciary and fundamental rights, political and economic system conforming to the EU *acquis*.
- – "Reaching the internal readiness for EU membership" directs Serbia to continue with aligning with the EU conditionality set through the accession negotiations process. Once again, special emphasis was put on the speedy and more successful fulfillment of standards within judiciary and fundamental rights, freedom, justice and security.
- – "Promoting national security and defense through the European integration process" means that Serbia "is contributing to the Common Foreign and Security Policy of the EU and is integrating into the concepts of that European policy".[38] This last goal refers, among other things, to Serbia's continuation of "incremental harmonizing of its foreign policy with the European Union's positions" with the aim of complete harmonization at the time of accession.[39]

It appears that the Strategy sets a couple of priorities when it comes to pursuing the national interest of EU integration and membership: the first is the work on the judiciary and fundamental rights (seen both as a means of transforming the society and the legal system), and the other is the alignment with the EU's foreign and security policy.

The Strategy does not set the hierarchy among the defined national interests but stresses that the "European foreign policy orientation … enhances its international position and impacts positively on creating and promoting the policy of cooperation and enhancement of measures of trust in the region" while the advancement in EU accession process "impacts positively on its political, economic and social stability".[40] It could be concluded that the authors of the Strategy considered the Serbian EU integration as a national interest consistent with at least two other national interests, namely the

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preserving peace and stability in the region and the world; European integration and membership in the EU; economic development and overall prosperity and preserving the environment and resources of the Republic of Serbia." Strategija nacionalne bezbednosti Republike Srbije, 2019, op. cit., p. 17.

[37]   *Ibidem*, p. 22.

[38]   *Ibidem*.

[39]   *Ibidem*, p. 23.

[40]   *Ibidem*, p. 15.

preservation of peace and stability in the region and the world, and economic development and overall prosperity.

However, the Strategy claims that the attempt at the secession of Serbia's autonomous province, Kosovo and Metohija, creates a threat to the country's national interests and that the "possible conditioning of the Republic of Serbia's EU accession process with regard to further 'normalization of relations' with the provisional institutions of self-government in Pristina, is slowing down and imperil the accomplishment of its full membership in the European Union, making it vital for the process of normalization to remain neutral regarding the status (of the province, author's note)".[41] Thus, the national interest in preserving territorial integrity might only, to an extent, be compatible with the country's interest in acquiring EU membership, and if these two collide, the EU integration would presumably have to be dropped.

The EU integration and membership in the Government's programs (2009–2022)

The Government of the Republic of Serbia "formulate(s) and conduct(s) the policy of the Republic of Serbia";[42] thus, we have analyzed the government's programs to map the position of the EU integration process among the government's priorities. Other authors have also analysed the status of national interests within the Serbian government programs, but the European integration goal was not analysed in depth.[43] In this paper, we focus on this issue exclusively, and we also encompass a different time span than the previous researchers, namely from the end of 2009, when the government decided to apply for EU membership, until 2022, when the current government took office. As we showed in the previous section, during the whole period, EU integration remained an official strategic goal, evolving eventually with the last National Security Strategy into one of the national interests. By analyzing the governments' programs, we wanted to explore how different governments, i.e., different party coalitions, referred to this foreign policy issue and whether this strategic goal/national interest transcended the party politics and remained a part of all governmental programs. At the time of Serbia's application for membership in 2009, the first government led by Mirko Cvetkovic was in office. Its program was the first that we analysed, followed by another nine programs till 2022. We found that the EU

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[41]   *Ibidem.*

[42]   Čl. 2, Zakon o Vladi Republike Srbije, "Sl. glasnik RS", br. 55/2005, 71/2005 – ispr., 101/2007, 65/2008, 16/2011, 68/2012 – odluka US, 72/2012, 7/2014 – odluka US, 44/2014 i 30/2018 – dr. zakon.

[43]   Ivan Dimitrijević i Milan Lipovac, „Nacionalni interesi Republike Srbije: analiza ekspozea mandatara Vlade od 2007. do 2017. godine", *Srpska politička misao*, 3/2017, God. 24, Vol. 57, str. 71–97.

integration process and EU membership have been mentioned in all analysed programs. However, the wording is somewhat different, implying the distinct prioritisation and framing of the goal (from idealist to pragmatist).

The first Cvetkovic's government started its term of office shortly after Kosovo* declared independence. It was composed of two party coalitions and several minority parties, out of which the dominant list was his own, the "Coalition for the European Serbia" with an evident pro-European orientation. The first on the list of several elements of the government's program was the "commitment to a European future of Serbia," while membership in the EU was deemed the "core interest of the Republic of Serbia and its citizens".[44] Three years later, Cvetkovic's reconstructed government program remained based on the same elements, and the EU membership stayed high on the list of priorities: "Full EU membership, as a historic goal, and the acquisition of candidate status as a necessary and key condition on this path, are of fundamental interest for Serbia and its citizens."[45] Both programs claimed that the EU integration goal was compatible with developing good relations with other major powers, i.e., the USA, Russia and China.

The 2012 newly formed Ivica Dacic's government was composed of the Serbian Progressive Party, the Socialist Party of Serbia, the Party of United Pensioners of Serbia and United Serbia, and other smaller parties. Even though these parties and their leaders were part of the "ancien régime" in power before the 2000 democratic changes, they kept the goal of European integration in place. However, contrary to the previous two programs, this one puts other priorities to the fore. European integration is understood as one of the "key objectives" dependent upon achieving "an economic survival of our country".[46] In stark contrast to the previous government, which narrated about "European (future of) Serbia", Ivica Dacic, in his expose, pointed out that "We have all the reasons to give up the demagogic optimism based on the "no alternative" policy"[47] alluding to the previous government's pre-electoral moto "Europe has no alternative".

Despite its reduced Euro-optimism, it was during this government's term of office that the EU started the accession negotiations with Serbia, which was

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[44]   The Government of the Republic of Serbia, "Keynote address of Prime Minister Nominee Mirko Cvetkovic", Belgrade, July 7, 2008, https://www.srbija.gov.rs/tekst/en/46940/keynote-address-of-prime-minister-nominee-mirko-cvetkovic.php, accessed: 17 February 2024.

[45]   *Ibidem.*

[46]   The Government of the Republic of Serbia, "Keynote address of Ivica Dacic, Prime Minister Nominee of the new government of the Republic of Serbia", Belgrade, 26 July 2012, internet: https://www.srbija.gov.rs/tekst/en/96402/keynote-address-of-ivica-dacic-prime-minister-nominee-of-the-new-government-of-the-republic-of-serbia.php, accessed: 17 February 2024.

[47]   *Ibidem.*

a reward given for successful Belgrade-Pristina EU-mediated dialogue. Starting in 2011, the dialogue produced the "first Brussels agreement" providing "that neither side will block, or encourage others to block, the other side's progress in their respective EU path".[48] With this agreement, for Serbia, the EU accession and the Kosovo issue finally became irrevocably intertwined and mutually interdependent. In addition, the EU negotiating framework with Serbia adopted the same year made the "improvement in relations with Kosovo*" a measure of Serbia's advancement in the accession negotiations process, stating that the two sides' EU path should "lead to the comprehensive normalization of relations... in the form of a legally binding agreement by the end of Serbia's accession negotiations"[49]. Thus, if Serbia wanted to achieve its so far "strategic goal" of EU membership, it needed first to solve its issues with Kosovo* (among other EU accession conditions).

After the first Brussels agreement, the Serbian government went through another reconstruction but kept the same prime minister. The new governmental program did not change much in comparison to the previous one. It acknowledged the start of negotiations with the EU and made Serbia's Europeanization process its priority. However, the goal of EU integration remained at the same place on the list of priorities, namely as an instrument of economic recovery (or survival) of the country.[50]

The next two programs analysed were the 2014 and 2016 Aleksandar Vucic's governments and these differed from the previous programs in length and detail. In both programs, Serbia's EU membership remained one of the goals underpinning the country's overall reform and "modernisation" and one of the government's priorities. The programs are freed from any idealism present in Cvetkovic's exposés. Vucic stated explicitly that the EU "is not an ideal community since it has its own imperfections and problems. But it is the best association of states that exists in the world today and we belong to its membership ... small and poor societies such as ours could never reach those standards on their own and that is why the EU membership is a big advantage and a chance for us" (Government of the Republic of Serbia

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[48]   Point 14, Brussels Agreement: First Agreement of Principles Governing the Normalization of Relations, 2013, internet: https://www.srbija.gov.rs/specijal/en/120394, accessed: 19 February 2024.

[49]   Conference on accession to the European Union – Serbia, general EU position, Ministerial meeting opening the Intergovernmental Conference on the Accession of Serbia to the European Union, Brussels, 9 January 2014, AD 1/14 LIMITE CONF-RS 1, internet: https://data.consilium.europa.eu/doc/document/AD%201%202014%20INIT/EN/pdf, accessed: 20 February 2024.

[50]   The Government of the Republic of Serbia, "Keynote address of the Prime Minister on the occasion of election of new government members", internet: https://www.srbija.gov.rs/tekst/en/100541/keynote-address-of-the-prime-minister-on-the-occasion-of-election-of-new-government-members.php

2014).[51] According to these two programs, the EU accession goal was not considered contrary to the state's interest in territorial integrity nor its good relations with other global powers. When it comes to Kosovo*, although the incumbent prime minister mentions that the province will not be recognised as an independent country, the government's priority regarding this issue was to continue with the "Brussels dialogue", the process of normalisation of relations with Pristina and "normalisation of living" in Kosovo* for Serbs. The government also expressed its readiness to solve all the issues within the EU-led dialogue.

The 2017 Ana Brnabic government, which remained politically unchanged, does not introduce many novelties to its program regarding foreign affairs, and the new government does not depart from the previous government's orientation towards a "balanced foreign policy". It reconfirms its "strategic orientation towards the European Union but also continues with the policy of building "the best relations with the Russian people and its state leadership" and friendly relations with China, India but also the US and other nations.[52] In the 2020 government program, special attention is devoted to global networking and regional cooperation while the EU remains the government's "foreign policy goal", representing "the best framework for comprehensive reforms, modernization and development of Serbia".[53] Thus, the EU accession is instrumental rather than ideologically framed as it serves the purpose of the country's (and the whole region's) modernisation and development. Aside from the usual commitment to further reforms, harmonisation of laws and better use of IPA funds, the government promises to better communicate EU affairs with the citizens and to enhance the dialogue with civil society. Out of six goals set for the government, "the rule of law and the speeding up of the reforms on our European path" comes fifth on the list.[54] The government plans to finish all the necessary reforms and become ready for EU membership by 2024; however, it notes that it cannot influence the decision on Serbian EU accession, which "does not depend on

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[51]   Vlada Republike Srbije, "Ekspoze predsednika Vlade Republike Srbije Aleksandra Vučića", internet: https://www.srbija.gov.rs/tekst/208780/ekspoze-predsednika-vlade-republike-srbije-aleksandra-vucica.php, accessed: 19 February 2024.

[52]   "Keynote Address By Serbian Prime Minister Designate Ana Brnabić", National Assembly of the Republic of Serbia, 28 June 2017, internet: https://www.media.srbija.gov.rs/medeng/documents/keynote-address-pm-ana-brnabic280617.pdf, accessed: 20 February 2024.

[53]   Program of the Government of the Republic of Serbia of the Candidate for Prime Minister Ana Brnabić, National Assembly of the Republic of Serbia, 28th October 2020, internet: https://www.media.srbija.gov.rs/medeng/documents/brnabic keynote address281020.pdf, accessed: 20 February 2024.

[54]   *Ibidem*, p.6.

our reforms or our readiness but on the political decision of the EU member states and the EU".[55]

The last point is repeated in the 2022 Brnabic's key-note address, which recognises the disagreements and difficulties in mutual relations, implicitly blaming the other side for no progress in Serbia's EU accession process. But despite that, the government is ready to remain on the EU path because "Serbia belongs to the family of European nations and countries", EU member states are the biggest investors in Serbia, trade with the EU member states is considerable, and the EU is "the most successful peace project".[56]

Output legitimacy as a measure of relevance: Practical implementation of EU integration and membership goal

The relevance of the proclaimed national interest can be evaluated based on not only its consistent inclusion in official state documents and governmental programs but also on the practical implementation of such a goal. In the following section, we observe the state of play and progress made in three areas that were pointed out as the most important ones for pursuing the national interest of European integration and EU membership: Judiciary and fundamental rights (belonging to "the fundamentals"), Belgrade-Pristina dialogue (a key priority) and Common Foreign and Security Policy (more recently became an important issue).

During the observed period (2009-2024), Serbia's progress towards EU membership has been very slow.[57] It would be a mistake, however, to blame the modest progress solely on Serbia's internal developments. Indeed, many reasons for the delay lay on the EU's side and its own internal issues that it had to deal with, especially after the start of its financial and sovereign depth crises in 2008. Many authors have observed the EU's "enlargement fatigue"[58], and even the "enlargement resistance"[59]. Nevertheless, in this section, we are

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[55]   *Ibidem*, p. 20.

[56]   Programme of the Government of the Republic of Serbia Ana Brnabić, Prime Minister Candidate, National Assembly of the Republic of Serbia 25 October 2022, p. 10, internet: https://media.srbija.gov.rs/medeng/documents/brnabic-keynote-address251022eng2.pdf (accessed: 18 April 2024).

[57]   For a detailed Serbia's EU integration path see Miloš Petrović, Maja Kovačević and Ivana Radić Milosavljević, „Srbija i Evropska unija dve decenije nakon Solunskog samita", op.cit.

[58]   O' Brennan, John. "On the Slow Train to Nowhere? The European Union, 'Enlargement Fatigue' and the Western Balkans", *European Foreign Affairs Review* 19, no. 2 (2014): 221–242.

[59]   Spyros Economides, "From Fatigue to Resistance: EU Enlargement and the Western Balkans", Dahrendorf Forum IV, Working Paper No. 17, 20 March 2020. Internet:

concerned primarily with Serbia's side of the story, as we are questioning its adherence to its own national interests as officially defined.

After fifteen years since its formal application for EU membership, Serbia is stuck somewhere in the middle of the accession negotiations, with 22 out of 35 negotiating chapters open and only two provisionally closed (Science and Research – chapter 25, and Education and Culture – 26). Based on the Commission's positive assessments, it was expected that the remaining unopened chapters (10, 16, and 19) within cluster no. 3 (Competition and Inclusive Growth) will be opened by the end of 2021, but that didn't happen. Despite the Commission's recommendation, the Council decided to open only cluster no. 4 (Green Agenda and Sustainable Connectivity) in December 2021, which was the last visible progress in accession negotiations till today. In many other chapters, however, including those analysed in this paper, Serbia either lacked, made very modest advancements or even backslided in a certain period. In addition, the Commission pursues the policy of balanced progress in the so-called fundamental issues/chapters on one side and all other negotiating chapters on the other. That means that no further chapters will be closed before the interim benchmarks for chapters 23 and 24 (Judiciary and Fundamental Rights and Justice, Freedom and Security) are met.[60] In other words, the advancement of negotiations in all other areas/chapters depends on the progress of these two.

The progress in Serbia's EU integration process has been monitored and measured since 2002, and it has been reported annually by the Commission. In its reports, the Commission uses two scales: one for assessing the state of play in an observed country and the second one for evaluating progress made during the reporting period.[61] By analysing these reports, it could be concluded that, since 2015, Serbia hasn't made significant progress in either

https://eprints.lse.ac.uk/104393/1/Economides from fatigue to resistance published. pdf, accessed: 10 April 2024.

[60] Ivana Radić Milosavljević and Spasimir Domaradzki. "The EU's raison d'état in the Western Balkans: Can the new enlargement methodology help?", *Međunarodni problemi*, Vol. LXXIV, No 3, 2022, pp. 391–410. DoI: https://doi.org/10.2298/MEDJP2203391R

[61] "For the state of play, the report uses the following assessment scales: early stage, some level of preparation, moderately prepared, good level of preparation and well advanced. For progress made during the reporting period, the following scale has been used: backsliding, no progress, limited progress, some progress, good progress and very good progress. Where appropriate, also interim steps have been used." (European Commission 2021, 4, footnote 2). Nevertheless, the reports evaluate the state of play and progress on "normalization of relations between Belgrade and Pristina" somewhat differently from the other negotiating chapters, using a bit different wording and assessing particular issues rather than the whole area/chapter. European Commission, COMMISSION STAFF WORKING DOCUMENT, Serbia 2021 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee

of the three observed areas. Namely, the state of play in Chapter 23 (Judiciary and Fundamental Rights) has been repeatedly at "some level of preparation" for the whole observed period. At the same time, "some progress" in this area has been observed in 2015, 2016 and 2018 reports, while reports between 2019 and 2023 observed only "limited progress" in the area. In chapter 31 (Foreign, security and defence policy), Serbia remained "moderately prepared" for the whole period, and while some progress in the area has been noted up until 2022 when the Commission observed "backsliding" and in 2023 "no progress".

For Serbia, Chapter 35 ("Other"), focuses on relations between Belgrade and Pristina and is one of the key priorities of the accession process which need to be addressed urgently. Nevertheless, while the dialogue between Belgrade and Pristina has been facilitated by the EU since 2011, and a series of agreements have been signed, the result (i.e., a "comprehensive normalisation of relations between Serbia and Kosovo" sealed by a legally binding agreement) is still far out of sight. The Commission's reports continuously note the poor implementation of the signed agreements and the need for further commitment from both sides in coming up with a comprehensive agreement on the normalisation of relations.

The latest developments brought to a questioned compatibility between the two Serbia's national interests – the EU membership and territorial integrity – creating the necessity for a resolution of such conflict. After some dissonance and uncertainties about Serbia's acceptance and nature of obligations stemming from the 2023 Agreement on the Path to Normalization between Kosovo and Serbia and its Implementation Annex, the Council of the EU has decided to amend its negotiating framework with Serbia to include these obligations into Chapter 35 explicitly. In December 2023, Serbia' President declared that if the so-called "Ohrid Agreement" would become part of Ch.35, that would mean the end of Serbia's EU membership path.[62] Taking this circumstance into account, as well as the National Security Strategy's note on the unsustainability of the EU integration process once it becomes less Kosovo* status neutral, the question of the relevance of the EU membership goal becomes topical. As the next section shows, public opinion in Serbia is also not in favour of continuing the EU path if it means "giving up" Kosovo*.

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and the Committee of the Regions 2021 Communication on EU Enlargement Policy, SWD(2021) 288 final, Strasbourg, 19.10.2021.

[62]   Kosovo Online, "Vucic: If the EU puts Kosovo's UN membership in the Chapter 35, it is clear that they do not want us", 1 December 2023, internet: https://www.kosovo-online.com/en/news/politics/vucic-if-eu-puts-kosovos-un-membership-chapter-35-it-clear-they-do-not-want-us-1-12; Euronews Serbia, "Vučić: Ne mislim da je moguće ceo Ohridski sporazum uvrstiti u Poglavlje 35, time bi zatvorili vrata za Srbiju", 1 December 2023, internet: https://www.euronews.rs/srbija/politika/106795/vucic-ne-mislim-da-je-moguce-ceo-ohridski-sporazum-uvrstiti-u-poglavlje-35-time-bi-zatvorili-vrata-za-srbiju/vest?utm source=ground.news&utm medium=referral

IS THERE A CONSENSUS ON SERBIA'S EU MEMBERSHIP GOAL?

Public opinion on EU integration and its relationship with other national priorities

To get an understanding of the public attitudes towards Serbia's EU integration and membership we have analysed public opinion polls from several sources. We have analyzed the available public opinion surveys by the Serbian Ministry of European Integration (previously the Office for European Integration). These have been regularly conducted roughly twice a year repeating questions that are either identical or similar, thus relatively easily comparable. We also used the surveys done by non-governmental organisations[63], research institutes[64] and companies[65] that assessed the foreign policy orientations of Serbia's citizens and specifically public attitudes towards the EU. Finally, we used the results of the survey commissioned by the University of Belgrade – Faculty of Political Sciences on the topic of the national interests of Serbia.[66]

As we do not have the space here to present in detail all the surveys that we have analysed and compared, we will shortly present only the major conclusions relevant to our research questions. Longitudinal analysis of comparable surveys shows that there has been a noticeable decline in the level of public support for Serbia's membership in the European Union in the observed period (2009 to 2023). This decline is attributed to several factors: the EU's standing in the Belgrade-Pristina dialogue, the disbelief that Serbia will ever become an EU member state ("they don't want us"), and more recently, the War in Ukraine and the related conditions regarding the relations with Russia. Despite this, most respondents still consider EU membership as a national interest of their country as they view EU membership as crucial for economic growth and regional peace and stability, rather than as a normative power. However, in most surveys that tackled this issue, respondents are not ready to give up Kosovo for EU membership, and most of them believe that the

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[63]   Center for Free Elections and Democracy, "Istraživanja", Internet: https://www.cesid.rs/istrazivanja/, (accessed 12 March 2024).

[64]   Bojan Todosijević (ur), „Predstave o Evropskoj uniji i Rusiji u javnosti Srbije: Javno mnjenje Srbije 2018 – JMS 2018", Institut društvenih nauka, Beograd, 2021; Jelena Todorović Lazić, „Izazovi politike proširenja u svetlu transformacije Evropske unije – da li je porast evroskepticizma u Srbiji neizbežan?", *Međunarodni problemi*, LXXI/2019, no. 1, pp. 80–106.

[65]   For analysed Ipsos and Strategic Marketing surveys, see Srđan Bogosavljević, "The Foggy Future of the Balkans: In or Out of the European Union?", in Milica Uvalic (ed), *Integrating the Western Balkans into the EU: Overcoming Mutual Misperceptions*, Palgrave Macmillan, 2023, pp. 261–290.

[66]   National(S), Istraživanje Srbija avgust 2022, Sprint Insight. Internet: https://nationals.rs/wp-content/uploads/2022/11/NationalS-1.pdf (accessed: 19 April 2024).

EU is endangering Serbia's territorial integrity and independence in foreign policy decision-making (in relation to the War in Ukraine). Respondents also perceive the EU's policy of conditioning as unfair, inconsistent and thus, the main obstacle to Serbia's membership, rather than a lack of internal reforms or political leadership. Compared to other Western Balkan countries, Serbia's citizens are the most pessimistic towards the EU membership prospects.[67]

The reasons and sources for this kind and amount of pessimism are probably manifold, rooted in Serbia's internal situation and international position and political culture, and also in the ways in which the topic of EU integration is presented to its citizens. We deal with this issue shortly in the next section.

Communicating Europe: National interests and EU integration in media and public officials' discourses

EU integration, a long-standing strategic goal and, more recently, a national interest, is expected to be one of the most frequent topics in Serbian media. Nevertheless, the available media clipping surveys show that the topic is not only underrepresented and depoliticised[68] but mixed messages are being sent to the public regarding the EU integration process.[69] As regards the official political communication about the EU, in 2011, Serbia adopted the Communication Strategy for the Accession of the Republic of Serbia to the European Union to represent "a strategic framework for providing information to the public related to EU accession and communication activities in the EU accession process".[70] Despite that, the EU bodies had to remind the Serbian officials of a "need to take responsibility for proactive and objective communication on the EU" and that "transparency and public consultation need to improve".[71]

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[67]   Regional Cooperation Council, "Balkan Barometer 2023 Public Opinion: Key Findings", internet: https://www.rcc.int/balkanbarometer/key findings/2/public, (Accessed: April 25 2024).

[68]   Ivana Radić Milosavljević, „Uticaj krize na politizaciju pitanja proširenja Evropske unije", u Slobodan Samardžić i Ivana Radić Milosavljević (ur), *Evropska unija: nove i stare dimenzije krize, Zbornik saopštenja sa naučnog skupa „Evropska unija – od krize ka dezintegraciji"*, Univerzitet u Beo-gradu – Fakultet političkih nauka, Beograd, 2016, str. 99–101.

[69]   Bogdan Milivojević, "Mixed messages from Belgrade: Is the EU narrative shifting?", European Western Balkans, https://europeanwesternbalkans.com/2022/05/18/mixed-messages-from-belgrade-is-the-eu-narrative-shifting/, accessed 18 March 2024.

[70]   Government of the Republic of Serbia, "COMMUNICATION STRATEGY FOR THE ACCESSION OF THE REPUBLIC OF SERBIA TO THE EUROPEAN UNION", Belgrade, 2011, p.4.

[71]   European Commission, "Commission Staff Working Document, Serbia 2023 Report, Accompanying the document Communication from the Commission to the

Academic research on media reporting on the EU in Serbia came to similar findings. Krstic finds that media reporting on the EU has changed in recent years compared to the first phase of Serbia's EU integration process: "The tone of the coverage was usually positive or neutral during the first decade of the country's EU integration process ... However, the EU media coverage lacked a critical perspective and analytical approach. ... In recent years, ... EU-related topics have become more covered by highly circulated tabloid newspapers under the control of the political establishment and largely discussed on social media platforms. Tabloid press, along with highly viewed commercial pro-regime TV stations, use sensational headlines, misinformation and unverified sources to cover issues on EU integration, often diverging topics into a specific direction or to spread smear campaigns against specific EU officials".[72]

The discourses on the EU are strongly influenced by the governing elites and the government-controlled media, holding either national coverage (four TV channels) or being most read (printed, tabloid media). Speaking of all Western Balkan countries, and in particular, Serbia and Montenegro, Džankić finds that "... the political elites use a combination of mixed messages from the different institutions and the member states for "blameshifting" on the EU for stalled accession.[73]

In such circumstances, it is hard to expect a formation of citizens' attitudes towards the EU integration process and membership based on information and exchange of arguments. The lack of information and dialogue also prevents effective participation in the process and, in future, might impact the decision to join the EU eventually. Current public officials' messages distributed through media boost the idea about the incompatibility of the EU membership goal with at least a few national interests as defined in official documents. However, they do not offer a solution for the resolution of such a conflict except for the already mentioned isolated but noticeable statement by the President on the possibility of ending Serbia's EU path in case of the inclusion of the Ohrid Agreement in the EU's negotiating framework with Serbia.

To sum up, Serbia's EU membership goal faces challenges regarding its input legitimacy due to a decline in public support influenced by perceived

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European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2023 Communication on EU Enlargement policy, SWD(2023) 695 final, Brussels, 8.11.2023, p.10.

[72] Aleksandra Krstić, „Love and Hate Relationship: Media Framing of the Official Political Communication About the European Union in Serbia's Media", in Milica Uvalic (ed), *Integrating the Western Balkans into the EU: Overcoming Mutual Misperceptions*, Palgrave Macmillan, 2023, p. 405 (pp. 399–414).

[73] Jelena Džankić, „Perceptions and Misperceptions of EU Conditionality in the Western Balkans: A Case of a "Capability-Expectations Gap"?", in Milica Uvalic (ed), *Integrating the Western Balkans into the EU: Overcoming Mutual Misperceptions*, Palgrave Macmillan, 2023, p. 209 (pp. 199–222).

unfair EU conditions and mixed messages from political elites and media. While EU membership is still seen as beneficial for economic growth and stability, the conflicting narratives and lack of transparent communication undermine the clear perception and understanding of the goal and, thus, both its throughput and input legitimacy.

EXTERNAL ACCEPTANCE OF SERBIA'S EU MEMBERSHIP GOAL

Finally, an important element of national interests' legitimacy is their external acceptability. When it comes to Serbia's EU membership goal, the question of external acceptance might seem redundant since the EU and its member states repeatedly acknowledged the "European perspective" or "European future" for the Western Balkan countries. The official EU's policy to integrate the Western Balkans countries is still standing, however, both the meaning and timing of this "European perspective" have been vague. More recently, more voices can be heard stating that enlargement could happen only after the EU finishes with its internal reforms, which is a process with an uncertain end. Although the geopolitical context is creating pressures for enlargement, the EU member states and institutions have varying views both on the ways to reform the EU and the mode of integrating new members.[74] While some are still in favour of membership with full rights and obligations, others are coming up with the ideas of staged or differentiated integration, possibly even an integration without membership. Although a thin majority is in favour of enlargement (51%),[75] EU citizens, too, do not see enlargement as a priority. The opinion polls find that the EU should focus on defence and security, energy, agriculture and other issues, enlargement being the last on the list.[76] The slow pace of reforms and adoption of the EU *acquis* and even democratic backsliding in the candidate countries reconfirm some member states' fears and scepticism towards enlargement.

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[74]   Central European Times, "EU leaders clash over plans to enlarge by 2030", 2023-09-03, internet: https://centraleuropeantimes.com/2023/09/eu-leaders-clash-over-plans-to-enlarge-by-2030/?gad source=1&gclid=Cj0KCQjwir2xBhC ARIsAMTXk84ilin9RFglYDvVETU-PY44Mz1sgTQ-wgKIUFWTGsQLHDccQ-Mthk4aAr72EALw wcB, accessed: 19 April 2024.

[75]   European Commission, Standard Eurobarometer 100: Europeans' opinions about the European Union's Priorities, Eurobarometer Report, Autumn 2023, pp. 23–25. Internet: https://europa.eu/eurobarometer/api/deliverable/download/file?deliverableId=90579, accessed: 30 April 2024.

[76]   European Parliament Eurobarometer, EP 2024 SPRING SURVEY (EB045EP) EU27 RESULTS, Special Eurobarometer 101.1. Internet: https://europa.eu/eurobarometer/api/deliverable/download/file?deliverableId=91774, Accessed: 30 April 2024.

Serbia's EU accession process is formally ongoing, and no decision to suspend the negotiations has been taken, but the negotiations are effectively stalled. Since the Commission attempted to reinvigorate and make the process more credible in 2018 and changed the negotiating methodology in 2020[77], the Council decided to open only a few new negotiating chapters with Serbia. Moreover, it decided not to open Cluster III (Competitiveness and Inclusive Growth) contrary to the Commission's recommendation[78] due to Serbia's non-alignment in other fields (EU's restrictive measures towards Russia and the rule of law). However, Serbia's desire to conduct a diversified foreign policy, building good relations with both the East (Russia and China) and West (EU and USA) is unacceptable to the EU. Its troubled relations with Pristina, the largely unsuccessful dialogue and the security issues popping up more recently are far from welcome on the EU's side. As mentioned before, the normalisation of relations between Belgrade and Pristina is the *condicio sine qua non* for Serbia's EU accession progress and it is hard to imagine that the EU could change this stance.

The state of democracy and the rule of law in Serbia is another reason for concern for the EU. The latest faults in the country's procedural democracy were condemned by the EU institutions. The European Parliament adopted the resolution in February 2024, noting that "due to the incumbents' persistent and systematic abuse of institutions and media to gain an unfair advantage, the latest Serbian parliamentary and local elections fell 'below the expected standards for an EU candidate country'" and even called for a possibility of EU funds suspension.[79] This means that Serbia not only fails to fulfil the accession criteria but, in the European Parliament's view, the country might not deserve a candidate country status anymore.

CONCLUSIONS

In this paper, we critically examined the challenges to the legitimacy of Serbia's EU integration and membership goal. Whether examined as input, output or throughput legitimacy or measured by assessing its relevance,

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[77] European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and The Committee of the Regions: Enhancing the accession process – A credible EU perspective for the Western Balkans, Brussels, 5.2.2020 COM(2020) 57 final.

[78] European Western Balkans, "EU ambassadors confirm opening of Cluster 4 for Serbia", 08. 12. 2021, internet: https://europeanwesternbalkans.com/2021/12/08/eu-ambassadors-confirm-opening-of-cluster-4-for-serbia/, accessed 20 April 2024.

[79] European Parliament, News, "Serbia did not fulfil its commitments to free and fair elections, say MEPs", 08.02.2024., Internet: https://www.europarl.europa.eu/news/en/press-room/20240202IPR17327/serbia-did-not-fulfil-its-commitments-to-free-and-fair-elections-say-meps, accessed: 30 April 2024.

internal consensus, and external acceptance, we found that all aspects of legitimacy have been impaired over time despite the official policy and formal promotion of the goal to the level of national interest.

Issues in input legitimacy are observable in a lukewarm public support for EU membership which is often manipulated by political elites for self-serving purposes. The practical outcomes of the EU integration process (output legitimacy) have been limited, with Serbia showing poor compliance with EU accession conditions despite the prolonged negotiation period. The policy-making process (throughput legitimacy) regarding EU integration lacks transparency and inclusiveness, further undermining its legitimacy.

By using the three criteria – relevance, consensus, and external acceptance – to assess the legitimacy of national interests, we found that Serbia's EU membership aspiration faces legitimacy challenges. Additionally, we pointed out that there is a mutual dependence between particular aspects of legitimacy, meaning that illegitimacy in one of them reinforces the illegitimacy in others. The goal of EU integration and membership managed to transcend several governments since Serbia applied for EU membership, continuously appearing as a strategic goal or even a national interest. However, the officially proclaimed relevance of the goal is not reflected in the government's actions towards attaining it nor in the proper communication of the goal. The instrumental use of the EU membership goal damaged its acceptance by Serbia's citizens. Since the time of Serbia's application for EU membership, public support for it has declined, and the scepticism towards the possibility of Serbia's accession has risen. Thus, the instrumental approach has undermined the long-term commitment required for successful EU integration and raised doubts about the prioritisation of EU membership among Serbia's national interests.

The internal non-acceptance of the goal has been conducive to slow reforms, thus feeding the external non-reception of Serbia's membership aspirations due to the country's weakened perception as a credible EU membership candidate. Further on, the EU's demands towards Serbia, i.e. its accession conditions, are often deemed illegitimate both by the elites and the public, especially if these entail some unacceptable trade-offs. At the same time, the incentives offered for meeting the demands are insufficient in the eyes of the citizens and possibly in the elites' too. The inconsistency in the EU's conditionality and lack of rewards, when specific conditions are met, contribute to growing distrust. The coercive power of the EU to push for compliance through sanctioning Serbia has been almost nonexistent, rather silent, and, if present, it would be possibly counterproductive, too.

Given these findings, we argue that Serbia's goal of EU integration and membership, as currently pursued, does not meet the criteria of a legitimate national interest by normative theory standards. Instead, it appears as a provisional and pragmatic foreign policy goal subject to change based on the prevailing political and economic context.

The question arises of how to step out of this vicious circle of mutual reinforcement of different illegitimacy aspects of Serbia's EU integration and membership goal. The European Union has made some steps in that direction by offering the Growth Plan for the Western Balkans, a new instrument designed to support additionally the EU accession process of the candidates. Nevertheless, as a matter of urgency, the EU must enable progress in accession negotiations especially in clusters in which the conditions have been met and thus uphold the credibility of the process. On the other hand, Serbia needs to do everything to act in accordance with its proclaimed interests. This means not only nurturing genuine public support, ensuring transparent and inclusive policy-making processes, and demonstrating consistent compliance with EU accession requirements but also employing public diplomacy to change the stance of the major EU member states towards enlargement in general and Serbia in particular. To be considered a national interest, EU integration should be pursued not merely as a means to an end but as an end in itself, aligned with the country's core values and long-term aspirations.

If there exists a collision between two or more national interests, the country needs to resolve this by either setting the priorities differently or finding ways not to give up any of these. Since EU membership is defined as a national interest, there needs to be an inclusive and wide consultation process (possibly even a referendum) on the place of such an interest on the national priorities list. The result could be a possible redefinition of such an interest. However, to reach an informed decision, the information and communication on the accession process needs to improve considerably.

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Unarticulated Foreign Policy as a Manifestation of Drifting Away from the EU Membership Goal**

ABSTRACT

The author conducts an analysis of existing normative acts to shed light on the controversial EU role in the "normalization process" and to highlight the complex dynamics and consequences in the realm of Serbia's EU integrations, including through the lenses of CFSP. The article reveals how the clash between these two priorities is instrumentalized to deflect from the poor democratic performance in critically important areas for EU accession— rule of law and fundamental rights. The author argues that Serbia's current situation should be observed in the context of the *de facto* abandonment of the EU accession goal, which is also largely tied to the political distaste for further Europeanization of the institutional and legal order. Drawing on theoretical insights (primarily from rational choice theory) and through empirical illustrations from the EU accession process, the author examines the marginalization of EU accession objectives in the favour of the *status quo*. The paper's structure includes theoretical examination, empirical analysis of Serbia's foreign policy trajectory, analysis of normative acts, exploration of veto areas hindering EU integration, and concluding reflections. Ultimately, the article underscores the necessity for transparent and inclusive communication

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and consultations, arguing that in the case changes, a redefined social contract would be necessary to realign the priorities with public expectations.

KEYWORDS: *EU accession, coherence, veto areas, normative acts, normalization, political elites, common foreign and security policy.*

INTRODUCTION

A philosophical dilemma frequently attributed to the medieval French thinker Jean Buridan goes like this: an imaginary donkey is both hungry and thirsty, placed equidistant from a bundle of hay and a bucket of water. Struggling to make a choice because there was no reason for him to prefer one over the other, the donkey dies both hungry and thirsty.[1] Deliberating on the unfortunate fate of 'Buridan's donkey,' Rescher considers the issue of decision-making in the context of equivalent alternatives, identifying the 'problem of choice without preference.'[2] Rational preferences lead to rational choices, but a rational preference among equivalent objects is impossible.[3] Reflecting on Rescher's research on this subject, Weintraub makes a counter-argument that rational choices might be possible even when options appear to be similar or comparable.[4] Under those circumstances, making a choice would be reasonable even when there is no sufficient or obvious reason for it.[5] While the aforementioned primarily applies to philosophical arguments explaining the intricacies of free will and rationality in individuals, in this paper, it is used as an introduction to the clash of preferences in Serbian foreign/EU accession policy, especially in the context of diverging processes surrounding the territorial integrity in Kosovo-Metohija[6] and the EU accession goal.

However, what happens when the decision-maker's interests are more motivated by shorter-term, rather than longer-term objectives? This article argues that the foreign policy approach appears to be tactical (short-term-oriented), while claiming to be strategic (longer-term-oriented). Apart from the superficial lack of motivation to choose between the two seemingly contradictory goals, foreign political decisions also largely correlate with

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[1] George Edward Hughes, *John Buridan on Self-Reference: Chapter Eight of Buridan's 'Sophismata', with a Translation, an Introduction, and a Philosophical Commentary*, Cambridge University Press, New York, 1982.

[2] Nicholas Rescher, *Cosmos and Logos: Studies in Greek Philosophy*, De Gruyter, Berlin/Boston, 2005, p. 89.

[3] Ibid.

[4] Ruth Weintraub, "What Can We Learn from Buridan's Ass?", *Canadian Journal of Philosophy*, Vol. 42, No. 3/4 (2012), pp. 281–284.

[5] Ibid.

[6] Hereinafter: *Kosovo*, while implying that province's constitutional status.

reluctance to accept the Europeanization of the institutional/legal order. Therefore, the "Buridan's donkey" metaphor is only partially accurate. Whereas the EU expectations regarding the normalization process with Priština and alignment with the Common Foreign and Security Policy (CFSP) are controversial/challenging, contrastingly, the absence of progress in areas of chief national competences – rule of law and fundamental rights – points out the distaste towards EU accession, which forms a broader subject of this paper. The author primarily aims to underscore that the lack of a strategic foreign policy act should be observed in the context of the absence of an EU accession strategy.

This article has a dual focus. Firstly, the author points out the clash between the two mentioned priorities: European integration and the preservation of Kosovo-Metohija within Serbia, which are sometimes perceived as mutually exclusive. Attention is also paid to the analysis of existing normative acts and how they address these contradictions. The author argues that while it is understandable that the EU requests full alignment in domains of political and economic integration (including the CFSP), its role in the context of the normalization process is controversial and likely unprecedented.[7] Secondly, while noting these contradictions, the author contends that the clash between these two priorities is being instrumentalized in the political discourse/activities to avoid focusing on the Europeanization process, i.e., the democratization and fulfillment of the Copenhagen and other criteria. Namely, high political dilemmas surrounding the EU and Kosovo are (ab)used to divert attention from the fact that the situation in the areas fundamental to the Europeanization process – rule of law and fundamental rights – is underdeveloped. Whereas the lack of progress in these fundamental areas signals an aversion towards EU accession as the (main) objective, it also causes additional dissonance between normative acts, technical-political processes (accession negotiations) and the the fact that, in practice, the EU accession is actually no longer treated as a (primary) goal. However, unwilling to declare the abandoning of that goal and conduct profound changes in the domains of rule of law and fundamental rights, these aspects are marginalized in the official discourse in favor of high-political conditions surrounding Kosovo and CFSP, to shift the focus on the EU responsibility for the overall stalemate. In essence, the responsibility for internal affairs is evaded by diverting attention to other domains and their relations to foreign actors, to build a convincing argument about the futility of EU integration process.

Therefore, given the lack of interest in achieving EU membership, the "Buridan's donkey" metaphor is inapplicable. Likewise, building on that

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[7]   For precedents in the context of EU accession consult (in Serbian): Miloš Petrović, Maja Kovačević and Ivana Radić Milosavljević, Srbija i Evropska unija dve decenije nakon Solunskog samita, Institut za međunarodnu politiku i privredu, Beograd, 2023, str. 274–312.

argument, the author contends that the *de facto* abandonment of the EU accession goal needs to be clearly communicated through normative acts and public discourse because, as a major policy shift, it would require a new form of social contract. To conclude, the reluctance to achieve convincing progress in areas that are technically crucial for EU membership (Chapters 23 and 24) is shaping the foreign policy choices of Serbia in a way that the EU accession goal is *de facto* abandoned. The adapted goal, to "remain on the EU path,"[8] in practice implies maintaining a "safe" distance from the EU and curtailing its influence. This *status quo* approach is presented as being in the country's best interest, despite the fact that it has not been articulated through any normative act, nor did it include any kind of public consultation procedure.

Using examples from political practice and normative frameworks, the author reflects on how decision-makers attempt to navigate contradictory priorities while considering their political interests. When it comes to theoretical inputs, the author uses the rational choice theory approach to analyze the lack of coherent foreign policy, which is observed in the context of the growing marginalization of the EU accession goal in Serbia, as well as some realist inputs. The structure of the paper is as follows: After the introduction, the author will move to the theoretical section, followed by the more empirical segment examining the "veto areas" surrounding the EU integrations of Serbia in the context of its unarticulated foreign policy direction. An overview of relevant documents in the context of colliding objectives will ensue, followed by the concluding remarks.

THEORETICAL PART

The rational choice theory (RCT) is frequently used to examine socio-political occurrences in the context of the intentional will of actors who act rationally, pursuing their self-interest, which leads to certain consequences.[9] According to Lovett, the rational choice theory is characterized by several methodological standpoints: (1) a purposeful actor assumption – there are actors (both individuals and collective agents) capable of acting purposefully in the realm of social developments; (2) utility theory assumption – each purposeful actor has a 'utility function' which provides a concise mathematical summary of whatever choices or decisions we expect them to make; (3) rationality assumption (tightly related to the utility aspect) – discrete purposeful actors

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8   Agencije, Vučić: Srbija će možda morati uvesti sankcije Rusiji, AlJazeera, 2023, Available from: https://balkans.aljazeera.net/news/balkan/2023/2/2/posebna-sjednica-skupstine-srbije-o-kosovu-vucic-pred-zastupnicima (Accessed 10 March 2024).

9   Hans Morgenthau, *In Defense of the National Interest: A Critical Examination of American Foreign Policy* (reprint), reprint, University Press of America, 1982.

could optimize their utility functions, given whatever constraints they happen to face (making the latter two "the two sides of the same coin").[10] According to Schmidt and Wight, who refer to Legro and Moravcsik, units (i.e. countries) are rational in the conventional sense that they select a strategy by choosing the most effective available means to achieve their ends, subject to constraints imposed by environmental uncertainty and incomplete information.[11]

One of the main claims of the realist school (for instance, Morgenthau) is that states are capable of acting rationally, pursuing their self-interests in foreign policy. As the rational choice theory might also encompass nations, its applicability when it comes to the purposeful actor assumption appears to be unquestionable. The same applies to the latter two RCT assumptions (utility theory assumption and rationality): from the realist perspective, countries are capable of planning their actions and altering them in accordance with the challenges and circumstances they are facing. Countries formulate strategies, including foreign policy ones, aiming to accomplish their national interests and navigate through different obstacles.

The aforementioned approach, centered around the constrained purposeful standpoint, is useful for considering strategic planning and challenges in terms of pursuing national interests. As Lovett identifies, RCT does not have universal applicability; for instance, its applicability is limited in situations when decisions are not made deliberately, but spontaneously, or when constraints are extremely restrictive and there are no real choices to make.[12]

Regarding the latter aspect, this is where we circle back to Buridan's donkey: are the choices faced by Serbia (preserving territorial integrity vs. EU accession) such that it is impossible to disclaim a preference or make any rational selection, or are these choices perhaps incomplete or even false? Attempting to delve into these ambiguities, the author will put emphasis on, broadly speaking, three main areas critical for EU accession of Serbia: CFSP alignment, the Belgrade-Priština normalization process, and the rule of law and fundamental rights. The main argument will be that, while the first two aspects are presented in the political discourse as the most important contributors to the prolonged EU path, the third area – namely, Chapters 23 and 24, which are actually fundamental to the entire Europeanization process, are being marginalized in discourse and activities. The line of thought is that, while the discourse is often framed to correspond to the "Kosovo vs. EU" dilemma, with the authorities claiming preference of the first, the author hypothesizes that EU accession is not dropped exclusively due to Kosovo (and related) requirements,

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[10] Frank Lovett, "Rational Choice Theory and Explanation", *Rationality and Society*, Vol. 18, No. 2/2006, pp. 240–241.

[11] Brian Schmidt and Colin Wight, "Rationalism and the "rational actor assumption" in realist international relations theory", *Journal of International Political Theory*, Vol. 19, No. 2/2023, p. 158.

[12] Frank Lovett, Ibid, p. 242.

but due to reluctance to enforce radical changes in the third domain that would curtail interests of the elites, namely, the rule of law and judiciary.

The rational choice theory approach is frequently perceived as a tool to explain social phenomena by showing how they arise from the intentional pursuit of self-interest by social actors, including invididuals.[13] This pursuit is driven by the individuals' preferences and calculations; they make choices that are optimal in the context of incurred/expected costs and benefits. The leaders might believe that the costs or compromises associated with aligning with the EU exceed the benefits, causing them to prioritize their (group's) interests. However, one should bear in mind that the self-interests of the elites should not be equated to national interests. As Apostolov-Dimitrijević argues (also refering to other sources), the democratization in Serbia from 2000 onwards, apart from depending on the domestic actors, also became growingly and progressively influenced by the EU conditionality – an important mechanism that challenged the domestic constraints to democratization; this European leverage „became not only a carrot, but a stick with which to encourage continous reform".[14] This growing dependence on the EU became especially evident during the second decade of the 21st century, when Serbian-EU approximation coincided with the polycrises period.[15] Unable to consider accessions (but nonetheless launching membership talks with Montenegro and Serbia), and primarily concerned in the preservation of the Western Balkans' stability, a particular form of pragmatism from the EU side was gaining momentum in the form of stabilitocracy. The stabilitocracy developed as a consequence of an alignment of interests between the EU and local elites, which put the primary emphasis on the democratization.

Bieber considers stabilitocracies to be the governments that claim to maintain stability, simulate EU integration and rely on informal, clientelistic structures, media control, and the inflation of crises to undermine democracy and the rule of law.[16] Kmezić notes that, despite the EU hopes that the rule of law reforms would enable the democratic transformation in the WB, their faulty and selective implementation, influenced by the elites, has over the previous decade led to the strengthening of stabilitocracy, rather than democracy.[17] Vučković recognizes stabilitocracy consisting out of declarative

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[13]   Ibid, p. 238.

[14]   Dunja Apostolov-Dimitrijevic, "Democratization in Serbia: an analysis of rational choice and structuralist explanations", *Review of European and Russian Affairs*, Vol. 9, No. 1/2015, p. 11.

[15]   For the latter, consult (in Serbian): Slobodan Samardžić, *Evropska unija: sistem u krizi*, Izdavačka knjižarnica Zorana Stojanovića Sremski Karlovci, Novi Sad, 2016.

[16]   Florian Bieber, "The Rise (and Fall) of Balkan Stabilitocracies", *Horizons: Journal of International Relations and Sustainable Development*, No. 10/2018, p. 176.

[17]   Marko Kmezić, "EU Rule of Law Conditionality: Democracy or 'Stabilitocracy' Promotion in the Western Balkans?" in: Jelena Džankić, Soeren Keil and Marko

support to the EU integration, combined with autocratic governance tools.[18] Aware of the significance of European integration but in practice growing distant from meeting the membership criteria, the leaderships in Belgrade and Podgorica (ab)used the circumstances to assume greater dominance in the social, political and economic arena at the expense of institutions. The EU's self-interest in stability, coupled with the (secondary) intention to support the regional democratization process, materialized in the so-called stability-democracy dilemma, with the former containing more weight in the actual EU policymaking.[19] Priority to preserve a short-term stability over building a resilient democracy in the long-term benefited the elites which focused on short-term goals.

However, the invasion of Ukraine has caused tectonic foreign policy changes[20] which also reflected on the enlargement policy, which became seen as an instrument to strengthen long-term resilience and security through expansion. Whereas the preceding two years have so far failed to result in improving the decision-making procedures and providing more space for the future member states, they did see some very visible results in terms of elevating the status of partners ranging from the Caucasus to the Western Balkans. Contrastingly, the "front-runner candidates" have remained similarly (un)prepared – well ahead of the other candidates in technical terms of opened/closed negotiating chapters/clusters, but far off from concluding them. However, while the latest Montenegrin government, inaugurated in 2023, has made its priority to fulfill the rule of law interim benchmarks to begin closing the negotiating chapters/negotiations,[21] in Serbia, this subject appears reduced to technical considerations in the Ministry of European Integration.[22] The fact that Serbia did not open a single cluster since 2021,

Kmezić (eds), *The Europeanisation of the Western Balkans. New Perspectives on South-East Europe*, Palgrave Macmillan, Cham, 2019.

18 Vladimir Vučković, *Europeanizing Montenegro – the European Union, the rule of law and regional cooperation*, Lexington Books, 2021, p. 19.

19 Nicholas Ross Smith, Nina Markovic Khaze, and Maja Kovacevic "The EU's Stability-Democracy Dilemma in the Context of the Problematic Accession of the Western Balkan States," *Journal of Contemporary European Studies*, Vol. 29, No. 2/2021, pp. 169–83.

20 Ana Jović-Lazić and Ivona Lađevac, *Serbia's approach to the EU and Russia – Implications for its internal and foreign policy*, Medjunarodni problemi, Vol. LXXV, No. 1, pp. 39–64.

21 Consilium, Montenegro, Consilium, 2024, Available from: https://www.consilium.europa.eu/en/policies/enlargement/montenegro/ (Accessed 20 February 2024).

22 Ministry of European Integration, Miščević: We are working on two important things, one of which is Serbia's accelerated integration into the EU, MEI, 2024, Available from: https://www.mei.gov.rs/eng/news/2038/more/w/0/miscevic-we-are-working-on-two-important-things-one-of-which-is-serbias-accelerated-integration-into-the-eu/ (Accessed 20 February 2024).

despite the Commission's positive opinion on technical readiness in Cluster 3, cannot be attributed solely to geopolitics. Whereas the external circumstances *did* aggravate Serbia's status, in the Fundamentals cluster (essential for the accession talks) the country has been underperforming for years. The most recent manifestation of non-alignment in the Fundamentals cluster are the 2023 election irregularities, with the European Parliament declaring that Serbia did not fulfil its commitments to free and fair elections.[23]

Overall stagnation or regression in fundamentally important areas signals the lack of interest of the decision-makers in European integration. The unwillingness to adhere to EU legislation and values also reflects a growing anti-EU sentiment. The fact that the country has revised its national *acquis* harmonization plan three times between 2016-2022 indicates poor and inconsistent planning.[24] This indicates that attaining EU membership does not constitute a national priority, which contradicts normative and other acts (as will be discussed later). The discrepancies between various acts and policies, including foreign policy, are a consequence of the lack of ambition to achieve EU membership. The unwillingness to adapt to the *acquis*, while contradicting the obligations assumed by Serbia as part of its accession negotiations, also indicates a lack of genuine belief that European integration could advance the national cause, or perhaps the lack of belief that it could advance the status of the political elites. In that regard, the national interest is at risk of being instrumentalized by the political elites' interest when it comes to the EU path, including some kind of deinstitutionalization of foreign policy to conform to shorter-term (or party) interests, rather than the longer-term national interest of EU membership.

It could be argued that the EU membership does not constitute the primary goal, but rather represents an "inherited" obligation. Analyzing some comparable trends in EU-Turkish relations, Schimmelfennig writes about Brussels' "rhetorical entrapment," as a mechanism by which actors are compelled to act in conformance with their prior argumentative commitments (like adopted norms and promises), thus contributing to overcoming resistance to EU accession.[25] However, in Turkey, this mechanism faded out as this country began to dishonor its own commitments as an EU

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[23] European Parliament, Serbia did not fulfil its commitments to free and fair elections, say MEPs, EP, 2024, Available from: https://www.europarl.europa.eu/news/en/press-room/20240202IPR17327/serbia-did-not-fulfil-its-commitments-to-free-and-fair-elections-say-meps (Accessed 28 February 2024).

[24] Ministarstvo za evropske integracije, NPAA, MEI, 2024, Available from: https://www.mei.gov.rs/dokumenta/nacionalna-dokumenta.733.html (Accessed 11 April 2024).

[25] Frank Schimmelfennig, "Rhetorical Entrapment in EU–Turkey Relations" in: Wulf Reiners, Ebru Turhan (eds), *EU-Turkey Relations*, Palgrave Macmillan, Cham, 2021, pp. 139–156.

candidate country. [26] This situation is comparable to Serbia in a sense that the lack of affinity towards EU integration might result in the overcoming of this rhetorical entrapment and no longer perceiving Belgrade as a future EU member.

VETO AREAS IN SERBIA'S EU INTEGRATION PROCESS

In essence, the connection between RCT and realism in international relations is rooted in their mutual focus on self-interest, strategic activities, and the cost-benefit analysis towards reaching those objectives. Expanding on theoretical foundations, the author explores realist perspectives and their manifestation in political realities, focusing on three key challenges: the normalization process, Common Foreign and Security Policy (CFSP), and the Fundamentals cluster (chapters 23, 24).

Maintaining the *status quo* seems to be the current objective of the authorities. According to Simpson, small states lack the capacity to be revisionists in realist terms, so they adopt a multi-directional approach. [27] Serbia's efforts to balance its foreign policy are evident in its non-alignment with the Common Foreign and Security Policy (CFSP) and other domains crucial for political integration, as well as in its evolving relationships with third-party actors. Instead of prioritizing EU membership (as mandated by its own acts), Serbia is focusing on building broader international partnerships, often attributing them to interests in Kosovo-Metohija. However, these partnerships extend beyond the Kosovo issue and also aim to bolster Serbia's bargaining position vis-à-vis the EU. Some authors recognize this strategy as "hedging," which involves elements such as economic pragmatism, binding engagement, limited bandwagoning, dominance denial, and indirect balancing.[28] Regardless of the specific aspect of realism at play, relations with the EU are perceived as more transactional than profound, with the integration goal taking a backseat to mere cooperation.

Preserving the status quo involves balancing the expectations of the EU and Russia, as demonstrated by Serbia's non-alignment with the Common Foreign and Security Policy (CFSP). While verbally condemning the invasion, Serbia refrains from implementing economic measures against its primary international partner regarding Kosovo-Metohija. Multiple alliances serve

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[26]   Ibid.

[27]   Archie W. Simpson, "Realism, Small States and Neutrality", in: Davide Orsi, J. R. Avgustin and Max Nurnus (eds.), *Realism in Practice – An Appraisal*, E-International Relations Publishing, Bristol, 2018, p. 126.

[28]   Kristina Nikolić, Serbia Hedging its Bets Between West and East, *Journal of Balkan Studies*, Vol. 3, 2/2023, pp. 59–90.

as a balancing response to the ongoing EU-Russia power struggle and the reluctance to grant greater influence on internal affairs to either party, given their perceived indispensability. However, this "balancing of partnerships" contradicts obligations assumed during the EU accession process. The insufficient alignment with CFSP indirectly affects the normalization process, but solely attributing pro-Russian stances to Kosovo would be simplistic. The reluctance to enact measures against Russia also stems from socio-political Russophilia linked to identity.[29] Consequently, incomplete CFSP alignment poses risks to the political reputation of the authorities, reliant on support from Russophile voters. This non-alignment, stemming from the partnership with Russia, extends beyond Kosovo, adversely impacting the EU partnership, particularly considering CFSP's elevated importance in enlargement policy, alongside other unfavorable alignment indicators.[30]

The EU's normalization process approach, particularly with regard to Serbia, is controversial and presents significant challenges, often resulting in diverging stances within the EU. This issue carries substantial weight, and this paper does not seek to dispute its importance. While acknowledging its relevance to EU accession, it's argued that the Kosovo aspect is only indirectly linked to CFSP alignment, particularly regarding Russia, and entirely unrelated to the rule of law and fundamental rights (Picture 1). However, even if both the normalization process and CFSP alignment were exclusively viewed through geopolitical lenses, Chapters 23 and 24 of the Fundamentals cluster receive the lowest grades in European Commission progress reports.[31] These chapters, integral to the Europeanization process, fall under national competences, and their poor scores cannot be solely attributed to geostrategic or exogenous influences.[32] Rather than demonstrating pro-European stances by more deeply aligning with non-geopolitical aspects such as judiciary and fundamental rights, these domains remain marginalized, indicating a lack of intention to join the EU.

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[29] Consult chapters on Serbia, Montenegro: Pan-Slavism and Slavophilia in Contemporary Central and Eastern Europe, Mikhail Suslov, Marek Čejka and Vladimir Đorđević (eds), Palgrave Macmillan, Cham, 2023.

[30] Since 2022, the CFSP argument is used to speed up EU integration in Southeastern/Eastern Europe.

[31] Clusters 1 and 6 are evaluated identically (2,6), albeit the Fundamentals carry essential political weight. See (in Serbian): Miloš Petrović, „Političke posledice prepoznavanja perspektive članstva u Evropskoj uniji za tri istočna partnera", *Evropsko zakonodavstvo*, Vol.XXIII, No. 85, p. 27.

[32] EU Negotiating Platform in 2014 stated that Serbia could meet the membership criteria in mid-term. See: Ministarstvo pravde, Opšta pozicija EU, MP, 2014, Available from: https://www.mpravde.gov.rs/files/pregovaracki okvir%201.pdf (Accessed 10 April 2024), p. 4. However, Serbia has not made convincing progress even a decade later.
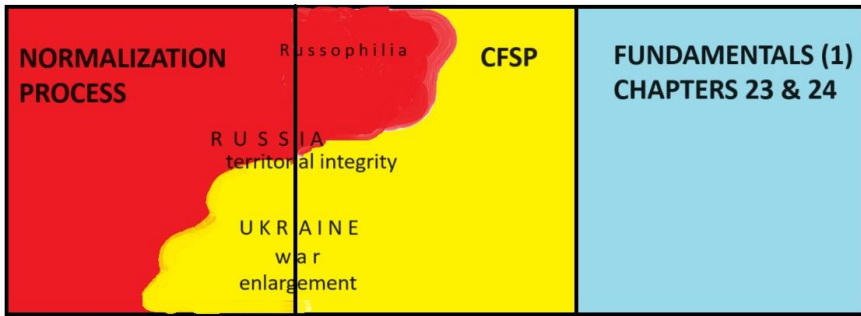
Picture 1: Simplified illustration of the "veto-chapters" in Serbian EU integration process (self-made). Unlike the first two (partially overlapping) segments, the poor performance in the *Fundamentals* cannot be attributed to external/geopolitical influences/overlappings, but to domestic institutional/democratization issues.

The cost-benefit calculations of domestic WB political actors are intricately linked to several factors, including the role of domestic veto players, adoption costs for domestic political actors, and the credibility of EU threats and promises, all of which have proven challenging for the EU to achieve. [33] In Serbia, veto players such as the Russophile public and political elites wield significant influence, while the adoption costs for domestic elites remain high due to the extensive reforms required to make institutions functional. Furthermore, the credibility of EU threats and rewards has been problematic for years. The reluctance towards EU accession is evident in the stagnant degree of membership preparedness, both overall and in the *Fundamentals* cluster.[34] Maintaining the *status quo* inevitably leads to stagnation. Over the past decade, this strategy has proven effective in maintaining favorable ties with the EU, as perceived by the elites, while mitigating excessive interference from Brussels, particularly in areas concerning the rule of law, judiciary, fundamental rights, and justice, freedom, and security. Despite the prolonged process of European integration, this stagnation should not be interpreted as inaction by the elites but rather as strategic maneuvering to preserve the *status quo*. Why? Because any significant approximation or divergence could endanger their privileged status. The objective to "remain on the EU path" indicates the country's interest in cooperation rather than outright EU accession.

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[33] Vladimir Đorđević, Richard Turcsanyi, and Vladimir Vučković, "Beyond the EU as the 'Only Game in Town': the Europeanisation of the Western Balkans and the role of China", *Eastern Journal of European Studies*, Vol. 12, Issue 2/2021, p. 28.

[34] Strahinja Subotić et al., Spremnost i napredak Srbije ka članstvu u Evropskoj uniji, CEP, 2023, Available from: https://cep.org.rs/wp-content/uploads/2023/11/izvestaj-ek-2023.pdf (Accessed 1 April 2024).

For decades, achieving EU membership has been Serbia's national goal. Serbia is expected to fulfill various criteria, including the Copenhagen criteria, encompassing stable institutions ensuring democracy, the rule of law, human rights, and minority protection; economic conditions, such as a functioning market economy and capability to compete in the EU market; and the ability to adopt and implement EU obligations, as per the EU acquis criteria, including political, economic, and monetary union objectives. Additionally, Serbia is expected to meet the Madrid criteria, which entail developing administrative capacities, and adhere to the Stabilisation and Association Process, involving contractual relations, financial assistance, political dialogue, trade relations, and regional cooperation. Since the 2022 invasion, achieving full CFSP harmonization has also become a focus. Serbia's preparedness for membership has remained similar since 2016 onwards.[35]

Despite the challenge of maintaining EU credibility regarding membership conditions,[36] it's evident that Serbia's progress in meeting EU requirements in crucial integration areas, particularly in Judiciary and Fundamental Rights, remains notably underdeveloped. This includes concerns regarding insufficiently independent institutions, combating corruption and organized crime, ensuring freedom of expression, and protecting political and civil liberties. Specifically, in terms of Chapters 23 and 24 membership preparedness, the Commission identifies "some level of preparation" (grade 2), which not only falls below the average for the Fundamentals cluster (2.6) but also below the general average (which has consistently hovered around 3, indicating "moderate preparedness") for years.[37]

This implies that in domains crucial for Serbia's EU accession progress, institutions remain stagnant across all "veto domains," regardless of their correlation or lack thereof with the normalization process and Kosovo as the national objective. If we assume decision-makers to be rational and motivated by intention, purpose, and interest, the reasons behind Serbia's stagnant position towards the EU cannot solely be attributed to Kosovo-related specificities. Instead, it reflects a reluctance to make substantial progress in the *Fundamentals* cluster, despite negotiations having commenced a decade ago. Serbian foreign policy exhibits these antagonisms and distancing from the EU across various aspects, despite the country formally considering itself a future member state in normative acts.

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[35]   Ibid.

[36]   Frank Schimmelfennig and Ulrich Sedelmeier, "Governance by conditionality: EU rule transfer to the candidate countries of central and eastern Europe", *Journal of European Public Policy*, Vol. 11, No. 4, 2004, pp. 661–679.

[37]   European Commission, Serbia 2023 Report, EC, 2023, Available from: https://neighbourhood-enlargement.ec.europa.eu/document/download/9198cd1a-c8c9-4973-90ac-b6ba6bd72b53 en?filename=SWD 2023 695 Serbia.pdf (Accessed 30 March 2024).

THE OVERVIEW OF RELEVANT DOCUMENTS
IN THE CONTEXT OF COLLIDING OBJECTIVES

The 2005 strategy for Serbia-Montenegro's EU accession acknowledged the "unfinished state framework," including relations with Podgorica and the Kosovo issue, as impediments to formulating the strategy itself.[38] It emphasized Belgrade's expectation of EU support in creating conditions for mutually acceptable solutions, given its strategic determination to join the EU. The EU played a pivotal role in both instances: facilitating the redesign of the Serbo-Montenegrin union and organizing the Montenegrin independence referendum. Furthermore, it remained deeply involved in fostering cooperation between Belgrade and Priština, while attempting to navigate disagreements over the international position of the latter through a status-neutral approach or "constructive ambiguity." This approach aimed to produce shorter-term results by deploying technical language and emphasizing governance while avoiding contentious political issues, as described by Bargues et al. as a 'functional strategy.'[39] The Stabilization and Association Agreement (SAA) was signed in 2008 but only entered into force in 2013. Article 135 stipulates that it is not enforced in Kosovo-Metohija, although this does not preclude its current or future status.[40]

   In 2010, under the auspices of the United Nations, Belgrade recognized the formal EU leadership in the "normalization process," a principle subsequently embedded in acts related to Serbia's accession.[41,42] In 2011, the

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[38] Vlada Republike Srbije, Nacionalna strategija za pristupanje Srbije i Crne Gore Evropskoj uniji, VRS, 2005, Available from: http://www.parlament.gov.rs/upload/documents/seio/NAC STRAT UNDP 2006 gledanje.pdf (Accessed 30 March 2024), p. 10.

[39] Pol Bargués-Pedreny, Assem Dandashly, Hylke Dijkstra, and Gergana Noutcheva, "Engagement against All Odds? Navigating Member States' Contestation of EU Policy on Kosovo", The International Spectator 59, 2024, pp. 19–38.

[40] Ministarstvo za evropske integracije, Sporazum o stabilizaciji i pridruživanju, MEI, 2008, Available from: https://www.mei.gov.rs/upload/documents/sporazumi sa eu/ssp prevod sa anexima.pdf (Accessed 30 March 2024), p. 64.

[41] Serbia's role in the normalization process has been frequently evaluated as constructive. US ambassador in Belgrade stated in 2023 that it was questionable whether Washigton could count on Albin Kurti as a partner, adding that he did not remember such deep disagreements with Priština. As per: Beta, US Ambassador: Serbia is our partner, the question is whether Kurti is, N1, 2023, Available from: https://n1info.ba/english/news/us-ambassador-serbia-is-our-partner-the-question-is-whether-kurti-is/ (Accessed 30 March 2024).

[42] Krstić observes Serbia's European integration process in the context of efforts to "destigmatize" and "normalize" its European status. See: Milan Krstić, Strategije destigmatizacije u spoljnoj politici država: studija slučaja spoljne politike Republike Srbije od 2001. do 2018. godine (PhD thesis), Fakultet političkih nauka, Beograd, p. 150.

European Commission recommended that the Council recognize Serbia as an EU candidate country, citing the progress achieved and urging Belgrade to re-engage in dialogue with Priština and swiftly implement concluded agreements.[43] The European Commission's Strategy paper in the same year underscored the need to address challenging areas like the judiciary, fundamental rights, justice, freedom, and security as early as possible, allowing the candidate country sufficient time to establish a credible reform track record. [44] Initially applied ahead of Croatia's EU entry, this strategy was first fully implemented in Montenegro and Serbia. These areas, crucial for meeting EU political membership criteria, require significant changes regarding the rule of law, establishment of independent institutions, enforcement of true separation of powers, and combating corruption and organized crime. Addressing some of these aspects may conflict with the short-term interests of political elites seeking to retain power.

In 2013, the EU brokered the First Agreement of Principles Governing the Normalization of Relations, wherein Belgrade committed to accepting the functioning of institutions across Kosovo, including a unified police force and integration of judicial authorities. In return, Serbia expected the establishment of the Community/Association of Serbian municipalities as a form of autonomy for Kosovo Serbs,[45] and implicitly, support from the European Commission and European Council for the opening of EU accession negotiations.[46] However, while as a consequence of this (transactional) approach Serbia became one of the accession frontrunners, the Association/Community of Serbian municipalities hasn't been established, causing additional concerns in the (Kosovo) Serbian community, and complicating Belgrade's approach towards the dialogue. Nonetheless, the transactional logic in the EU-Serbian relations continued to revolve around Kosovo.

Negotiation framework for Serbia (2014) *inter alia* envisages "continued engagement of Serbia, in accordance with the SAA conditions, aimed at visible and sustainable improvement of relations with Kosovo*".[47] Serbia's opening

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[43]   EUR-Lex, Commission Opinion on Serbia's application for membership of the European Union, 2011, Available from:https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52011DC0668 (Accessed 31 March 2024).

[44]   European Commission, Enlargement Strategy and Main Challenges 2011-2012, EC, 2011, Available from: https://neighbourhood-enlargement.ec.europa.eu/document/download/f9f9f2f9-2818-429a-9380-4d30c04903d2 en?filename=strategy paper 2011 en.pdf (Accessed 31 March 2024), p. 3.

[45]   Government of the Republic of Serbia, Brussels Agreement, 2013, Available from: https://www.srbija.gov.rs/specijal/en/120394 (Accessed 31 March 2024).

[46]   Marko Dašić, *Medjunarodni politički položaj kao odrednica spoljne politike malih država: studija slučaja Republike Srbije od 2000. do 2018. godine*, PhD thesis, Faculty of Political Sciences, Belgrade, 2020, p. 221.

[47]   Ministarstvo pravde, Opšta pozicija EU, op. cit, str. 7.

statement on that occassion outlined that "fully understanding that the EU accession process and normalization must proceed in parallel and mutually support each other, Serbia will remain fully committed to continuing the normalization process and dialogue with Priština", as well as that "the goal of the accession negotiations is the membership in the EU with all the rights and obligations that come with it" and that by doing so it "aims to protect all vital interests of its citizens."[48] Moreover, the first opened negotiating area was Chapter 35 (concerning Kosovo, alongside 32 – financial control), while chapters 23 and 24 ensued shortly.[49]

The 2019 Defense Strategy highlights that integrating into the EU aligns the country with a broader security community based on mutual assistance and solidarity, while reiterating its opposition to Kosovo's international recognition.[50] It affirms Serbia's commitment to security and defense consultations with the EU, including potential joint actions within the Common Security and Defense Policy.[51,52] Likewise, the 2020 National Security Strategy emphasizes the importance of EU membership, acknowledging its positive impact on political, economic, and social stability. However, it also notes that certain requirements related to further "normalization of relations" with institutions in Priština hinder the realization of its membership goal. Thus, maintaining a status-neutral normalization process is deemed crucial.[53] Both strategies emphasize Serbia's national interest in retaining claim over the breakaway territory.

Simultaneously, the preparedness to meet EU membership criteria in the fundamentals cluster has worsened or stagnated amid the lack of separation of powers and increasing authoritarianism,[54] indicating a declining political interest in EU accession. Legal harmonization efforts between mid-July

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48   Vlada Republike Srbije, Uvodna izjava Republike Srbije, 2014, Available from: https://www.mpravde.gov.rs/files/pregovori uvodnaizjava%201.pdf (Accessed 17 February 2024), p. 7–10.

49   European Commission, Serbia, EC, 2024, Available from: https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/serbia en (Accessed 17 February 2024).

50   Pravno-informacioni sistem, Strategija odbrane Republike Srbije, PiS, 2019, Available from: https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/skupstina/strategija/2019/94/1 (Accessed 17 February 2024).

51   Ibid.

52   Serbian participation in CSDP-led missions and operations is positively evaluated by the European Commission.

53   Pravno-informacioni sistem, Strategija nacionalne bezbednosti Republike Srbije, PiS, 2019, Available from: https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/skupstina/strategija/2019/94/2 (Accessed 17 February 2024).

54   Damir Kapidžić, "The rise of illiberal politics in Southeast Europe", *Southeast European and Black Sea Studies*, Vol. 20, No.1/2020, p. 4.

2022 and 2023 revealed a mere 29% alignment rate (with only 72 out of 245 acts adopted during that period).[55] Drawing on illiberal practices in Czechia (which could also apply to Serbia, author's note), Weiss examines "de-Europeanization" as a counterpoint to Europeanization, consisting of disengagement from EU policymaking, a shift in professional norms toward national perspectives, and a departure from foundational EU norms.[56] This drift away from EU standards, norms, policies, and practices is evident in both Serbia's political discourse and practice, stemming from perceived excessive, inadequate, or arbitrary EU conditionality, as well as concerns regarding high political costs, populist issues, partisanship, and its impact on institutions and power retention prospects.

The 2020 revised methodology failed to substantially improve the quality and pace of stalled accession negotiations, as the issues were predominantly political rather than technical.[57] Additionally, the pandemic highlighted distancing from the EU, evident in humanitarian and health domains,[58] along with more critical tones in the 2020 Progress Report. The report highlighted issues such as disproportionate violence during post-lockdown protests in Belgrade and partial boycotts of opposition parties in various elections, leading to a lack of pluralism in institutions.[59] However, it also noted Serbia's continued engagement in the normalization dialogue, [60] emphasizing the importance of Belgrade's constructive approach.

The war in Ukraine significantly influenced the attitudes of EU elites and citizens towards EU enlargement, leading to changes in the CFSP that also affected EU-Serbian relations.[61] Firstly, Brussels implemented various

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[55] Ministarstvo za evropske integracije, Izveštaj o sprovođenju NPAA za treće tromesečje 2023, MEI, 2023, Available from: https://www.mei.gov.rs/upload/documents/ nacionalna dokumenta/npaa/npaa 23 trece tromesecje novembar.pdf (Accessed 10 February 2024), p.1.

[56] Tomáš Weiss, "De-Europeanisation of Czech policy towards Eastern Partnership countries under populist leaders", *Journal of European Integration*, Vol. 43, No. 5/2021, p. 588.

[57] Ivana Radić Milosavljević and Spasimir Domaradzki, "The EU's raison d'état in the Western Balkans:Can the new enlargement methodology help?", *Medjunarodni problemi*, Vol. LXXIV, No 3/2023, pp. 391–410.

[58] E.g., Serbian authorities were more inclined towards cooperation with China during the early stage of the pandemic.

[59] European Commission, Serbia 2020 Report, EC, 2020, Available from: https:// neighbourhood-enlargement.ec.europa.eu/system/files/2020-10/serbia report 2020. pdf (Accessed 30 March 2024), p. 4.

[60] Ibid, p. 67.

[61] Duško Lopandić, Neven Cvetićanin and Mariana Maksimović, "The European Union at a Historical Watershed", in: Duško Dimitrijević and Toni Mileski (eds.), International Organizations: Serbia and Contemporary World Vol. 1, Institute

restrictive measures against Moscow. Secondly, the decoupling from Russia resulted in increased pressure on EU candidates to follow suit, a step Belgrade mostly declined except for some symbolic gestures. This refusal to align with the CFSP led to a drop in Serbia's harmonization rate, posing an additional obstacle to its EU path due to unanimous support across Europe and consequences for EU accession. Thirdly, the EU's enlargement policy was expanded and reactivated in response to the crisis, aiming to promote additional regional stability, cooperation, and peace following the war, which also impacted Brussels' efforts to accelerate reconciliation between Belgrade and Priština. As CFSP and normalization aspects became increasingly intertwined, presenting a challenge for Belgrade, there was also a lack of focus on aligning the judiciary and fundamental rights with EU standards. This suggests a lack of commitment to meeting membership criteria in all three fundamental areas, indicating a lack of interest in joining the Union.

CONCLUDING REMARKS: LOOKING BEYOND "BURIDAN'S DONKEY"

In their earlier research, Djukanović and Lađevac highlighted the importance of predictability in contemporary international relations, stressing the necessity of adopting a foreign policy strategy to define goals and tasks in states' external activities.[62] However, in Serbia, the absence of a foreign policy strategy and predictability can be attributed to the lack of an EU accession strategy. On one hand, this absence correlates with the contentious normalization process with Priština and indirectly affects CFSP alignment. Conversely, poor performance in the Fundamentals cluster, crucial to the Europeanization process, cannot be solely attributed to external or geopolitical factors. This paper aims to demonstrate that foreign policy is increasingly influenced by the *de facto* abandonment of the EU accession goal, even though this decision has not been officially articulated to the domestic or international community. This trend is evident across various domains, particularly judiciary and fundamental rights. As closer alignment with the EU entails greater exposure to Brussels' demands in areas such as the division of powers, judiciary functionality, internal affairs, and fundamental rights, political elites are inclined to maintain the *status quo*. However, this directly contradicts Serbia's obligations and actions aimed at securing EU accession.

Therefore, the author argues that political rhetoric reminiscent of Buridan's donkey is utilized to maintain the alleged strategic importance of EU

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of International Politics and Economics, Belgrade, Faculty of Philosophy of the University of St. Cyril and Methodius, Skopje, 2022, p. 446.

[62] Dragan Đukanović and Ivona Lađevac, "Prioriteti spoljnopolitičke strategije Republike Srbije", *Medjunarodni problemi*, Vol. LXI, br. 3/2009, p. 360.

accession while shifting blame onto the Union for any negative developments in the process. The Union is portrayed as imposing impossible conditions and hindering Serbian accession progress. These narratives serve to lower public expectations regarding EU accession while portraying authorities as striving to achieve national interests amidst "impossible" obstacles. Anti-EU sentiments are employed to evade comprehensive obligations assumed during the accession process, particularly in meeting criteria related to Cluster 1, such as combating corruption, organized crime, and enhancing institutional effectiveness. The reluctance to further align with the EU is reinforced by linking Kosovo-Metohija with other domains, such as CFSP and relations with Russia, and portraying the EU as an unsuccessful and flawed project. This fosters a sense of futility regarding European integration goals and discourages further Europeanization efforts across various domains.

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Paradoxes of European Integration of Serbia**

ABSTRACT

European Integration has been Serbia's long standing foreign policy goal. However, the lengthy association and accession negotiation process has been marked by three paradoxes. The first has to do with the Serbian position on the EU's conditionality policy: namely, advancement in the accession process was linked to Serbia gradually renouncing its intent to defend the national interest of preserving its own sovereignty and territorial integrity. That is why the majority of Serbian political parties, not being able to explain the first paradox to their voters, became deliberately vague concerning the topic of European Integration, defining themselves largely as 'European' but avoiding political debate about Serbia's conflicting foreign policy goals. On top of this, the accession process is marked also by a third paradox: while the latest amendment to the negotiating Chapter 35 implies even stricter conditionality, the decision to start accession negotiations with Ukraine and Moldova heralds a turn in the EU's enlargement policy from full to differentiated membership, which gives Serbia more room not to give up on its two goals: preserving its territorial integrity and the process European integration.

KEYWORDS: *Serbia, European Integration, conditionality, foreign policy, accession negotiations*

INTRODUCTION

After the 5 October 2000 changes occurred in Serbia, European integration became one of the priorities of foreign policy. However, "Serbia's European path", which lasted more than 20 years, was marked by paradoxes that caused the external incentives model centred around conditioning (part one) to become the dominant model after the declaration of Kosovo's independence, replacing the value-based model of integration of the early 2000s. This complicated the Serbian position regarding the EU's conditionality policy: advancement in the accession process was linked to Serbia gradually renouncing its intent to defend the national interest of preserving its own sovereignty and territorial integrity, which we will show by analysing the conditioning from 2008 until 2014, the time of the first intergovernmental conference that formally represented the beginning of negotiations on Serbia's accession to the European Union (part two). During the above period, most Serbian political parties became deliberately vague concerning the topic of European Integration, defining themselves largely as 'European' but avoiding political debate about Serbia's conflicting foreign policy goals, and this position of the majority of the parties dominates even today. To make the paradox even greater, since the great enlargement of 2004, the EU has gradually tightened the conditionality in the process of accession negotiations by multiplying the number of veto points and facilitating the possibility of suspension of negotiations, which puts Serbia in a particularly difficult position since the issue of Kosovo is part of the negotiation Chapter 35 (part three).

FROM VALUE BASED APPROACH TO SERBIA'S EXTERNAL INCENTIVES EUROPEAN INTEGRATION MODEL: CONDITIONALITY ON TOP OF THE AGENDA

The launch of the EU Stabilisation and Association Process for the Western Balkans, as well as the prospect of membership, enabled the expansion of the so-called external governance[1] of the EU in the region, i.e. the gradual adoption of its norms by the countries of the region. But why would a non-member country want to adopt EU norms? Frank Schimmelfennig and Ulrich Sedelmeier indicate that three models prevail in the explanation of this phenomenon: the model of external incentives, the model of social learning, and the model of learning lessons. The social learning model is based on social constructivism: in short, actors adopt values and rules, viewing them

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[1]   Frank Schimmelfennig, Ulrich Sedelmeier, "Governance by Conditionality: EU Rule Transfer to the Candidate Countries of Central and Eastern Europe", *Journal of European Public Policy* 11:4 August 2004: 669–687, p. 669–670.

as legitimate and appropriate (and not because they are the result of reward and punishment bargains), while the EU's model of action is persuasion (and not coercion). The model of learning lessons implies that a country adopts norms without encouragement and persuasion from the EU, doing it because it believes that the application of those rules will solve problems related to certain public policies.[2] In the case of Serbia, the social learning model based on the sharing of values on which the European Union was founded prevailed in the early 2000s. Since the 5 October 2000 changes, Serbia's foreign policy goals and priorities have been aimed at overcoming the country's long isolation and its active engagement in reintegration into the international community. A new foreign policy was defined in accordance with the above and comprehensively presented for the first time in the *exposé* of the then Minister of Foreign Affairs of the Federal Republic of Yugoslavia (FRY) in the Federal Assembly. Entry into the EU was increasingly highlighted as a priority of foreign policy and a prerequisite for the general stabilisation and consolidation of the country.[3] For Serbia, membership in the EU was a strategic decision. The first Prime Minister of Serbia after the changes of 5 October, Zoran Djindjić, also emphasised that legislative reform in line with EU standards was necessary so that "in ten years, at the latest, we can become a member of the European Community".[4] The Democratic Party of Serbia (DSS), of the then-President of the FRY and later Prime Minister of Serbia Vojislav Koštunica, also advocated for integration: "There is no doubt that the Serbian public is convinced that Serbia essentially belongs to Europe, and that there is a need for a formal confirmation of that affiliation, i.e. full membership in European structures".[5]

However, after the declaration of Kosovo's independence, although there were examples that would fall under the social learning model (such as the unilateral implementation of the Stabilisation and Association Agreement (SAA), which was justified by the fact that Serbia would demonstrate the ability to implement the assumed obligations), there is no doubt that the dominant system was that of external incentives centred around conditioning. By

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[2] *Ibid.*, pp. 669–670.

[3] Jovan Bazić, Eva Kurek Bujvid, Žarko Obradović, „Srbija i izazovi evropskih integracija", *Srpska politička misao*, 2019, 26:64, pp. 49–72, p. 51; Slobodan Samardžić, *Evropska unija: sistem u krizi: sa studijom slučaja o odnosima Srbije i EU*, Izdavačka knjižarnica Zorana Stojanovića Sremski Karlovci, Novi Sad, 2016, p. 331.

[4] Government of the Republic of Serbia, "Ekspoze dr Zorana Đinđića u Skupštini Srbije", Belgrade, 24 January 2001, available at: https://www.srbija.gov.rs/vest/344243/ekspoze-dr-zorana-djindjica-u-skupstini-srbije.php (accessed on 15 December 2023)

[5] Government of the Republic of Serbia, "Ekspoze predsednika Vlade Republike Srbije dr Vojislava Koštunice", 2 March 2004, available at: https://www.srbija.gov.rs/vest/4775/ekspoze-predsednika-vlade-republike-srbije-dr-vojislava-kostunice.php (accessed on 15 December 2023)

the end of 2011, the conditions presented before Serbia had to do with full cooperation with the Hague Tribunal, while those related to the completion of Kosovo's statehood, rather than democratisation and the rule of law, dominated from 2011 on.

Although conditionality exists in numerous forms of EU cooperation with third countries, in the enlargement policy it represents the strongest lever by which the European Union exercises influence in candidate countries.[6] The model of external incentives is based on the logic of rational expectations, and the actors behave strategically with the aim of maximising their profit, that is, power. The EU exerts influence through the strategy of conditionality, and the effectiveness of this approach depends on the specificity of the conditions, the scope and speed of the benefits that the third country achieves by fulfilling the conditions, the credibility of EU's threats and rewards, and the extent of the costs that arise for the third country once it fulfils the EU conditions. According to this model, in terms of the scope of the benefits a country realises if it complies with the set conditions, this factor should have the strongest influence in the enlargement policy because in that case there is the possibility of membership as the most significant incentive. In this respect, the scope of benefits does not differ from that which existed in the case of Central and Eastern European (CEE) countries. However, when it comes to the credibility of the award, unlike the expansion to the CEE countries which was high on the list of EU priorities, strategically led by Germany and with a strong geopolitical connotation,[7] the Western Balkans remained the "suburbs of the suburbs".[8]

As regards credibility, Schimelfenig and Sedelmeier state that the specificity of the conditions has a decisive influence on compliance with EU rules: the more specific the conditions, the greater the credibility of the conditionality, because not only is it precisely determined what is expected of the country that needs to fulfil the condition, but manipulation of interpretations about the fulfilment of conditions is avoided as well. Such an approach simultaneously binds the EU itself – when the conditions are clearly

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[6]   For additional information, see: Frank Schimmelfennig, Ulrich Sedelmeier, "Governance by Conditionality: EU Rule Transfer to the Candidate Countries of Central and Eastern Europe", op. cit.; Heather Grabbe, *The EU's Transformative Power: Europeanization through Conditionality in Central and Eastern Europe*, Palgrave, 2006; Marko Mandić, „Uticaj politike uslovljavanja Evropske unije na spoljnu politiku Republike Srbije", *Politička revija*, no. 04/2020 year (XXX) XX vol. 66, pp. 363–382; Stefan Nedeljković, „Evropeizacija Srbije", *Međunarodna politika*, year LXV, no. 1153–1154, 2014, pp. 90–112.

[7]   Maja Kovačević, „Evropska unija između politike proširenja i tendencija produbljivanja evropske integracije", in: Slobodan Samardžić (ed.) *Srbija u procesu pridruživanja Evropskoj uniji*, Official Gazette, Belgrade, 2009, pp. 15-43.

[8]   Dimitar Bechev, "The Periphery of the Periphery: The Western Balkans and the Euro crisis", *European Council of Foreign Relations Policy Brief*, August 2012.

defined, it is more difficult for the EU to withhold the promised reward.[9] However, one should not forget that, in the case of the Western Balkans, not only the criteria from Copenhagen and those related to the adoption of EU *acquis* were applied, but there were also other conditions such as cooperation with the Hague Tribunal and those related to state building. The conditions that were set by the EU in this process not only lacked clear criteria, but were also subject to inconsistent action by various actors involved in the process[10] and open to very different interpretations.

According to the external incentives model, if third countries are faced with decisive conditionality and are presented with a satisfactory reward, then the amount of costs and their distribution in a particular country will have a decisive influence on whether the country will accept or reject conditionality.[11] The political costs of fulfilling the conditions are high in the Western Balkans because they not only imply the renunciation of certain levers of power, state capture and rent-seeking practices, but also include issues of statehood, as in the case of Bosnia and Herzegovina or Serbia regarding Kosovo, as well as identity, as in the case of North Macedonia. But Schimelfenig and Sedelmeier point out that even in conditions of high political costs, the EU can ensure the fulfilment of its demands if it offers that country a significant immediate reward, as was the case with Macedonia, which was offered to sign the SAA in 2001 if it accepted the Ohrid Agreement. However, this award, on the other hand, undermined the credibility of the conditions that were set for other countries regarding the signing of the SAA.

The credibility of conditionality has two aspects: there must be a credible threat by the EU that a certain benefit will be withheld in case of non-compliance, but there must also be a credible promise of a reward in case of compliance. Finally, the credibility of conditionality is affected by yet another factor: disputes over conditions in the EU itself, which send contradictory signals to the country in question. In addition, if the EU is seen as subordinating conditionality to other political, strategic or economic interests, the compliant country will expect to receive the award even without meeting the conditions. This is precisely the case with the Western Balkans, which still represents a security challenge for the EU. Not only is the region made up of post-conflict societies, but is also characterised by the weakness of states which implies a lack of rule of law, developed organised

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[9] Frank Schimmelfennig, Ulrich Sedelmeier, "Governance by Conditionality: EU Rule Transfer to the Candidate Countries of Central and Eastern Europe", op. cit., p. 672.

[10] For additional information, see: Florian Bieber, "Building Impossible States? State-Building Strategies and EU Membership in the Western Balkans", *Europe-Asia Studies*, vol. 63, no. 10, 2011, pp. 1783–1802.

[11] Frank Schimmelfennig, Ulrich Sedelmeier, "Governance by Conditionality: EU Rule Transfer to the Candidate Countries of Central and Eastern Europe", op. cit., pp. 671–675.

crime, widespread corruption, weak pro-democratic reform coalitions and illegitimate institutions.[12] We have pointed out that the contestation of statehood represents an additional problem – several states in the region are facing secessionist tendencies, controversies regarding national identity, unresolved border issues, ethnic tensions and reconciliation problems.[13] This context has contributed to the inconsistent application of conditionality,[14] and consistency should be demonstrated at three levels – in the Union itself, where member states and EU institutions should "speak with one voice", over time, and in different cases.[15]

A contradiction that would weigh on Serbia's policy towards European integration was already noticeable at the end of 2007 – the model based on sharing values was to turn into increasingly strict conditionality, with Kosovo at the centre. A public opinion survey from November 2007 showed that, when posed the question "If faster accession to the EU is conditioned by our recognition of the independence of the Republic of Kosovo, do you think that such a condition should be accepted?", nearly 15% of the respondents answered positively, 75% answered negatively, while 10% had no opinion.[16] At the same time, more than 70% of citizens supported Serbia's entry into the EU, just like in 2002,[17] and it was only later that numerous disappointments led to the increase of Euroscepticism. Unfortunately, the issue regarding which the domestic political scene was in agreement, has became the issue that is dividing the citizens – not because they do not believe in the economic benefits of association, but because they are not ready to give up Kosovo for the sake of the Union.[18] Branko Milanović proposed that the largest parties agree on a platform that would offer a redefinition of relations with the EU in the direction of the greatest possible economic and institutional closeness

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[12]　Othon Anastasakis, "The EU's political conditionality in the Western Balkans: Towards a more pragmatic approach", *Southeast European and Black Sea Studies*, 8(4), 2008, pp. 365–377, p. 371.

[13]　For additional information, see: Maja Kovačević, "The EU's Stability-Democratisation Dilemma in Western Balkans: The Case of Serbia", *Australian and New Zealand Journal of European Studies* (ANZJES), Vol. 10 (3) 2018, pp. 9–23.

[14]　For additional information, see: Frank Schimmelfennig, Ulrich Sedelmeier (2020) "The Europeanization of Eastern Europe: the external incentives model revisited", *Journal of European Public Policy*, 27:6, 2020, pp. 814–833.

[15]　Mathias Dobbels, "Serbia and the ICTY: How Effective Is EU Conditionality?", EU Diplomacy Papers 6/2009, College of Europe, p. 12.

[16]　Marko Albunović, „Srpski izbor: EU, izolacija, ruska gubernija", *Politika*, 19 December 2007.

[17]　Milica Marković Tomić, „Mediji i teme u vezi sa evropskom integracijom Srbije u periodu 2002–2016", *CM : Communication and Media*, 2016, XI(37), pp. 3–17, p. 3.

[18]　Branko Milanović, „Glas protiv pregovora sa EU", *Politika*, 17 April 2008.

that would be compatible with non-membership.[19] However, the politics of "Both Kosovo and Europe" prevailed on the Serbian political scene.

THE POLITICAL SCENE OF SERBIA, THE 2008 AND 2012 ELECTIONS, AND THE ISSUE OF EUROPEAN INTEGRATION: "BOTH KOSOVO AND EUROPE"

How did the "Both Kosovo and Europe" policy come about? The moment the presidential elections in Serbia were scheduled for 20 January 2008, a campaign began to convince the citizens that the Kosovo issue would not affect the process of European integration. With the support of the EU,[20] the opinion that prevailed in the domestic pro-European forces was that Serbia's progress towards EU membership would not depend on the issue of Kosovo, causing the emergence of a policy that could be summed up in the pre-election slogan of the then presidential candidate Boris Tadić "Both Kosovo and Europe",[21] which is still Serbia's official policy. Early parliamentary elections were held in May 2008, and were dominated by the debate on the costs and benefits of continuing the process of European integration. Thanks to the turn of the Socialist Party of Serbia from a Eurosceptic to a pro-European orientation, the Democratic Party, which won the most mandates in these elections with the "For European Serbia" list, formed a coalition government with the Socialist Party of Serbia and minority parties. Nevertheless, after these elections, it gradually became more and more obvious that Serbia's further progress in the process of European integration will in fact be linked to Kosovo, which we will show by describing the conditions that were presented until 2014, when the first intergovernmental conference was held, formally representing the beginning of negotiations on Serbia's accession to the European Union.

In December 2009, Serbia submitted an application for membership in the European Union. However, almost a year passed from the submission of the candidacy until the EU Council decided to forward it to the European Commission (EC) for consideration. The reason was once again Kosovo. Namely, at the end of July 2010, Serbia submitted to the UN General Assembly a draft resolution which contained the position that unilateral secession is not an acceptable way to resolve territorial issues and called for a dialogue to reach a mutually acceptable solution to all open issues. At the end of August, the foreign ministers of Germany and Great Britain came to Belgrade. They

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[19] *Ibid.*

[20] For additional information, see: Miloš Petrović, Maja Kovačević, Ivana Radić Milosavljević, *Srbija i Evropska unija dve decenije nakon Solunskog samita*, Institut za međunarodnu politiku i privredu, Belgrade, 2023.

[21] Miša Laketić, Jelena Cerovina, „Tadić: Ne odustajemo ni od Kosova ni od Evrope", *Politika*, 23 December 2007.

exerted great pressure on behalf of the EU, giving Serbia a choice: either formulate a weaker resolution, together with the EU, or jeopardise integration into the EU.[22] The pressures were apparently successful and Serbia withdrew its draft resolution. It subsequently submitted a new proposal, together with 27 EU member states. The new resolution, which was adopted on 9 September 2010, no longer mentioned the unilateral secession of Kosovo. In it, Serbia took note of the opinion of the International Court of Justice and welcomed the EU's willingness to facilitate a dialogue between the parties.[23] In essence, this step strengthened the mediation role of the EU in the dialogue, while Serbia's cooperativeness was rewarded on 25 October 2010, when the Council of Foreign Ministers of the EU made a decision to invite the EC to present an opinion on Serbia's candidacy for membership in the Union. However, new conditions were to follow.

The approval of Serbia as a candidate for EU membership was conditioned by the start of direct talks between Serbian officials and representatives of Kosovo Albanians. Negotiations between Belgrade and Pristina on so-called technical issues have been conducted intensively since the spring of 2011 (issues of cadastre and registry books, telecommunications and air traffic, electricity supply, freedom of movement, personal and travel documents, car insurance, drivers' licenses and license plates, recognition of university diplomas, the customs stamp). Negotiations that were scheduled for September of that year were not held due to incidents in the north of Kosovo regarding the deployment of Albanian customs officers at the administrative crossings of Jarinje and Brnjak.

In an attempt to calm the situation on the ground, but also to expand the space for conditionality, on 12 October 2011 the EC recommended in its opinion on Serbia's candidacy that Serbia be granted the status of a candidate for membership, and that the negotiations begin as soon as Serbia achieves progress in the dialogue with Pristina. There were messages from the EU that concrete results of the dialogue were expected by November 2011, before the EU Council was to make a decision to grant Serbia the candidate status.[24] A new round of negotiations on the recognition of diplomas was held in Brussels on 21 and 22 November under these circumstances. An agreement was not reached on the participation of Pristina in the regional gatherings,

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[22]   *Ibid.*

[23]   United Nations, "Adopting Consensus Resolution, General Assembly Acknowledges World Court Opinion on Kosovo, Welcomes European Union Readiness to Facilitate Process of Dialogue", 9 September 2010.
       General Assembly GA/10980, available at: https://press.un.org/en/2010/ga10980. doc.htm (accessed on 11 November 2023).

[24]   Biljana Mitrinović, „Dijalog o Kosovu počinje u Briselu", *Politika*, 27 February 2011.

or on the crossings.[25] On 28 November 2011, another armed conflict broke out in the north of Kosovo, between KFOR soldiers and Serbs in the village of Jagnjenica, when dozens of Serbs and a large number of KFOR soldiers, mostly German and Austrian, were injured. President Boris Tadić called on the Serbs to leave the barricades and thus avoid further confrontations with KFOR.[26] The negotiations on solving the issue of administrative crossings that began on 30 November were already entering the "candidate status time squeeze",[27] and in the end an agreement was reached on "integrated management of the crossings between Kosovo and central Serbia".[28]

The achievement of the aforementioned agreements was not enough to obtain candidate status. The content of the conditions set for Serbia could also be noted in the statement of German Chancellor Angela Merkel in August 2011 that Serbia could not count on obtaining a candidate status until it abolishes "parallel structures in the north of Kosovo".[29] Although Germany did not ask for formal recognition of Kosovo, its demands went towards the fundamental recognition of Kosovo's independence in the form of a series of individual concessions – the abolition of parallel institutions in the north, primarily judicial, the abolition of local self-governments financed by Belgrade, the implementation of agreements that were already reached between Belgrade and Pristina, the *de facto* recognition of state borders of Kosovo, and regional representation of Kosovo without the label stating that it is a protectorate of the United Nations. Otherwise, the process of European integration would freeze.[30]

At the beginning of December 2011, the EU Council discussed granting a candidate status to Serbia, but Germany's hard position prevailed, making the Council's conclusions welcome the progress in the negotiations, but demanding "a visible and sustainable improvement in relations with Kosovo" with full respect of principles of inclusive regional cooperation, full compliance with the provisions of the agreement on the energy community, finding solutions for the telecommunications issue, continuing the implementation

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[25] Milan Milošević, "Ausweis, bitte", Vreme no. 1092, 8 December 2011, available at: https://old.vreme.com/cms/view.php?id=1023359 (accessed on 15 March 2024).

[26] Ognjen Pribićević, „Srbija između EU, Kosova i Metohije i predstojećih parlamentarnih izbora", *Srpska politička misao*, 1/2012, pp. 187–210, p. 200.

[27] Milan Milošević, „Ausweis, bitte", op. cit.

[28] Premda je na engleskom, a i u terminologiji EU, reč o granicama (*Integrated border management – IBM*).

[29] Slobodan Antonić, „O 'debriselizaciji' birača: evroskepticizam u javnom mnjenju Srbije", *Nacionalni interes*, IX, vol. 16, no. 1/2013, pp. 79–99, p. 87.

[30] Lidija Valtner, „Svi usponi i padovi evropskog puta Srbije", ANTIDOT, 30 April 2015, available at: https://www.anti.media/medunarodna-bezbednost/nezavisna-medijska-mreza-zapadni-balkan/evropski-put-srbije/ (accessed on 15 March 2024).

of agreements reached so far, and active cooperation with EULEX.[31] This was later confirmed by the European Council, which announced that, depending on the fulfilment of the conditions, a decision on granting candidate status will be made in February 2012.[32]

The negotiations conducted between Belgrade and Pristina at the beginning of 2012 were aimed expressly at abolishing the parallel structures in the north of Kosovo.[33] The EU's conditions for the actual integration of Serbs into the "state system" of Kosovo were partially accepted, except for the four northern municipalities. The Agreement on Regional Representation of Kosovo was reached at the end of February 2012. Once this agreement was reached, on 1 March 2012 the European Council made a decision to grant Serbia the status of candidate for membership,[34] thus encouraging further cooperation of Belgrade in its dialogue with Pristina.

According to Dragan Djukanović, the Democratic Party ended its period of dominance in power, which lasted from 2008 to 2012, with a rather impersonal conception of the "four pillars" of foreign policy, which implied a largely unrealistic foundation of Serbia's foreign policy position between the leading global actors – the EU, the USA, the Russian Federation and the People's Republic of China.[35] Political conditionality related to cooperation with the Hague Tribunal ended during this government's mandate, but international support for the Democratic Party began to weaken despite this. Djukanović indicates that a kind of turning point came after the already mentioned visit of Angela Merkel in 2011 and the presentation of a set of conditions to the then government relating to the "parallel" institutions in the north of Kosovo, and the possibility for the EULEX mission to exercise all its powers north of the Ibar River. President Boris Tadić refused to abolish

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[31]   Council of the European Union, "Council conclusions on enlargement and stabilisation and association process", Brussels, 5 December 2011, available at: https://www.consilium.europa.eu/uedocs/cms data/docs/pressdata/EN/genaff/126577.pdf (accessed on 20 March 2024).

[32]   European Council, "European Council Conclusions", EUCO 139/1/11 REV 1, 9 December 2011, available at: https://data.consilium.europa.eu/doc/document/ST-139-2011-REV-1/en/pdf (accessed on 20 March 2024).

[33]   Slobodan Antonić, „O 'debriselizaciji' birača: evroskepticizam u javnom mnjenju Srbije", op. cit., p. 87.

[34]   European Council, "European Council 1/2 March 2012 Conclusions", Brussels, 2 March 2012, available at: https://data.consilium.europa.eu/doc/document/ST-4-2012-INIT/en/pdf (accessed on 20 March 2024).

[35]   Dragan Djukanović, „Spoljnopolitičko pozicioniranje Srbije (SRJ/SCG) od 1992. do 2015. Godine", *Medjunarodna politika*, issue no: 1159-1158, 66/2015, pp. 115–127, p. 119.

"parallel" institutions,[36] after which the previously strong support of the EU and the USA for the Democratic Party began to recede.[37] Dissatisfied with the reply, the officials of the EU and its member states started looking for partners in the representatives of the opposition.[38] Unlike during the 2008 elections, when the EU played an active role, in the 2012 elections it acted more discreetly, accepting cooperation with parties that took a pro-European position on the rearranged Serbian political scene.

Namely, in the meantime certain changes occurred in the opposition scene of Serbia. As Milan Jovanović explains, major changes in the party system first came about after the formation of the government of the Democratic Party and the Socialist Party of Serbia in 2008, and later with the split in the Serbian Radical Party. After eight years, the Socialists returned to power and had the opportunity to reposition themselves on the party stage, improve their international reputation, somewhat reduce the stigmatisation from the 1990s and thus stop the enormous drop they experienced in ratings. After the split of the Serbian Radical Party, about twenty of its MPs formed a special parliamentary group, which, aided by the tacit support of the ruling majority, managed to preserve its mandates and thus institutionalise itself as a faction that would soon grow into an entirely new party.[39] The transition of the Socialists to the pro-European bloc and the clear positioning of the newly formed Serbian Progressive Party in favour of Serbia's membership in the EU increased the number of partners in Serbia that were politically acceptable for the Union.

In the 2012 elections, as well as later, the issues of Kosovo and European integration were not dominant campaign topics. The analysis by Zoran Stojiljković and Dušan Spasojević shows that the policy of "Both Europe and Kosovo" was more clearly noticeable among the Democrats even before the elections in May 2012, while the Serbian Progressive Party supported the shift of the focus of the political struggle from the issue of Kosovo and the EU to economic issues.[40] The two above parties, which were represented in the campaign the most, viewed the compatibility of the state and economic interests of Belgrade and Brussels as something that was unquestionable and

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[36] Ognjen Pribićević, „Srbija između EU, Kosova i Metohije i predstojećih parlamentarnih izbora", op. cit., p. 192.

[37] Dragan Djukanović, „Spoljnopolitičko pozicioniranje Srbije (SRJ/SCG) od 1992. do 2015. godine", op. cit, p. 120.

[38] *Ibid.*, p. 120.

[39] Milan Jovanović, „Parlamentarni izbori u Srbiji 2012. godine – rezultati i političke posledice", *Srpska politička misao*, no. 4/2012, year 19, vol. 38, pp. 11–32, pp. 13–14.

[40] Zoran Stojiljković, Dušan Spasojević, „Populistički Zeitgeist u 'proevropskoj' Srbiji", *Politička misao*, year 55, no. 3, 2018, pp. 104–128, pp. 111, 115.

self-evident.[41] The slogan "Both Europe and Kosovo" obscured the absence of a social debate about the interests and various possibilities that stood before Serbia in the process of European integration, e.g. economic integration as an alternative to EU membership,[42] which would significantly narrow the space for conditionality (although there should be no doubt that the pressures would be strong within that framework as well). The consequence was that Serbia's foreign policy approach remained torn between two goals: preservation of sovereignty in Kosovo, and integration into the EU as fast as possible.[43]

In an attempt to obtain a date for the start of negotiations, the government that was formed in 2012 continued the dialogue with Pristina and the Agreement on Integrated Border Management was soon accepted, effectively establishing a border line between Serbia and Kosovo. The first agreement on the principles of normalisation of relations between Belgrade and Pristina (the so-called Brussels Agreement) was signed on 19 April 2013. Under this Agreement, Serbia gave up management functions in four municipalities in the north of Kosovo and Metohija, accepted Kosovo legislation in all matters of the Agreement (municipal self-government, judiciary, the police) and committed to the full implementation of previously concluded agreements. Until then, this was the biggest step towards the "normalisation of relations" between Belgrade and Pristina.[44] The plan for its implementation, which was agreed upon in May 2013, was adopted as well. Immediately after the signing of the Brussels Agreement, as early as on 22 April 2013, the EC recommended to the EU Council to open accession negotiations with Serbia. On 28 June 2013, the European Council decided to open accession negotiations, stating that the first intergovernmental conference should be held no later than in January 2014.[45] The willingness to make concessions in the dialogue with Pristina enabled Serbia to make the decision to start negotiations; however, the start itself was delayed because Serbia had to show that it was truly implementing the Brussels Agreement.

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[41]   Slobodan Antonić, „O 'debriselizaciji' birača: evroskepticizam u javnom mnjenju Srbije", op. cit., p. 84.

[42]   For additional information, see: Boris Begović, „Evropske integracije i privredni rast Srbije: ekonomska integracija kao alternativa članstvu u EU", *Anali Pravnog fakulteta u Beogradu*, year LXI, 1/2013, pp. 53–72.

[43]   Nevena Stanković, „Evropske integracije Republike Srbije – Između politike proši-renja i zajedničke spoljne i bezbednosne politike", *Nacionalni interes*, 40 (3), 2021, pp. 187–211, p. 198.

[44]   Jovan Bazić, Eva Kurek Bujvid, Žarko Obradović, „Srbija i izazovi evropskih integra-cija", op. cit., pp. 60–61.

[45]   European Council, "European Council 27/28 June 2013 Conclusions", Brussels, 28 June 2013, available at: https://data.consilium.europa.eu/doc/document/ST-104-2013-REV-2/en/pdf (accessed on 25 March 2024).

THE TIGHTENED METHODOLOGY OF
ACCESSION NEGOTIATIONS AND THE
PARADOX OF CHAPTER 35 FOR SERBIA

Once it was assessed that Serbia had fulfilled a sufficient number of the set conditions, an intergovernmental conference of the EU and Serbia was held in January 2014, marking the beginning of the accession negotiations. In fact, the EU did not make a truly big concession by doing this, as the two negotiation chapters were opened no earlier than almost two years later, once again due to the EU's dissatisfaction with the implementation of the Brussels Agreement.[46] Only after Belgrade, with the mediation of the EU, concluded four more agreements with Pristina in August 2015 (on the union of Serbian municipalities, energy, telecommunications and the passability of the bridge in Mitrovica[47]), the progress was assessed as sufficient in December of that year and two negotiation chapters were opened: Chapter 32 (Financial Control) and Chapter 35 (Other Issues – in which the key issue was the normalisation of relations between Belgrade and Pristina).

In the meantime, since the enlargement of 2004, the EU tightened the conditionality in the process of accession negotiations – from the possibility of negotiations to be suspended in case of a serious violation of the values on which the Union is based, through the introduction of the analytical examination ('screening') as a step that precedes negotiations, to the opening of chapters related to democracy, the rule of law and human rights[48] at the very beginning of the negotiations. The so-called balance clause was also introduced in the course of negotiations with Montenegro and Serbia: should progress in the chapters "Judiciary and Fundamental Rights" and "Justice, Freedom and Security" significantly lag behind the progress that was made in the overall negotiations, negotiations could be halted until the disbalance was addressed.[49]

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[46] Miloš Petrović, "EU Integration Process of Serbia: A Vicious Circle of High Politics?, *The Review of International Affairs*, LXX/2019, Issue No: 1175, pp. 23–48, pp. 37–38.

[47] Slobodan Samardžić, Evropska unija: sistem u krizi: sa studijom slučaja o odnosima Srbije i EU, op. cit., p. 342.; RTV, „Potpisani sporazumi o ZSO, energetici, telekomunikacijama i mostu", 25. avgust 2015.

[48] For additional information, see: Maja Kovačević, "EU's Revised Enlargement Methodology: Emperor's New Clothes As the New Iron Curtain Falls in Europe", *International Problems LXXIV*, no. 3, 2022, pp. 339–365.

[49] "General EU Position: Ministerial meeting opening the Intergovernmental Conference on the Accession of Montenegro to the European Union", CoNFME 2, 29 June 2012, para. 6, available at: https://data.consilium.europa.eu/doc/document/AD-23-2012-INIT/en/pdf (accessed on 5 April 2024); "General EU Position: Ministerial meeting opening the Intergovernmental Conference on the Accession of Serbia to the European Union", CoNF-RS 1, 21 January 2014, para. 24, available at: https://data.

The same procedure would apply, *mutatis mutandis*, should progress in the normalisation of relations with Kosovo significantly lag – due to Serbia failing to act in good faith – behind that which was achieved in the overall negotiations, in particular in the implementation of agreements that were already reached between Serbia and Kosovo. Also, a unique feature was introduced into the negotiation process with Serbia. It refers to Chapter 35, which usually covers issues such as the new *acquis* that entered into force in various chapters after the negotiations were temporarily suspended, access to various special bodies of the EU, etc. This Chapter contains a condition for Serbia "to engage permanently with the aim of achieving a visible and sustainable improvement of its relations with Kosovo*, and this process should gradually, by the end of Serbia's accession negotiations, lead to a comprehensive normalisation of relations in the form of a legally binding agreement". In the case of Serbia, this Chapter was thus turned into a mechanism for monitoring all the agreements – both those already made and those to be achieved in the future – that were concluded as a result of the dialogue on the normalisation of relations between Belgrade and Pristina.[50] The situation became even more complicated by the fact that, on 22 April 2024, the EU's foreign ministers made amendments to Chapter 35 in the accession negotiations with Serbia. According to said amendments, Serbia was to fully implement the obligations arising from the Agreement on the path to normalisation of relations between Kosovo and Serbia, in accordance with the Implementation Annex that was agreed upon on 18 March 2023.[51]

To summarise, the entire enlargement process is now subject to numerous veto points, which the Revised Methodology of 2020[52] did not change. A country's status as a candidate is granted unanimously by the Council of the EU, following the opinion from the Commission and subject to endorsement by the European Council, and the same procedure applies to the decision to open negotiations. Based on the Commission's proposal, the EU Council unanimously decides on opening negotiations on a given chapter. For each chapter, the Council of the EU adopts the Common Position, in which it may

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consilium.europa.eu/doc/document/AD%201%202014%20INIT/EN/pdf (accessed on 5 April 2024)

[50]   Tanja Miščević, Mojmir Mrak, 2017, "The EU Accession Process: Western Balkans vs EU-10", *Croatian Political Science Review 4*(54), 2017, pp. 185–204, p. 197.

[51]   Beta, "Ohrid Agreement Officially Part of the EU-Serbia Negotiating Framework", 22 April 2024, available at: https://betabriefing.com/news/politics/27022-ohrid-agreement-officially-part-of-the-eu-serbia-negotiating-framework (accessed on 25 April 2024).

[52]   European Commission, "Enhancing the accession process – A credible EU perspective for the Western Balkans", CoM(2020) 57 final, 5 February 2020, available at: https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CoM:2020:57:FIN (accessed on 20 February 2024).

set the opening, interim or closing benchmarks for each chapter. Opening of negotiations on chapters for which opening benchmarks have been set can begin only after the EU Council decides that the candidate country has fulfilled said benchmarks. In most cases, the EU will conclude that the level of alignment does not allow chapters to be temporarily closed, and that the EU will determine the closing benchmarks the candidate country will have to fulfil before the chapter will be allowed to be closed. For particularly significant chapters (e.g. 23, 24 and 35), the EU will determine temporary or interim benchmarks, and the closing benchmarks will be defined only once these are fulfilled. The benchmarks are becoming so numerous that Montenegro, for example, in 2017 had twice more interim benchmarks in Chapters 23 and 24 than Croatia had *in total* at the time of its own EU accession negotiations. Each step taken in the negotiating process is now far more difficult, and more politicised than ever.[53]

No negotiations on any individual chapter can be closed until each EU government is satisfied with the candidate's progress in the relevant policy field, as analysed by the Commission. Furthermore, chapters are considered only temporarily closed pending the conclusion of the accession negotiations, meaning that "nothing is agreed until everything is agreed". The negotiations on EU accession are deemed concluded once the EU and the candidate country reach an agreement on all 35 chapters, and all is confirmed by the European Council. Prior to this, it is still possible to reopen chapters if the candidate country fails to deliver on the commitments it has assumed. Finally, according to the constitutional rules, the accession treaty is not binding until it wins the support of the EU Council, the Commission and the European Parliament, and until it is signed by the candidate country and representatives of all the existing EU countries, and ratified by the candidate country and each individual EU country.

Since the adoption of the Revised Methodology of 2020, another significant change in accession negotiations relates to the application of the balance clause and implies a much easier suspension of the negotiations. Let us compare the previous and current procedure provided for such a situation. According to the previous procedure, the activation of the balance clause was possible upon the proposal of the Commission or 1/3 of the Member States (at least 9) and had to be adopted by the Council with qualified majority voting (QMV). Since the adoption of the Lisbon Treaty, this requires at least 15 out of 27 Member States, and representing Member States comprising at least 65% of the population of the Union, while the blocking minority must include at least four Council members representing more than 35% of the EU population. According to the new procedure, in serious cases the Commission may submit a proposal at any time, on its own or at the request of any (one)

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53   Tanja Miščević, Mojmir Mrak, 2017, "The EU Accession Process: Western Balkans v. EU-10", op. cit., p. 197.

Member State so as to ensure a quick response to the situation by use of – where relevant – simplified procedures, including reverse qualified majority voting (RQMV). In essence, RQMV is a rule that allows for minority decision-making: for a proposal to be approved, it suffices that it is supported by a coalition as large as a blocking minority, representing at least 35% of the EU population (or said proposal could be turned down with QMV: 15 out of 27 member states). This means that, for example, RQMV could be achieved by Germany, France, Netherlands and Denmark, which in 2020 represented 38.8% of the EU population.[54]

As it essentially implies minority decision-making, the RQMV is rarely used in the EU and its introduction into the enlargement policy suggests easier procedures for the application of sanctions for candidate countries that do not meet the set conditions. But what could these sanctions be? Member States could decide to have negotiations put on hold in certain areas or, in the most serious cases, suspended altogether. Chapters that are already closed could be re-opened or reset if issues need to be reassessed. The scope and intensity of EU funding could be adjusted downward, with the exception of support to civil society and benefits of closer integration, e.g. access to EU programmes. Also, unilateral concessions for market access could be paused or withdrawn. There are numerous dilemmas related to the balance clause. One of them stems from the fact that said clause has never been formally implemented to date. The EU did send diplomatic signals by e.g. not opening chapters in the negotiations, but it had never formally initiated procedures for the implementation of this clause. Also, what is the purpose of the balance clause if there are already numerous veto points in the process? The introduction of the RQMV makes it easier for several larger and most determined countries to halt the process depending on their political assessments, which may differ to a considerable extent.

In its 2020 Report, the Commission assessed the overall balance in the accession negotiations with both Montenegro and Serbia for the first time, concluding that it was ensured in both cases.[55] The same assessment was repeated in 2021, 2022 and 2023. Although Serbia has already opened 22 out of the 35 existing negotiation chapters, Kosovo remains at the centre of conditionality, significantly influencing the growth of Euroscepticism in the

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[54]   Eurostat, "EU population in 2020: almost 448 million", News release 111/2020 – July 10, 2020, available at: https://ec.europa.eu/eurostat/documents/2995521/11081093/3-10072020-AP-EN.pdf/d2f799bf-4412-05cc-a357-7b49b93615f1 (accessed on 30 August 2020).

[55]   European Commission, "2020 Communication on EU enlargement policy", CoM(2020) 660 final, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 6 October 2020, pp. 20-21, available at: https://ec.europa.eu/neighbourhoodenlargement/system/files/2020-10/20201006-communication-on-euenlargement-policy en.pdf (accessed on 18 April 2024).

country. For years now, regional public opinion polls have been showing that Serbian population is the least interested in EU enlargement,[56] while EU accession has become Serbia's controversial foreign policy goal since most EU member states have recognised Kosovo's independence.[57] The long-standing ambivalent attitude of the governing structures in Serbia towards the question of what is implied by "the comprehensive normalisation of relations between Serbia and Kosovo in the form of a legally binding agreement by the end of Serbia's accession negotiations" will become less and less applicable under pressure. This would expose the paradox of the process of Serbia's accession to the EU. Namely, as Serbia progresses in fulfilling the conditions from the negotiating Chapter 35, its foreign policy orientation could come into conflict with its own constitutional order and national interests.[58] Has the "Both Kosovo and Europe" policy reached a dead end? We believe that it has not, as differentiated integration will probably become the dominant model of European integration, replacing the former "full membership – non-membership" dichotomy.

Namely, the hitherto unclear prospect of EU enlargement is now further complicated by the fact that Ukraine, Moldova and Georgia have applied for EU membership in late February and early March of 2022. Their submission of candidacy for membership has brought the enlargement policy into a new context. Unlike the case of Serbia, whose condition for accession is the normalisation of relations with Kosovo, the position here is that the EU cannot let its enlargement procedures be taken hostage by Russia, and that territorial issues should be resolved separately. It remains to be seen how this will be applied in practice. In December 2023, the European Council decided to start accession negotiations with Ukraine and Moldova.[59] All this contributed to the once-again actualisation of the long-standing ideas about different possible forms of accession to the EU.[60] French president Emmanuel Macron

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56 Corina Stratulat *et al.*, "Escaping the transactional trap: the way forward for EU enlargement", BIEPAG, October 2021, p. 4.

57 Jovan Bazić, Eva Kurek Bujvid, Žarko Obradović, „Srbija i izazovi evropskih integracija", op. cit.; Dragan Djukanović, „Spoljnopolitičko pozicioniranje Srbije (SRJ/SCG) od 1992. do 2015. godine", op. cit.; Aleksandar Saša Gajić, „Mogućnost geopolitičke preorijentacije Srbije u savremenim geopolitičkim prilikama", *Nacionalni interes*, year X, vol. 19, no. 1/2014, pp. 191–212; Nikola Mladenović, „Evropeizacija Srbije i otpori: ponovni uvid na osnovu racionalno-teorijske perspective", *Srpska politička misao*, no. 2/2019, year 26. vol. 64, pp. 95–124.

58 Nevena Stanković, „Evropske integracije Republike Srbije – Između politike proširenja i zajedničke spoljne i bezbednosne politike", op. cit., p. 187.

59 European Commission, "European Leaders decide to open accession negotiations with Ukraine and Moldova in a historic summit", 18 December 2023, Brussels.

60 For additional information, see: Maja Kovačević, *Evropska diferencirana unija*, Fakultet političkih nauka, 2020, pp. 197–214.

has for several years advocated the idea of a Europe of concentric circles.[61] The project of concentric circles could actualise the phasing-in envisaged in the Revised Methodology, but it requires the development of new models of integration. It is likely that gradual integration will become the new model of accession that would resolve dilemmas over the candidacies of Eastern European countries and provide the EU with a "middle ground" solution that would apply to both Türkiye and the Western Balkans.

CONCLUSION

It can be concluded that the EU will try to find alternative solutions that will replace full membership yet bind certain countries to it more firmly. It seems that different visions of the future of EU enlargement will lead to a permanent policy of "flexible participation". Will countries in accession negotiations be part of clubs gathered around a common core?[62] Should we talk primarily about gradual membership,[63] or a staged one?[64] In any case, unlike the previous enlargements, in which a third country was becoming a full member (albeit with transitional periods that entailed different statuses), it is quite possible that the future will rather be about participation in various international regimes of which the EU will increasingly consist.[65] This might enable Serbia to participate in various forms of integration without giving up its fight for territorial integrity. However, this approach requires a serious social debate and a consensus, which, unfortunately, are not currently available in Serbia.

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[61]   "Initiative pour l'Europe – Discours d'Emmanuel Macron pour une Europe souveraine, unie, démocratique", 26 September 2017, available at: https://www. elysee.fr/emmanuel-macron/2017/09/26/initiative-pour-l-europe-discours-d-emmanuel-macron-pour-une-europe-souveraine-unie-democratique (accessed on 25 April 2024).

[62]   Clara Brandi, Michael Wohlgemuth, "Strategies of Flexible Integration and Enlargement of the European Union: a Club-theoretical and Constitutional Economics Perspective", *Freiburg discussion papers on constitutional economics*, No. 06/7, 2006.

[63]   Vivien A. Schmidt, "Democracy and Legitimacy in the European Union Revisited: Output, Input and Throughput", *KFG Working Paper Series*, no. 21, November 2010.

[64]   Michael Emerson *et al.*, A Template for Staged Accession to the EU, European Policy Centre, CEPS, October 2021.

[65]   Maja Kovačević, "Crisis in the European Union and the Enlargement Policy", in: Slobodan Samardžić, Ivana Radić Milosavljević (ed.), *European Union: New and Old Crisis Dimensions*, University of Belgrade – Faculty of Political Sciences, 2016, pp. 83–91, p. 89.

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Parliament,the Council,the European Economic and Social Committee and the Committee of the Regions, 6 october 2020, pp. 20–21. Available from: https://ec.europa.eu/neighbourhoodenlargement/system/files/2020-10/20201006-communication-on-euenlargement-policy en.pdf

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National interest and the EU Common Foreign and Security Policy: case study of the Republic of Serbia

ABSTRACT

The EU's Common Foreign and Security Policy (CFSP) represents a very sensitive and specific field of cooperation. Despite challenges in achieving a unified policy, it has led to harmonization of member states' foreign policies as they showed willingness for the EU to be a global security actor. This has been particularly important since the outbreak of the Ukraine war, as it reopened the question of whether military neutrality of individual member states is compromised by the CFSP. This is pertinent to Serbia, the only military neutral EU candidate. As EU membership is considered a national interest and Serbia's strategic priority, the paper examines how military neutrality interacts with different Serbia's national interests. The paper assesses potential conflicts between Serbia's national interests, such as sovereignty and territorial integrity, and alignment with CFSP on its EU integration journey, questioning whether military neutrality is a position that enables achievement of these interests.

KEYWORDS: *national interest, Common Foreign and Security Policy, EU integration, Republic of Serbia, military neutrality.*

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INTRODUCTION

The aim of the paper is to elaborate on how the preservation of a country's national interests interacts with the EU integration process, or more specifically Common Foreign and Security Policy (CFSP), from a position of the Republic of Serbia, the only military neutral EU member candidate. Within the integration process, member candidates are required to align with the EU Common Foreign and Security Policy, which was introduced by the Maastricht Treaty, and represents a very sensitive and specific field of cooperation, as it refers to the very core of national sovereignty. Since it proved to be challenging for the member states to agree upon, it did not result in formation of a truly common policy, but rather convergence and harmonization among national foreign and security policies. However, the member states expressed their readiness for the EU to become a unique security actor on the international scene, which has been particularly evident since the outbreak of the Ukraine war. While it led to a much more cohesive approach of other countries, even leading the two military neutral member states, Finland and Sweden to abandon their neutrality status and reach for NATO membership, on the other hand it may put Serbia in a much more delicate position.

The relation of Serbia's national interests with CFSP will be assessed taking into account that Serbia is a military neutral country. According to the latest progress report published by the European Commission, Serbia stands out from its neighbors from the region by its very low rate of alignment with the CFSP, with a 51% alignment rate as of August 2023.[1] While other Western Balkans actors share significantly higher alignment rates with CFSP and have even initiated the "Western Balkans quad", a platform for 100% alignment with the CFSP, this area proved to be particularly challenging for Serbia.[2]

The paper aims to analyze in what way, if any, the military neutrality status influences such a low alignment rate. To provide the answer, the paper analyzes the experiences of other military neutral EU member states and the specific context of Serbian's military neutrality. Although the conclusion is that military neutrality itself is not necessarily an obstacle for participating in (some form of) CFSP, from a position of Serbian's national interests it shows that there are certain challenges for alignment.

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[1]   "Serbia 2023 Report, SWD(2023) 695 final", European Commision, Brussels, 202.

[2]   "Four Western Balkan countries launched "100% Alignment with CFSP" platform", European Western Balkans, 29 March 202, Available from: https://europeanwesternbalkans.com/2023/03/29/four-western-balkan-countries-launched-100-alignment-with-cfsp-platform/

EU COMMON FOREIGN AND SECURITY POLICY
AND MILITARY NEUTRAL MEMBER STATES

The concept of military neutrality refers to "the non-participation of third countries in the existing armed conflict", or it can be defined as "the political attitude of a state towards the conflict".[3] The neutrality can be temporary, referring to non-participation in a specific conflict and permanent, referring to non-participation in armed conflicts in general. Although there are growing discussions questioning the very concept of neutrality, it is most often perceived as not belonging to any military alliance.[4] Although it is not one, the European Union has developed policies and mechanisms that directly address security and defense policies of its member states, which is why many authors have debated whether military neutrality is compatible with participation in CFSP.

Formulation of Common Foreign and Security Policy within the second pillar of the Maastricht Treaty, enabled the EU to act unified on a global scene, promoting its core values and goals. Provisions of Treaty of Lisbon, which was ratified in 2009, extended this cooperation to include Common Security and Defense Policy as its integral part. However, the Treaty left the defense policy primarily under the jurisdiction of the member states, stating that the mutual defense clause "shall not prejudice the specific character of the security and defense policy of certain Member States".[5] This has allowed member states with a military neutral status (Austria, Sweden, Finland, Malta, Cyprus and Ireland) to remain neutral from the aspect of the defense policy for years.

Therefore, the military neutral member states have for years succeeded in finding a way to participate in different forms in CFSP without compromising their status of military neutrality. On the one hand, the neutrality of these states has evolved and to a certain extent adjusted to participation in the CFSP, changing the understanding of neutrality in these states and adapting it to the integration process. This was particularly evident in Austria and Finland, where discourse of "returning to Europe" was especially strong in the 1990s, which is not surprising considering that their neutrality was conditioned primarily by external factors.[6] Therefore, Austria has amended

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[3] Branimir Janković and Zoran Radivojević, *Međunarodno javno pravo*, Punta, Niš, 2019, p. 510.

[4] Dejan Bursać, „Da li se neutralnost kosi sa članstvom u Evropskoj uniji?", *Politika nacionalne bezbednosti*, Vol. 6, No. 1, pp. 141–143.

[5] "Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community", Official Journal of the European Union, C 306, 17 December 2007, Available at: https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=OJ%3AC%3A2007%3A306%3ATOC

[6] Christine Agius, "Transformed beyond recognition? The politics of post-neutrality", *Cooperation and Conflict*, Vol. 46, No. 3, p. 378.

its constitutional provisions to adapt its neutrality concept in a way that corresponds with participation in CFSP.[7]

As the Swedish prime minister stated, these states' security policies can no longer be "neutral", however, the states have reserved the right to be so in case of a potential conflict.[8] A similar position was expressed by the Prime Minister of Finland, when he was asked in the European Parliament whether this country's neutrality is compatible with the EU's peace operations in the Congo: "At one time we were a politically neutral country, during the Iron Curtain. Now we are a member of the Union, a part of this community of values that has common policies and, what's more, a common foreign policy".[9] Due to the changes brought about by the end of the Cold War, the concept of neutrality in the public discourse was gradually replaced by rhetoric about a more narrowed concept of militarily non-aligned states.

On the other hand, historically, the neutrality of individual member states represented a certain counterweight to military cooperation, contributing to the development of the civilian aspect of the EU's CFSP. It is believed that the interplay of these factors, along with the possibility for a differentiated integration, makes neutrality compatible with EU membership in general. The neutrality of some member states has stood out as an important factor that influenced the character of the EU's actions on the international scene. It was Finland and Sweden, advocating for the adoption of the Petersburg Tasks as a framework for a Common Security and Defense Policy (CSDP) in the Treaty of Amsterdam, that contributed to the definition of the EU as a "soft power".[10] Throughout the time, focusing on crisis management, humanitarian and peacekeeping missions made it possible not to interpret the CSDP as primarily military cooperation, which made it acceptable to militarily neutral member states.[11] This was made possible, among other things, by maintaining the dichotomy "crisis management – collective defense" that was retained from the aforementioned initiative of the Nordic countries and by a certain agreement of all EU member states that the collective defense of Europe is essentially left to the North Atlantic Alliance.

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[7]   Dejana Vukčević, *Evropska unija kao strateški akter*, Institute for Political Studies, Belgrade, 2013, p. 237.

[8]   Christine Agius, "Transformed beyond recognition? The politics of post-neutrality", op. cit., p. 378.

[9]   Dejan Bursać, "Da li se neutralnost kosi sa članstvom u Evropskoj uniji?", op. cit., p. 139–140.

[10] *Ibidem*, p. 235–236.

[11] Dejana Vukčević, E*vropska unija kao strateški akter*, op. cit., p. 236; 242.

DOES NEUTRALITY HAVE A FUTURE?

However, the outbreak of the Ukraine war has significantly changed the positions of military neutral member states, leading to announcements that an "end of neutrality" as such may come.[12] The war in Ukraine has refocused attention on the CFSP and renewed attempts to strengthen the cooperation in this area. Following the Russian aggression, the EU adopted massive economic sanctions and announced that it would "finance the provision of equipment and supplies to the Ukrainian Armed Forces, including – for the first time – lethal equipment".[13] While Finland and Sweden have abandoned their positions of military neutrality by reaching decisions to join NATO, Denmark, which initially "opted out" of the CSDP, following a referendum on 1 June 2022, is now a participating member state.[14] Although decisions on such issues must be unanimous, EU Member States are left with the option to constructively abstain, which gives the EU possibility to adopt decisions while not compromising military neutrality of individual states or accommodating other national constraints.[15] This option enabled three permanently neutral states, Malta, Ireland and Austria to only contribute to the non-lethal assistance, attempting not to compromise their military neutrality status.[16]

Although from a position of international humanitarian law it can be debatable whether that would be considered as the breach of neutrality, it is clear that for the first time the European Union has taken a more decisive and unanimous approach towards a conflict. It is the first time that the EU finances the delivery of such weaponry to a third state involved in an international armed conflict, while the financial aid has reached 77.18 billion of euros from January 2022.[17] It seems that the war in Ukraine has once again reshaped the narrative of military neutrality, even more narrowing this concept to

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[12] Suzanne Lynch and Jacopo Barigazzi, "The End of Neutrality", *Politico*, 24 March 2022. Accessed: 15.4.2024.

[13] Alexandra Hofer, "The EU and its member states at War in Ukraine? Collective self-defense, neutrality and party status in the Russo-Ukraine war", *European Papers*, Vol. 8, No 3, pp. 1697-1740. https://www.europeanpapers.eu/en/system/files/pdf version/ EP eJ 2023 3 SS2 5 Alexandra Hofer 00737.pdf

[14] COUNCIL DECISION (CFSP) 2023/1015, Official Journal of the European Union L 136/73, 24 May 2023. https://www.pesco.europa.eu/wp-content/ uploads/2023/06/2023-05-23-Council-Decision-Confirming-the-participation-of-Denmark-in-PESCO.pdf

[15] Alexandra Hofer, "The EU and its member states at War in Ukraine? Collective self-defense, neutrality and party status in the Russo-Ukraine war", p. 1703.

[16] *Ibidem*.

[17] "Total bilateral aid commitments to Ukraine between January 24, 2022 and January 15, 2024, by donor and type", *Statista*, 24 February 2024. https://www.statista.com/ statistics/1303432/total-bilateral-aid-to-ukraine/

represent the position of not belonging to any military alliance rather than "the political attitude of a state towards the conflict" as it has been defined.

From a position of Serbia's national interests, this could be somewhat problematic, as it has proved that it has been challenging for Serbia to align with the EU's attitude towards this conflict in particular. As the European Commission's report on Serbia shows, the EU raised concerns of Serbia's strategic direction, considering the very low rate of alignment with CFSP in this regard, including the fact that Serbia counts to maintain high level relations with the Russian Federation.[18] As it is stated, Serbia continued not to align with any restrictive measures against the Russian Federation and has not aligned with the majority of High Representative (HR) statements on this matter.

On the other hand, Serbia continued to take part in and "contribute substantially to EU crisis management missions and operations under the Common Security and Defense Policy".[19] As the experiences of other military neutral member states show, including current Serbia's participation in CSDP it can be concluded that the status of military neutrality itself is not an obstacle for participating in EU CFSP. However, it is necessary to take into account the context in which military neutrality was proclaimed in Serbia and how it was portrayed, in order to understand that it may have a more strategic meaning that goes beyond the status of not being a member of any military alliance. As will be shown later in the paper, the position of military neutrality of Serbia, in a way that it was established, provided primarily a strategic framework for establishment of the policy of *equidistance* from the West (USA and EU on one side) and Russia on the other, which *was* instrumentalized through the formulation of a 4-pillar foreign policy that remains Serbia's dominant foreign policy strategy to this day.[20] Therefore, the paper further questions whether Serbia can increase the rate of alignment with CFSP, which is a necessary step on its EU accession path, while preserving its neutrality as it is currently understood, and in a way that corresponds with preservation of its other national interests.

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[18]   European Commission, Serbia 2023 Report, SWD (2023) 695 final, Brussels, 8.11.2023.

[19]   *Ibidem*, p. 147.

[20]   Dragan Đukanović, „Vojna neutralnost Srbije u Zapadnobalkanskom kontekstu", in: Srđan T. Korać (ed.), *Uticaj vojne neutralnosti Srbije na bezbednost i stabilnost u Evropi*, Institute of international Politics and Economics, Belgrade, 2016, pp. 270–282.

SERBIA'S MILITARY NEUTRALITY AND THE COMMON FOREIGN AND SECURITY POLICY

Serbia declared its military neutrality in 2007 by a Resolution of the National Assembly of the Republic of Serbia on the protection of sovereignty, territorial integrity and constitutional order of the Republic of Serbia.[21] The resolution states, among other things, that the National Assembly declares Serbia's military neutrality in relation to the existing military alliances until the eventual referendum where the final decision on the issue would be made. Also, it is stated that the main reason for the declaration of military neutrality is the overall role of NATO in the bombing of Serbia in 1999. Considering that Kosovo declared independence just a few months after the resolution was passed, it may seem that one of the main reasons for declaration of military neutrality was the Kosovo issue.

However, military neutrality declared in this way is somewhat problematic. First of all, it is unusual to make such an important decision with a non-binding resolution. Second of all, "the decision to declare a policy of military neutrality was not preceded by a public discussion or assessment of the strategic environment and opportunities for establishing and improving military neutrality", and "that indicates an illogical and unsystematic approach to a serious public problem, which can have far-reaching consequences".[22] Also, it should be noted that considering the wording in the resolution, it can be concluded that military neutrality refers primarily to NATO. Another important detail is that this decision is valid until a referendum, which means that military neutrality is of a temporary nature. This further means that this decision is subject to change in the near or distant future, but due to current circumstances, Serbia remains militarily neutral. A different wording would not even be logical considering that Serbia actually has no history, tradition or foreign policy practice to refer to.[23] This contributes to the arguments of some authors that Serbian neutrality can be compared to Finland's experience, as its position was mainly influenced by external factors, more precisely in reference to a great power. "Finlandization" of Serbia considers neutrality of a small state positioned in a sphere of interest of a great power which has substantially confronted interests, and some authors claim that while the Finland's neutrality was influenced by pretensions of the Soviet Union, USA and NATO role regarding Kosovo issue are critical for proclamation of Serbia's

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[21] Resolution of the National Assembly, 2007, https://www.srbija.gov.rs/kosovo-metohija/index.php?id=80729

[22] Branislav Milosavljević, „Ograničenja vojne neutralnosti Republike Srbije", in: Srđan T. Korać (ed.), *Uticaj vojne neutralnosti Srbije na bezbednost i stabilnost u Evropi*, Institute of international Politics and Economics, Belgrade, 2016, p. 151.

[23] *Ibidem*, p. 154.

neutrality.[24] As stated, in these cases a state sacrifices a part of its sovereignty and interests by subordinating its foreign policy to a great power, in return for preserving the very core of its national interests.[25]

This brief analysis of the resolution, which declared military neutrality, confirms the thesis of some authors that the status of military neutrality was used for foreign policy balancing between the West and Russia.[26] Considering Serbia's aspirations to ensure Russia's support regarding the Kosovo issue, some authors point out that the resolution needed to show Serbia's distancing from the West. Taking that into account, at the moment, in addition to counting on Russia's support regarding Kosovo, but also strengthened its partnership, or reliance on Russia in the energy sector, it is pointed out that the resolution of neutrality could just be a political statement that would cover-up the growing Russian influence and allow Serbia to maintain close relationship with both sides.[27] This way, the position of military neutrality could be seen as a good framework for maximizing Serbia's national interests – maintaining close cooperation with the West, but removing the "Atlantic" dimension from the previous goal of Euro-Atlantic integration which enabled Serbia to deepen its relations with Russia. This actually means that military neutrality is a compromise that Serbia has made in its positioning in international relations in a situation where its territorial integrity is called into question.

However, Serbia's military neutrality does not exclude cooperation with existing military alliances and other countries, because, as stated in the 2009 Defense Strategy, it is achieved through the "promotion of a meaningful and comprehensive policy of cooperation in the field of defense".[28] In this sense, cooperation with NATO and the Collective Security Treaty Organization (CSTO) is mentioned. Furthermore, it is important to say that this Strategy treats military neutrality as a defense interest of Serbia that "arises from its national values and interests and international position".[29] Therefore,

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[24]   Vladimir Trapara, „Finlandizacija postpetooktobarske Srbije", in: Srđan T. Korać (ed.), *Uticaj vojne neutralnosti Srbije na bezbednost i stabilnost u Evropi*, Institute of international Politics and Economics, Belgrade, 2016, pp. 188–220.

[25]   *Ibidem*, p. 194.

[26]   Hatidža Beriša and Igor Barišić, „Vojna neutralnost Republike Srbije i izazovi pristupanja Evropskoj uniji'', in: Srđan T. Korać (ed.), *Uticaj vojne neutralnosti Srbije na bezbednost i stabilnost u Evropi*, Institute of international Politics and Economics, Belgrade, 2016, p. 262.

[27]   Dragan Đukanović, „Vojna neutralnost Srbije u Zapadnobalkanskom kontekstu", op. cit., p. 275–276.

[28]   Defense Strategy of the Republic of Serbia, 2009, Available from: http://www.parlament.gov.rs/upload/archive/files/lat/pdf/akta procedura/2019/2207-19%20-%20lat..pdf

[29]   *Ibidem*.

military neutrality is not the national interest of Serbia, but it is in the service of its national interests.

Military neutrality is also mentioned in the 2019 National Security Strategy, which at the very beginning emphasizes military neutrality as one of the basic starting points of that document, providing a framework for defining the national security strategy.[30] The National Security Strategy lists six national interests of Serbia, and one of them is European integration and membership in the European Union. Serbia sees the process of European integration as a way to improve national security and defense, and that process is one of its defense interests, which is achieved, among other things, by its participation in the activities of the Common Foreign and Security Policy of the European Union. The legislator recognized that "by integrating into the European Union, the Republic of Serbia becomes part of the wider community and security space based on mutual aid and solidarity in accordance with the provisions of the Treaty on the European Union and the Treaty on the Functioning of the European Union".[31] Therefore, it seems that Serbia's failing to align with CFSP is directly in collision with achieving one of its national interests.

SERBIA'S NATIONAL INTERESTS – AN ONGOING PARADOX

As we could see from the practice of military neutral EU member states, the Resolution of the National Assembly of the Republic of Serbia by which Serbia declared military neutrality, and Serbia's strategic documents, Serbia's military neutrality on its own is not an obstacle to Serbia's participation in the Common Foreign and Security Policy of the European Union. Nevertheless, we must not forget that "the basic reason that determines the neutral position of the state in international relations is its national interests".[32] And therein lies the problem. As it was mentioned, the National Security Strategy lists six national interests, and two are important to us here, one of which we have already mentioned: 1) preservation of sovereignty, independence and territorial integrity; and 2) European integration and membership in the European Union.[33]

At first glance, there is nothing controversial when it comes to these two national interests, because they appear to be completely separate from each

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[30]   National Security Strategy of the Republic of Serbia, 2019, Available from: http://www. parlament.gov.rs/upload/archive/files/lat/pdf/akta procedura/2019/2206-19%20 -%20Lat..pdf

[31]   *Ibidem*.

[32]   Branislav Milosavljević, „Ograničenja vojne neutralnosti Republike Srbije", op. cit., p. 154.

[33]   National Security Strategy of the Republic of Serbia, 2019.

other. But it is no secret that the EU treats Kosovo as an independent state. One simple example of this is the 2013 Brussels agreement, adopted as part of the dialogue between Belgrade and Pristina which is mediated by the European Union, in which it is stated that "it is agreed that neither side will block, or encourage others to block, the other side's progress in their respective EU path"[34]. This is not surprising considering that the overwhelming majority of EU member states recognized Kosovo's independence, including the leading member states of the Union. Despite this, it has been said for years that Serbia will not be asked to recognize Kosovo's independence as a condition for EU membership[35], although Serbia was required to normalize relations with Pristina as a part of Negotiating Chapter 35.

However, if there were any doubts, in 2023 we saw that Serbia was expected to accept Kosovo's independence. This can be seen from the Franco-German agreement, i.e. the European plan[36], but also from the statements of European officials, first and foremost the President of the European Commission[37]. Therefore, today it is clearer than ever that Serbia will not be able to become a member of the EU without recognizing the independence of Kosovo in one way or another. That being said, Serbia has national interests that are mutually exclusive. Moreover, Serbia's perception of international law and its own security on the one hand, and the way the EU and its leading member states, as well as its most important partner – the United States of America – perceive security threats and risks on the other hand, are incompatible. It should not be forgotten that the Common Foreign and Security Policy includes activities such as those in Kosovo and Bosnia and Herzegovina, which Serbia is not satisfied with, and which are in direct opposition to its national interests. For example, the imposition of peace is a concept that is unacceptable for Serbia, considering the experience from its recent history.[38]

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[34]   Brussels Agreement, 2013, Available from: https://www.srbija.gov.rs/specijal/en/120394

[35]   „Vučić: Niko od nas ne traži da priznamo Kosovo", Politika, 09 December 2014, Available from: https://www.politika.rs/sr/clanak/312986/Vucic-Niko-od-nas-ne-trazi-da-priznamo-Kosovo

[36]   „Francusko-nemački plan o rešavanju pitanja Kosova u 10 tačaka: Šta sve piše u dokumentu o kojem će sutra raspravljati Vučić i Vlada Srbije?", Danas, 22 January 2023, Available from: https://www.danas.rs/vesti/politika/sta-pise-u-francusko-ne-mackom-dokumentu-o-kosovu/

[37]   „Ursula fon der Lajen: Sprovođenje Ohridskog sporazuma je de fakto priznanje Kosova", N1, 31 October 2023, Available from: https://n1info.rs/vesti/ursula-fon-der-la-jen-ohridski-sporazum-de-fakto-priznanje/

[38]   Marina Kostić and Srđan Petkanić, „Vojna neutralnost i članstvo Srbije u Evropskoj uniji", in: *Strateški pravci razvoja i utvrđivanja položaja Srbije u međunarodnim odnosima*, Institute of international Politics and Economics, Belgrade, 2013, p. 1005.

The fact that military neutrality was declared by the resolution of the National Assembly related to Kosovo is one of the most obvious indicators that neutrality is inherently related to the issue of the status of the southern Serbian province. Military neutrality is in the service of preserving Kosovo as part of Serbia. If Serbia accepts what the EU ask of it, its military neutrality becomes meaningless, it ceases to have a purpose[39]. In other words, military neutrality is not compatible with participation in the Common Foreign and Security Policy because, to begin with, it is not compatible with EU membership because EU membership threatens the national interest that military neutrality is supposed to protect.

At the same time, we are witnessing a radical change in the relations between the West and Russia, and in times like this all illogicalities and contradictions that characterize Serbia's national interests come to the fore. Due to its national interests, Serbia is somewhere between these two conflicting parties. Due to NATO's participation in the process of secession of Kosovo, Serbia decided that it did not want to become a member of this military alliance because it directly threatened one of its national interests. Nevertheless, we have seen that Serbia is aware of the necessity of cooperation with NATO – that is why today Serbia has the highest possible level of cooperation for a non-member state.[40] On the other hand, it tries to maintain good relations with Russia (and China), primarily counting on their veto in the Security Council, and asks the West to understand the specificity of the situation in which it finds itself. Thus, Serbia has been trying to balance between East and West for years, avoiding angering both sides. For example, with the beginning of the war in Ukraine in 2022, Serbia voted for the resolution of the UN General Assembly condemning Russian aggression[41], but to this day has refused to impose sanctions on Russia[42]. Nevertheless, this kind of behavior of Serbia cannot possibly satisfy all the relevant international actors with whom it tries to maintain good relations, which leads to the fact that neither the East nor the West have full confidence in Serbia. Simply, in such situations, Serbia is finding it increasingly difficult to maintain that balance.

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[39] Hatidža Beriša and Igor Barišić, „Vojna neutralnost Republike Srbije i izazovi pristupanja Everopskoj uniji'', op. cit., p. 266.

[40] "Cooperation between the Republic of Serbia and the North Atlantic Treaty Organization – NATO", Ministry of Foreign Affairs of the Republic of Serbia, Available at: http://www.nato-brussels.mfa.gov.rs/nato.php

[41] "General Assembly Overwhelmingly Adopts Resolution Demanding Russian Federation Immediately End Illegal Use of Force in Ukraine, Withdraw all Troops", Meetings Coverage and Press Releases, United Nations, Available from: https://press.un.org/en/2022/ga12407.doc.htm

[42] „Srbija neće uvoditi sankcije Rusiji dokle god može da izdrži, poručio Vučić", Radio Free Europe, 19 September 2023, Available from: https://www.slobodnaevropa.org/a/srbija-rusija-sankcije-un/32599950.html

This is how Serbia found itself in a situation where it failed to protect, or achieve, either of these two national interests. Its progress in European integration is conditioned, among other things, by the success of the dialogue between Belgrade and Pristina, and in order to achieve progress on the path to EU membership, it agrees to numerous concessions regarding Kosovo. Due to the desire to preserve Kosovo within its composition, it relies on the support of Russia, which makes it difficult for it to harmonize with the foreign, security and defense policy of the European Union. The end result is that there is no real positive progress on either of these two issues.

CONCLUSION – SERBIA ON A CROSSROADS

While the need for strengthening EU Common Foreign and Security Policy seems to grow, Serbia found it particularly challenging to align with these policies on its EU integration path. As the paper questioned could the status of military neutrality be somehow connected to the lack of progress in this area, another issue of lack of harmonization of Serbia's national interests emerged as inevitable. Serbia's indecision for the West or the East is a consequence of national interests that require cooperation with both sides, in a way that does not leave much space for alignment with, or future participation in every aspect of CFSP. With the Ukraine war, the concept of neutrality has been re-actualized in Serbian public discourse, opening a question of the nature and reach of Serbia's proclaimed military neutrality.

As shown in the paper, the position of military neutrality itself is not in collision with participation in CFSP. However, Serbia's attempts to continue to maintain the position of equidistance among the West and Russia, who has continued to be perceived as an ally in the Kosovo issue, have proved to pose a challenge. Therefore, this position potentially creates the conflict between military neutrality and Serbia's participation in the activities of the Common Foreign and Security Policy. While the rate of alignment with CFSP remains low, it seems the national interests and the policies that derive from them need to be reconsidered, as it is becoming more evident that this state of affairs is unsustainable in the long term.

The activities undertaken by Serbia to achieve one national interest are often incompatible with achieving another national interest, and it seems that, without questioning the national interests that (military) neutrality should preserve, its action often remains unclear and contradictory. Simply, Serbia will not be able to protect/achieve the most important national interests, which in practice means that it will not preserve Kosovo or become a member of the EU. This is especially visible with the drastic changes in international relations that narrow the room for maneuver and make balancing difficult, requiring enormous efforts by Serbian diplomacy, which can hardly produce adequate results. Only with precisely defined national interests that are

mutually compatible and even complementary, Serbia would be able to cope with challenging international relations, and find a model of cooperation among CFSP that would be the most suitable framework for achievement of its interests.

A probably unpopular question is whether this means Serbia will have to give up Kosovo or EU membership, or is it really possible to somehow combine these two national interests. It is certainly an issue that decision-makers will have to communicate with each other and with Serbian citizens. It is absolutely necessary for Serbia to consider what its national interests are and what is realistically achievable, considering both the current and future situation and potential changes in international relations. A different question is whether the Serbian decision-makers, and the citizens themselves, are ready for such a process.

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Overcoming Conflict in the Context of the EU's Accession Process: Western Balkans vs. Eastern Partnership

ABSTRACT

For the new EU candidate countries of Ukraine, Moldova and Georgia, the path to EU membership is based on the same "established criteria and conditions" as for the long-term candidates of the Western Balkans. However, additional conditions such as regional cooperation, reconciliation and good neighbourly relations have been attached to the Western Balkans' EU accession process. The paper investigates whether these criteria have become part of the EU integration process for Ukraine, Moldova and Georgia, which are in conflict or have strained relations with Russia. As theoretical background, the EU's actorness and its policy of external governance, expanding its normative sphere to non-EU members, is applied. The paper discusses the additional conflict-related conditions and identifies similar preconditions in the relevant EU documents for Ukraine, Moldova and Georgia. The findings confirm that the Western Balkan preconditions have found their way into the Eastern European accession process, but with differences.

KEYWORDS: *EU enlargement, conditionality, conflict, Western Balkans, Eastern European Partnership.*

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INTRODUCTION

To this day, the Western Balkan region[1] remains very much associated with political tensions, war and conflict. The European Union (EU), unable to prevent the wars in the region in the 1990s, offered the countries the possibility of EU integration, on the condition that the legacies of the conflicts are addressed, open bilateral issues resolved and reconciliation pursued. With the envisioned EU accession of the Western Balkan countries, the EU became more concerned about instability in the region and its neighbourhood. Therefore, additional criteria were developed for the "conflict-prone" Western Balkan region, which were added to the already existing list of accession preconditions. As a consequence, the countries of the region were obliged to cooperate with the International Criminal Tribunal for the former Yugoslavia (ICTY) by extraditing alleged war criminals to The Hague; they were also asked to participate in regional cooperation activities, to establish good neighbourly relations and to foster reconciliation.

This paper addresses the question of whether these additional criteria are also valid for the new EU candidate countries, which are, to a varying extent, currently dealing with conflicts and even wars. In a previous contribution,[2] the author examined this question of conflict-related conditionality through an analysis of the Association Agreements (AA), the AA implementation reports and other EU-documents addressing Georgia, Moldova and Ukraine: this paper builds on these research findings by extending the timeframe to include the first set of EU process reports, published in 2023.

The first part of this contribution addresses the additional conflict-related accession criteria. To provide a theoretical background to the problem of the weakening of the EU's conditionality and the loss of its credibility, the issue of the EU's actorness and external governance is introduced. The paper then provides some information on the new candidate countries of the Eastern European partnership (EaP) programme, the so-called "Association Trio". In the final part, the documents are analysed and conclusions drawn.

SPECIFICITIES OF THE WESTERN BALKANS' EU ACCESSION

In its 2018 strategy, the EU identified six flagship projects within its EU accession strategy for the Western Balkans. One of them is the "Initiative to

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[1]   Western Balkan is a technical term introduced by the EU in 1998 to refer to the countries of Southeast Europe, which are not EU members.

[2]   Christina Eva Griessler, *Good neighbourhood as an EU accession criterion for Ukraine, Moldova and Georgia?* Medunarodni Problemi / International Problems, Vol. LXXV, No. 3, 2023, pp. 409–433.

support reconciliation and Good neighbourly relations". The EU commits to assisting "transitional justice, missing persons and increased cooperation in education, culture, youth and sport [...]".[3] By selecting conflict-related issues as a flagship project, the EU sends out a clear message, yet it is less clear what goals and milestones the candidate countries have to comply with in order to satisfactorily fulfil the EU's requirements.

International Criminal Tribunal for the former Yugoslavia (ICTY)

Cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) was one of the first requirements for the countries of the region to be considered for EU membership. In some of these countries, the extradition of war criminals was a hugely controversial issue, and cooperation with the ICTY was therefore often delayed and drawn out. Still, the international community was persistent in ensuring that war crimes were prosecuted and perpetrators held accountable for their crimes. Any perception that alleged war criminals remained unpunished had to be avoided. In this regard, the international community applied the retributive justice approach, which aims to punish the perpetrators, to individualise crimes, to avoid impunity, to prevent revenge and to provide some justice to the victims. Of importance is the individualisation of crimes, which seeks to avoid that an entire people or nation be blamed for committed atrocities.[4] The judicial approach, by serving justice, contributes to the overall goal of reconciliation.

Due to the perspective of EU accession, countries complied with the requirements. Its failure to extradite General Ante Gotovina to the Hague until 2005 led to a momentary pause in Croatia's EU accession negotiation process. Similarly, although Slobodan Milošević was sent to The Hague in 2001, shortly after he was ousted from politics, Serbia was late in handing over Radovan Karadžić (2008) and Ratko Mladić (2011). More recently, prominent politicians from Kosovo have also had to stand trial: these include former Prime minister (and, in the case of *Thaçi, President*) Hasmin *Thaçi* and Ramush Haradinaj.

Regional Cooperation

The idea of improving bilateral relations by fostering regional cooperation is not entirely new and has been applied prior to the current enlargement

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[3] European Commission, Six new flagship initiatives to support the transformation of the Western Balkans, Brussel, 16 May 2018. Available from: https://commission.europa.eu/document/a5b30430-96fa-4b7c-bd17-d698553e34b0 en (Accessed 31 March 2024).

[4] Luc Huyse, "Justice" in: David Bloomfield, Teresa Barnes, Luc Huyse (eds.), *Reconciliation After Violent Conflict. A Handbook.* IDEA, Stockholm, 2003, pp. 97–115, here pp. 97–98.

rounds. The importance of regional cooperation is emphasised by the EU in all its documents in relation to enlargement, as "[r]egional cooperation is a key condition for the European perspective of a region that was affected by tragic conflicts less than 25 years ago."[5] Regional cooperation is seen as a strategy to improve bilateral relationships with neighbours by working together on issues which are considered to be beneficial for the entire region. This increases trust, respect, understanding and maintains communication between political actors. Consequently, regional cooperation contributes to a conducive environment better suitable to address the more sensitive political issues. This reasoning is based on the neo-functionalistic approach of European integration, whereby cooperation in technical areas spills over into political areas. The integration process continues independently from the political actors, who are just following up with the required political decisions. Unfortunately, from an EU perspective, this has not occurred in the Western Balkan countries: reconciliation is delayed by identity issues, which define the interpretation of historical facts and politics to this day.

Good Neighbourly relations

Maintaining good neighbourly relations is in general a principle of international relations. However, in the context of the EU's enlargement process, the aim is to establish and maintain good relations with neighbouring states by addressing the existing bilateral disputes, which affect these negatively. Due to the violent break-up of Yugoslavia – resulting in conflicts over border demarcation, minority protection, return of refugees, repatriations and questions over territorial integrity and sovereignty – outstanding disputes need to be dealt with in a good neighbourly spirit before a possible EU accession. As stated in the European Commission's 2016 Communication on EU Enlargement Policy, "[b]ilateral issues need to be addressed by the parties concerned as early as possible and should not hold up the accession process, which should be based on established conditionality."[6] In view of the EU's dissatisfaction with the lack of progress made, the Commission declared that more needs to be done to address the issue of good neighbourly relations by participating in regional cooperation activities to foster reconciliation and to create "an environment conducive to overcoming the legacy of the past. Statements which negatively impact on good neighbourly relations should

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[5]   European Commission, Final Declaration by the Chair of the Paris Western Balkans Summit, Paris, 04 July 2016. Available from: https://neighbourhood-enlargement. ec.europa.eu/final-declaration-chair-paris-western-balkans-summit en (Accessed 25 March 2024), p. 1.

[6]   European Commission, 2016 Communication on EU Enlargement Policy, Brussels, 09 November 2016. Available at: https://neighbourhood-enlargement.ec.europa.eu/ system/files/2016-12/20161109 strategy paper en.pdf (Assessed 25 March 2024), p. 8.

be avoided."[7] The difficulty with improving bilateral relations is that the efforts of both parties are required to work towards that objective. According to Van Elsuwege, the EU precondition of good neighbourly relations can be interpreted as an "obligation of conduct" or an "obligation of results".[8] In the context of the enlargement process, it is unclear whether the countries only have an "obligation of conduct" or whether they have to produce results. Still, the Western Balkan candidate countries must improve relations not only with each other, but also with their neighbouring EU member states. In this regard the asymmetry of the relationship becomes apparent when the accession process stalls owing to EU member states' unwillingness to solve bilateral issues and the candidate countries have no leverage with which to produce results.

Reconciliation

Reconciliation is a key concept of the EU's integration process reconciliation, as "[r]econciliation is essential for the stability of the region on the path towards EU accession."[9] The EU is quite adamant that the countries of the region must commit to reconciliation initiatives. However, because of a lack of clearly defined benchmarks and due to changing expectations, reconciliation seems to have become a moving target. Reconciliation is a broad concept, as it consists of a backward- and a forward-looking dimension, as the violent past has to be addressed and a peaceful future be envisaged.[10] The transitional justice approach covers all aspects of the reconciliation process, as the past is addressed through fact-finding missions, the adjudication of war crimes, the analysis of past events, organising remembrance services, as well as amending political structures and creating a vision for a common peaceful coexistence. On the other hand, reconciliation is a process which has to emerge from within society, therefore it should not be imposed from outside and can be expect to require a long time, up to several generations. Whereas civil society organisation in the Western Balkans, with support from the

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[7]   *Ibidem*, p. 7.

[8]   Peter Van Elsuwege, "Good Neighbourliness as a Condition for Accession to the European Union: Finding the Balance between Law and Politics", in: Dimitry Kochenov, Elena Basheska (eds.), *Good Neighbourliness in the European Legal Context, Studies in EU external relations*, Vol. 9, Leiden: Brill, 2015, pp. 217–234, here p. 218.

[9]   European Commission, Final Declaration by the Chair of the Paris Western Balkans Summit, 13 July 2016, Paris. Available: https://neighbourhood-enlargement. ec.europa.eu/final-declaration-chair-paris-western-balkans-summit en (Accessed 25 March 2024), p. 1.

[10] Luc Huyse, "The Process of Reconciliation" in: David Bloomfield, Teresa Barnes, Luc Huyse (eds.), *Reconciliation After violent conflict. A Handbook*. IDEA, Stockholm, 2003, pp. 19–33, here p. 19.

EU, are working on fostering trust and understanding among people, it is occasionally the political leaders which act as obstacles in the reconciliation process. Reconciliation requires both a bottom-up and a top-down approach to be able to positively impact on society in general. What the EU asks the countries of the Western Balkans to deliver is a long-term process, of which the outcome cannot be pre-determined.

EU ACTORNESS AND POLITICAL CONDITIONALITY

The EU's main power as an international actor is – or has been – its attraction for other countries seeking to foster closer cooperation with the EU or even to become an EU member. Over the last decades, the EU has established itself as an international actor and, as part of its foreign policy, it has attempted to transfer rules, norms and procedures to other countries which are not EU members. Examples for that policy are the enlargement strategy and the European Union Neighbourhood policy.

The EU can only successfully apply its external governance strategy if it is perceived as an efficient and credible international actor. The question of the EU's actorness has been broadly researched and is also central to the issue of the efficiency of the EU's enlargement policy. Although the EU can be seen as an economic hard power, it relies on a number of other factors in order to be recognised as international actor. International actors require a certain expertise in areas such as taking up positions, participating or chairing international negotiations and other activities in international fora. They need to be in possession of relevant policy instruments to be able to effectively and efficiently conduct foreign policy.[11] The EU has developed a positive image as a union of states able to deal with conflict and problems in a "civilised" way, and is perceived as a union whose policies are based on norms of democracy, freedom and human rights. This is attractive to countries who seek to establish relations with the EU. However, the international dimension of the EU's actorness is determined by the EU's ability to frame its international role, and by the willingness of its EU member states to support it.[12] Moreover, the EU is faced with the challenge of reaching consensus on its foreign policy

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[11] Björn Hettne and Fredrik Söderbaum, "Civilian Power or Soft Imperialism? EU as Global Actor and the Role of Interregionalism", *European Foreign Affairs Review*, Vol. 10, No. 4, 2005, pp. 1–18, here p. 3.

[12] Petr Kratochvil and et al., The EU as a "'Framing Actor': Reflections on Media Debates about EU Foreign Policy", *Journal of Common Market Studies*, Vol. 49, No. 2, 2011, pp. 391–412, pp. here 391–392.

priorities and strategies, which requires an "ability to agree" on policies.[13] Existing internal divisions weaken the EU's appeal and attractiveness and, in turn, its foreign policy role.

The main objective of the EU's foreign policy is to transfer norms and complex internal governance structures and decision-making processes to other non-EU countries. The EU's external governance approach is an "institutionalized transfer of rules to EU accession candidates or within the framework of the EU neighbourhood policy through association agreements or political partnerships".[14] EU external governance therefore goes beyond its own borders and "addresses, although to different degrees, all neighbouring countries of the EU".[15]

Although it has recently gained renewed momentum, with the awarding of the candidate status to the three EaP counties and to Bosnia and Herzegovina, the slowing down of the EU enlargement process in the Western Balkan region is explained by the EU's loss of credibility. First of all, the EU was not able to deliver on EU enlargement owing to internal disagreement on this issue. However, with the ongoing war in Ukraine and the increase in tensions in the Western Balkans, the EU members have realised the necessity to move forward with the process, even if cautiously. Secondly, the EU's conditions have in some instances not been clearly defined as goals or benchmarks. The question remains what exactly is required from the Western Balkan countries to meet the precondition of regional cooperation or reconciliation?

As Lavenex and Schimmelfennig suggest, "clarity and formality of a rule [...] binds the EU. If a condition is determinate, it becomes more difficult for the EU to claim unjustly that it has not been fulfilled and to withhold the reward."[16] On the contrary, the lack of clearly defined goals or benchmarks leaves room for the EU to continually change the benchmarks or to find reasons not to proceed with the enlargement process. The credibility issue is a cornerstone of the EU's foreign policy, but it requires a unanimous stance among the member states over enlargement. This ability to agree is needed to be able to proceed with the accession process of the three former countries of the Eastern European Partnership states (3EaP), Ukraine, Moldova and

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[13] Christopher Hill, *The Capability-Expectation Gap, or Conceptualizing Europe's International Role*, Journal of Common Market Studies, Vol. 31, No. 3, 1993, pp. 305-328., here p. 315.

[14] Susanne Lütz and et al, *The European Union as a Global Actor. Trade, Finance and Climate Policy*. Springer Texts in Political Science and international Relations, Springer Nature Switzerland AG, Cham, 2021.

[15] Sandra Lavenex, "EU external governance in 'wider Europe'". Journal of European *Public Policy*, Vol. 11, No. 4, 2004, pp. 680–700, here p. 683.

[16] Sandra Lavenex and Frank Schimmelfennig, "EU democracy promotion in the neighbourhood: from leverage to governance?", *Democratization*, Vol. 18, No. 4, August 2011, pp. 885–909, here p. 894.

Georgia, organised since 2021 into the "Associated Trio". Any internal division impacts the EU's decision-making and delays enlargement, which consequently leads to a loss of credibility. Under the European Commission Presidency of Ursula von der Leyen, the EU has intended to show a strong sign of solidary to the people of Ukraine and countries in the region by awarding them EU candidate status, yet it is uncertain that the EU will have the capacity to actually deliver on its promise. If not, the EU might lose its positive reputation among these new candidates, which opted for EU membership to avoid Russia's influence: it is clear that "[p]romises lose credibility if they go beyond the EU's capabilities, strain its resources, or produce internal divisions among the member states."[17]

Credibility is a defining factor for the EU's actorness and its ability to instigate reforms in other countries. If the EU is not credible, its power of attraction will decline and the implementation of its rules in non-EU countries will slow down, resulting in a weakening of the EU's external governance. This is already happening in the Western Balkans, but will the situation be different for the new candidate countries of the "Association Trio"?

NEW CANDIDATES – GEORGIA, MOLDOVA AND UKRAINE

This paper takes as its starting point a first analysis of the application of the Western Balkan conditionality to Georgia, Moldova and Ukraine, on the basis of the 2014 Association Agreements (AA) and the AA implementation reports available up to 2022. This research is now extended to include the first set of progress reports published in November 2023 on enlargement for the three countries. The objective is to examine if, and to what extent, the specific Western Balkan conditionality on conflict issues is being applied to the "Association Trio".

Following its 2004 enlargement which brought new borders to its south and east, the EU gained a new neighbourhood, for which it had to develop a strategy. In the case of the new eastern neighbours, this took the shape of the European Partnership programme (EaP), which was established in 2009, and Ukraine, Moldova and Georgia, together with Azerbaijan, Armenia and Belarus, became its members. The EU's neighbourhood policy incorporated a number of ideas from the, since 1993 evolving and on conditionality based, enlargement strategy, aiming to extend the EU's influence by means of political conditionality and through socialisation.[18] In 2014 Ukraine,

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17   *Ibidem.*

18   Judith Kelley, *New Wine in Old Wineskins: Promoting Political Reforms through the New European Neighbourhood Policy*, CMS: Journal of Common Market Studies, Vol. 44, No. 1, 2006, pp. 29–55.

Moldova and Georgia signed the Association Agreement (AA) and the Deep and Comprehensive Free Trade Agreement (DCFTA) with the EU. In May 2021 Ukraine, Georgia and Moldova decided to cooperate more closely and formed the "Associated Trio", suggesting that they set themselves apart from the rest of the EaP countries.[19] In February 2022 the Ukraine applied for EU membership, followed by Georgia and Moldova, which applied in March 2022. Ukraine and Moldova become EU candidate countries in June 2022 and Georgia in December 2023.

The "Associate Trio" – similarly to the Western Balkan states – have to deal with legacies of conflict, ongoing disputes or even an ongoing war with their neighbour Russia. Since its independence in 1991, Ukraine has had a varying relationship with Russia, but Russia has lost its influence over Ukraine after the country chose to move politically closer to the West. In 2014 Russia occupied Crimea and the eastern parts of Ukraine. In February 2022 it started a full-blown invasion, which impacted on the geopolitical situation of Europe. In the case of Ukraine's EU candidacy, this war will act as a test for the EU's conditionality of good neighbourhood, reconciliation and regional cooperation. Currently, the active combat between the Ukrainian and Russian armies makes it impossible to address these EU's requirements, though this will change once both parties reach the stage where they have to negotiate a peace deal, as it is very unlikely. Moldova's territorial integrity is brought into question by the existence of Transnistria, a small, Russian-protected state within the state, which separated in 1990 from Moldova with Russia's support and acts as an officially not recognised "de facto" state. Moldova is a participant in the "5+2 format" aimed at talks aiming at seeking an agreement between the two entities, but these came to a halt even prior to events in 2022.

As for Georgia, the issue is with the two regions over which the Tbilisi government has lost control. In 2008 Georgia initiated a military campaign to reclaim the separatist Russian protected regions of South Ossetia and Abkhazia by force, but in the end was faced with Russian soldiers entering Georgian territory. The aim for Georgia is to re-establish a working relationship with its Russian neighbour and with its secessionist regions, without resorting to violence. Russia is a challenging neighbour for all three countries, but this raises the following question: how can solutions to these conflicts be negotiated if Russia is not interested?

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[19] Barbara Lippert, *The EU's next Eastward enlargement will be complicated and expensive: Accession negotiations, association and new formats should be coordinated*, SWP Comment, No. 46, Stiftung Wissenschaft und Politik (SWP), Berlin, 2022. Available from https://www.swp-berlin.org/10.18449/2022C46/ (Accessed 1 April 2024), p. 6.

Ukraine

The analysis of the AA and the AA's implementation reports for the years 2016-2020 and 2022 showed that "peace", rather than "reconciliation", is the term used in the documents, indicating that Ukraine has an obligation to promote peace, stability and democratisation in its "common neighbourhood".[20] The precondition of establishing good neighbourly relations was also not referred to in the AA or in its implementation reports. However, regional cooperation and bilateral or cross-border cooperation were listed as areas in which Ukraine is actively engaged.

However, most importantly, the Ukraine, despite not being a party to the Rome Statute, signed an agreement with the International Criminal Court (ICC) in 2014 to accept the ICC's jurisdiction over alleges crimes occurring on its territory according to the Rome Statute of 1998. Ukraine has made already two declarations to the ICC: one to investigate the events between November 2013 until February 2014 and the second from September 2015 extending indefinitely the duration of investigation.[21] The cooperation with the ICC means that war crimes committed on Ukrainian territory can be pursued by the ICC. This demonstrates that structures are in place to apply redistributive justice once the possibility arises to investigate the committed war crimes.

Overall, it was not obvious, from the first set of analysed documents, if and to what extent the preconditions of reconciliation, good neighbourly relations, regional cooperation and the judicial dealing with war crimes will be integrated into the enlargement process.[22]

Ukraine's progress report of 2023 answers this question of whether the conditions applied to the Western Balkans are applicable to Ukraine, as the report includes an entire chapter addressing issues of good neighbourly relations and regional cooperation. That chapter documents the fact that Ukraine is a member of a number of regional organisations, and that it is therefore actively engaged in regional cooperation initiatives. It then provides an assessment of Ukraine's bilateral relations to countries in the neighbourhood, excluding Russia, whereby the progress report also included the enlargement countries of the Western Balkans to Ukraine's

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[20] European Union, Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other, L161/3, Official Journal of the European Union, 29 May 2014. Brussels. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A22014A0529%2801%29 (Accessed 06 April 2024), p. 8.

[21] International Criminal Court, Ukraine. 2022. Available from https://www.icc-cpi.int/situations/Ukraine (Last accessed 6 April 2024).

[22] Christina Eva Griessler, *Good neighbourhood as an EU accession criterion for Ukraine, Moldova and Georgia?* Medunarodni Problemi / International Problems, Vol. LXXV, No. 3, 2023, pp. 409–433, here p. 419–422.

"neighbourhood".[23] Overall, Ukraine was positively assessed in establishing "good bilateral relations with other enlargement countries and with neighbouring EU Member States"[24] and has signed bilateral agreements with neighbouring countries in relation with joint border management and border control.[25] There is not much to be found in the report on the issue of reconciliation, except to indicate that, in case a "reconciliation negotiation process"[26] is opened, it should include women and their perspectives in order to account for the specific form of violence that can be committed against them. Reconciliation is otherwise not mentioned in any other context. The report also takes note of the continued cooperation with the ICC and that contact was established with the Office of the Prosecutor of the ICC as well as with Eurojust and Europol.[27] Furthermore, Ukraine works with the independent International Commission of Inquiry on Ukraine, set up by the UN Human Rights Council in March 2022 to document all alleged breaches of international humanitarian law in the context of the Russian invasion of Ukraine.[28] Although, as already noted, Ukraine has not yet ratified the Rome Stature of the ICC,[29] it twice in 2024 and 2015 accepted the Court's jurisdiction and also signed an agreement in March 2023 on the opening of an ICC country office in Ukraine.. Ukraine is doing well in regional cooperation and fostering good neighbourly relations, and has committed to the implementation of retributive justice in cooperation with the ICC.

Georgia

The original analysis of Georgia's case covered the AA signed in 2014 and the implementations reports from the years 2019 until 2022. It is noteworthy that the AA refers to Georgia's "reconciliation" efforts in relation to the Abkhazia and South Ossetia provinces. The EU fully recognises Georgia's territorial integrity, and requests Georgia to pursue "a peaceful and lasting conflict resolution based on principles of international law".[30] Although

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23 European Commission. Ukraine 2023 Report, 08 November 2023, Brussels, 08 November 2023. Available from: https://neighbourhood-enlargement.ec.europa. eu/ukraine-report-2023 en (Accessed 6 April 2024), pp. 86–88.

24 *Ibidem*, p. 8.

25 *Ibidem*, p. 69.

26 *Ibidem*, p. 48.

27 *Ibidem*, p. 5.

28 *Ibidem*, p. 30.

29 *Ibidem*, p. 140.

30 European Union, Association Agreement, between the European Union and the European Atomic Energy Community and their Member States, of the one part, and

the term reconciliation was used in the AA, its use was not continued in the implementation reports. Good neighbourly regions are mentioned in the context of the country's obligation to conduct cross-border and regional cooperation.[31] The EU requires Georgia to contribute to a positive political environment in which solutions to the issue of relations to Abkhazia and South Ossetia can be discussed. Since 2021 Georgia is working on a "State Strategy for De-Occupation and Peaceful Conflict Resolution" for the secessionist areas.[32] In relation to regional cooperation, the AA states that Georgia "shall intensify [its] joint efforts [...] to further promote regional cooperation in various formats and, in particular, shall work towards peaceful settlement of the unresolved conflicts in the region".[33] The EU's expressive demand on Georgia to support regional activities reflects its promotion of regional cooperation as a tool to create an environment conducive to conflict resolution. On the issue of retributive justice, in 2017 Georgia signed a contract permitting the ICC to investigate into war crimes committed during the 2008 war on both sides and has expressed its preparedness to cooperate with the ICC.[34]

Georgia's main focus is on improving its relations and reaching a peaceful solution to its bilateral issues with the two break-away regions of Abkhazia and South Ossetia. Hence, the EU's conditionality of regional cooperation, reconciliation and even good neighbourly relations is of relevance for Georgia's EU accession path.[35]

In the progress report of 2023, the special chapter on regional cooperation does not provide much information on how to improve regional cooperation, but is rather a summary of what has already been done. The overview of regional organisation membership is followed with an evaluation of the bilateral relations with the neighbouring states, including all enlargement

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Georgia, of the other part. L 261, Official Journal of the European Union, Brussel, 30 August 2014. Available from https://eur-lex.europa.eu/legal-content/en/TXT/PDF/?uri=CELEX:22014A0830(02) (Accessed 6 April 2024), p. 5.

[31]   *Ibidem*, p. 10.

[32]   European Commission, Association implementation Report on Georgia, 12 August 2022. Brussels. Available from: https://data.consilium.europa.eu/doc/document/ST-11784-2022-INIT/en/pdf?fbclid=IwAR0Rvoq7lQj8YL3-PMfjjOdai5oz2unGKvAOT89IH9gsbL2qq-lslAq-HRo (accessed 6 April 2024), p. 6.

[33]   *Ibidem*, p. 9.

[34]   European Commission, Association Implementation Report on Georgia, Brussels, 9 November 2017. Available from: https://www.eeas.europa.eu/sites/default/files/association implementation report on georgia.pdf (Accessed 6 April 2024), p. 5.

[35]   Christina Eva Griessler, *Good neighbourhood as an EU accession criterion for Ukraine, Moldova and Georgia?* Medunarodni Problemi / International Problems, Vol. LXXV, No. 3, 2023, pp. 409–433, here pp. 422- 425.

countries. Georgia is assessed as an active participant in regional formats,[36] which shows an improvement compared to the previous analysis, where Georgia encouraged to become more active in regional cooperation.[37] The term "reconciliation" does not appear in the progress report. In relation to retributive justice, Georgia already ratified the ICC's Rome Statute in 2003[38] and is cooperating with the ICC on the investigation of war crimes. Georgia's main task remains to solve the issue of the two break-away regions of Abkhazia and South Ossetia through activities in the regional fora.

Moldova

Moldova has the advantage of being located between Ukraine and an EU member, Romania, hence it is not in Russia's immediate neighbourhood. Still, the existence of the Transnistrian state, supported by Russia, limits Moldova's territorial integrity and political sovereignty. The AA includes a commitment by Moldova to find a feasible settlement to the Transnistrian conflict.[39] The Transnistrian issues is referred to in all analysed documents; the AA implementation reports from 2016[40] until 2019 and from 2021 to 2023. Moldova was engaged in the 5+2 negotiations about the future status of Transnistria, but these are no longer active. The EU supports these activities by assisting confidence-building measures on a local level and jointly with civil society to improve relations between Moldova and Transnistria.[41] Similar to the other two AAs with Ukraine and Georgia, a reference to good

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[36] European Commission, Georgia Report 2023, Brussel, 8 November 2023. Available from: https://neighbourhood-enlargement.ec.europa.eu/georgia-report-2023 en (Accessed 6 April 2024), p. 69.

[37] Christina Eva Griessler, Good neighbourhood as an EU accession criterion for Ukraine, Moldova and Georgia? Medunarodni Problemi / International Problems, Vol. LXXV, No. 3, 2023, p. 409–433, here p. 424.

[38] European Commission, Georgia Report 2023, Brussel, 8 November 2023. Available from: https://neighbourhood-enlargement.ec.europa.eu/georgia-report-2023 en (Accessed 6 April 2024), p.122.

[39] European Union, Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, L260, Official Journal of the European Union, 30 August 2014. Available from: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:22014A0830%2801%29 (Accessed 9 April 2024), p. 6.

[40] The 2016 report was published by the Republic of Moldova to summarise the achievements between 2014 and 2016. It was included in the analysis as it gives a sense of what issues or topics were of importance or addressed.

[41] European Commission, Association Implementation Report on the Republic of Moldova, 2 February 2023. Brussels. Available from https://www.eeas.europa.eu/sites/default/files/documents/ST-6094-2023-INIT en.pdf (Accessed 9 April 2024), p. 20.

neighbourly relations can be found in the Preamble of the AA. Moldova has committed itself "to promoting cross-border and inter-regional cooperation, in the spirit of good neighbourly relations",[42] however there is no further reference to good neighbourly relations in the AA implementation reports. Reconciliation is not explicitly mentioned in the reports, but the obligation of Moldova to reach a final settlement on the Transnistrian conflict can be interpreted as an implicit requirement to reconcile. The regional cooperation activities of Moldova are assessed very positively in the documents. Regional cooperation takes place in many functional areas, such as transport, economic cooperation and environment. Additionally, Moldova is an active participant in the EU Strategy for the Danube Region.[43] In 2017 Moldova recognised the jurisdiction of the ICC. Moreover, it reformed its criminal law to bring it in line with the Rome Statute of the ICC.[44]

In the 2023 progress report, the "good neighbourly" relations and the "regional cooperation" are mentioned in a separate chapter, which again lists the membership of regional organisations as proof that regional cooperation is being actively pursued; additionally, the chapter evaluates the bilateral relationships with the neighbouring countries and the enlargement countries. Overall, Moldova is assed as an active participant in regional cooperation activities, maintaining good relations with neighbouring EU countries and enlargement countries and as partner in the "Associated Trio". Moldova intensified bilateral cooperation with its neighbours Ukraine and Romania to assist in humanitarian efforts and other critically important issues which emerged as a result of Russia's invasion of Ukraine.[45]

The only mention of reconciliation appears in the context of the internal political divisions within the Republic of Moldova, in the shape of the EU's criticism of the absence of dialogue of the political the parties to "address

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[42]   European Union, Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, L260, Official Journal of the European Union, 30 August 2014. Available from: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:22014A0830%2801%29 (Accessed 9 April 2024), p. 7.

[43]   Christina Eva Griessler, Good neighbourhood as an EU accession criterion for Ukraine, Moldova and Georgia? Medunarodni Problemi / International Problems, Vol. LXXV, No. 3, 2023, pp. 409–433, here pp. 425–427.

[44]   Republica Moldova, Progress report on the implementation of the Republic of Moldova – European Union Association Agenda, September 2014 – March 2016, 2016. Available at: https://dcfta.md/eng/progress-report-on-the-implementation-of-the-republic-of-moldova-european-union-association-agenda (Accessed 9 April 2024).

[45]   European Commission, Republic of Moldova 2023 Report, 8 November 2023, Brussels. Available from: https://neighbourhood-enlargement.ec.europa.eu/moldova-report-2023 en (Accessed 10 April 2024), pp. 71–73.

reconciliation and key matters of national interest".[46] In relation to the ICC, the report only reiterates that Moldova has ratified the Rome Statute.[47] The progress report provided a positive evaluation of Moldova's activities in regional cooperation and in fostering good neighbourly relations.

SUMMARY

Through the transfer of norms and values, the EU aims to influence the policies and the governance structures of non-EU countries or of states wanting to become EU members. The external government approach works with conditionality and socialisation, and can only be successfully implemented so long as the EU is an attractive and credible partner for these countries. The progress reports have shown that the EU still promotes regional cooperation as a means to address conflicts and to improve bilateral relations. Therefore, these aspects will be part of the EU accession path of the "Association Trio". The general problem remains the ambiguity of the milestones. One strategy could be for the countries to increase the number of memberships of regional organisations, as – as the reports demonstrate – this seems to be positively assessed by the EU.

Of interest is that, although good neighbourly relations are a criterion, the reports ignore the relations to Russia, but focus on all other neighbours and the "new neighbourhood" of the enlargement countries in the Western Balkans.

The main difference is that reconciliation is not used extensively in the documents of the "Association Trio": in a way, this makes sense as reconciliation is a long-term process which needs to emerge from within society and whose outcome is not predetermined. Hence, it is not reconciliation that should be a precondition for EU accession, but rather activities which support reconciliation.

Similar to the Western Balkan experience, there is a strong focus on retributive justice, which can be seen in the close cooperation with the ICC and the acceptance of its jurisdiction in relation to pursuing war crimes.

Although the ideas of the Western Balkan conditionality are being transferred to the new Eastern European candidate countries, they seem to have been adapted to better fit the situation: no demand on reconciliation, but on resolving conflicts; good neighbourly relations with neighbours and enlargements states, but no focus on Russia; cooperation with the ICC to punish the perpetrators of war crimes, which is similar to the Western Balkan case. The EU has demonstrated its ability to learn and adapt its strategies.

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[46] *Ibidem*, p. 13.

[47] *Ibidem*, p. 115.

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Tempting Weakness: Reconsidering the Hungarian Model

ABSTRACT

In this paper, I will use the theoretical framework of the French geopolitist Bertrand Badie to analyze the specificities of the Orbán regime in Hungary. Badie examines an anomaly: weak players, ill-integrated in the international order, have developed a multilayer practice of sharp power that Badie calls the "power of annoyance". This tool is sometimes a desperate reaction to one's structural weaknesses at the state level, nation-building, or society. In other cases, the power of annoyance further weakens the group purportedly represented by the users of such sharp power. Though Badie focuses on the Global South, his theory is also salient to Eastern European cases. Viktor Orbán's "freedom fight" has shown its limits since the full-scale Russian invasion of Ukraine, yet his tactics of annoyance further weaken the EU, the Western Balkans, and their European perspectives. In Serbia, learning from Hungary's longer-term mistakes might be more relevant than imitating Orbán's 'model.'

KEYWORDS: *Hungary; Orbán; weakness; power of annoyance; European Union; Western Balkans; decolonization; Bertrand Badie*

INTRODUCTION

The "power of weakness" theory tackles an anomaly in contemporary international relations and geopolitics: how can weak players put a significantly stronger opponent in a predicament? According to Bertrand

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Badie, this anomaly originates in the Cold War and the significant shortcomings in decolonization.[1] Badie shows how the moral background of emancipation combined with the hefty failures of integration in the international – Westphalian – order have driven marginal actors to deploy a "power of annoyance," i.e., a set of tactics in both warfare and diplomacy that undermine the existing order without, however, sufficient means to build up a reliable alternative.[2] From terrorism in the Sahel to Vladimir Putin's disinformation strategies abroad, annoyance covers a large spectrum of cases where the emphasis is on the specific power of the weak, disturbing the basic rules of traditional power relations. Badie mainly focuses on the Global South, though he does mention potential cases to explore in Europe.[3] Hence, the question is how this "power of annoyance" might shed new light on Viktor Orbán's regime and its undermining effects on the Western Balkans' (WBs) integration in the European Union (EU).

Hearty summit meetings and intimate ties might be deceiving. The Hungarian regime's open support for Serbia's EU integration might even be counterproductive regarding Serbia's European development and perspectives. "If Serbia has such friends, then it doesn't need enemies anymore, because such support only defers the country's European integration," said Vesna Pusić, the minister of foreign affairs of Croatia, another EU-member neighbour of Serbia, after the Orbán-Vučić meeting in July 2021 in Belgrade.[4] This diplomatic comment calls for elaboration on the 'Hungarian model.'

In this paper, I will show how, despite sometimes being perceived as impressive, the Orbán regime's apparent 'success story' has significantly and deliberately weakened Hungary. I will use Bertrand Badie's geopolitical concept of the "power of weakness" to analyze this process.[5] The multilayer capture of the country has exposed Hungary to foreign interference. Orbán's use of the "power of annoyance" has also attempted to sabotage the West's cohesion and undermined the chances of Serbia and the WBs to join the EU by creating a toxic precedent for future enlargement. How could such

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[1]   Bertrand Badie, Quand le Sud réinvente le monde. Essai sur la puissance de la faiblesse [When the South reinvents the world. An essay on the power of weakness], La Découverte, Paris, 2018.

[2]   *Ibidem*, pp. 121–125.

[3]   *Ibidem*, p. 131. Badie mentions Orbán, but also Jarosław Kaczyński, Recep Tayyip Erdoğan, and Putin as actors promoting ethnicism and inward-looking attitudes. To this insight from 2018, I add that Hungary and Russia have clearly developed new techniques of annoyance.

[4]   Roland Majláth, "Leghűbb szövetségesének is kellemetlen lett Orbán" [Orbán has become a burden for his closest ally]. *Magyar Hang*, [online] 10 July 2021. Retrieved from <https://hang.hu/hataron-tul/leghubb-szovetsegesenek-is-kellemetlen-lett-orban-127845> [Accessed 18 February 2023].

[5]   Bertrand Badie, *Quand le Sud réinvente le monde*, op. cit.

a strategy serve Hungary's national interest in the context of the Russian invasion of Ukraine? First, I will examine the specificities of Hungary's authoritarian shift. Weakness is the pivotal concept I will elaborate on based on Badie's framework. Second, I will reflect on Orbán's specific use of what Badie calls the power of annoyance, i.e., the power of those states and actors lacking more traditional power instruments. Though not incomparable to the Russian or Turkish cases, it is only in the European Union that such a peculiar hybrid regime could emerge. The way Orbán has used the means and tools of the "weak" against the EU highlights the specificity of his regime. Third, I will evaluate the consequences of this tactic and reconsider the sustainability of the purported 'model.' We might be better off learning from our neighbours' past and present mistakes in the present historical and geopolitical situation instead of admiring their short-sighted recipes.

EXPLOITING WEAKNESS: THE MULTILAYER CAPTURE OF THE COUNTRY

Badie analyzes weakness at different levels: that of the state and its institutional framework; that of the nation, i.e., the shortcomings of the nation-building process and narratives; and that of society, i.e., the lack of solidarity and cohesion.[6] Let's consider these different layers in the medium-term consolidation of Orbán's regime.

Orbán's consecutive governments have turned the Third Hungarian Republic into a new regime, exploiting and deepening these different forms of weakness. Indeed, the concept of "state capture," well-known in theoretical research and adequately documented in the case of Hungary,[7] is unfortunately not sufficient to describe the level of appropriation this regime has carried out in the country. Orbán's political machinery captured democracy, the nation, and the state and managed to downgrade Hungarian society to a fractured patchwork ruled by apathy.

Democracy Capture

The Orbán regime has used Fidesz's landslide victory in the 2010 legislative elections as its prominent source of legimacy. It has changed the Hungarian

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6   *Ibidem*, pp. 114–121.

7   József Péter Martin and Miklós Ligeti, "Hungary. Lobbying, State Capture and Crony Capitalism" in: Alberto Bitonti and Phil Harris (eds), *Lobbying in Europe. Public Affairs and the Lobbying Industry in 28 EU Countries*, Palgrave Macmillan, London, pp. 177–193. Mihály Fazekas and István János Tóth, "From Corruption to State Capture: A New Analytical Framework with Empirical Applications from Hungary", *Political Research Quarterly*, Vol. 69, no. 2, pp. 320–334.

electoral system to repeat that revolutionary euphoria[8] of victory in 2014, 2018, and 2022. Formally democratic, the regime's electoral machine has significantly fractured and weakened Orbán's liberal opposition – a medium-term process (2010-present-day) that could not work without a lack of vision on the opposition's side. Under such electoral rules, it would take a Fidesz-size political block to have a chance to win against Orbán. The consecutive attempts of the swarm of opposition parties and cells have discredited rather than united them. 'Free but unfair:' This electoral commonplace involves the fallacy of looking almost exclusively at the rules and their theoretical content, comparing elections and neglecting their longer-term impact as an electoral *machine infernale*.[9]

Speculations in 2018 and 2022 about the "mathematical chance"[10] to turn the tables on Orbán's majority have morally corrupted the opposition, unwilling to sacrifice the comfort of mostly useless parliamentary activity for the sake of real change. However, there was a relevant precedent to consider.[11] The opposition's capture is a tragicomic yet most useful 'collateral damage' of Orbán's democracy capture.

As well-known since the Ancient Greeks, democracy is a power based on *victory* over an opponent.[12] The repeated thrill of victory, the use of referendums, and so-called "national consultations"[13] with ridiculous questions begging for the answer are the ingredients of a democracy capture that maintains, at least for the fanatic pro-Orbán core, an *ersatz* of the widespread impression to participate to democratic decision-making. Moreover, this thrill of victory has also fed Orbán's bellicose rhetoric: politics is always about fights and

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8   Emilia Palonen, "Rupture and continuity. Fidesz and the Hungarian revolutionary tradition", *La Révolution française* [online], 2011/5. Retrieved from: http://journals.openedition.org/lrf/353; DOI: https://doi.org/10.4000/lrf.353 [Last accessed 21 April 2024].

9   András Bozóki, "Free and unfair: The Hungarian elections", *Transit Online*, IWM, 16 April 2014. Retrieved from: https://www.iwm.at/transit-online/free-and-unfair-the-hungarian-elections [Last accessed 21 April 2024].

10   Népszava, "Így fest Orbán legyőzésének matematikai modellje" [That is how the mathematical model to defeat Orbán looks like], *Népszava*, 30 March 2018. Retrieved from: https://nepszava.hu/1156444_igy-fest-orban-legyozesenek-matematikai-modellje [Last accesses 21 April 2024].

11   Back in 2002, after loosing the legislative elections against the socialist-liberal coalition, in times when such a strategy was not necessary to persevere in politics, Orbán's party decided to go for such a strategy.

12   Nicole Loraux, *The divided city: On memory and forgetting in Ancient Athens*, trans. Corinne Pache and Jeff Fort, Zone Books, New York, 2006 [2002].

13   Peter Dlhopolec, Edit Inotai, Jules Eisenchteter and Claudia Ciobanu, "Democracy digest: Hungary's 'national consultation' – Not much to say", *Balkan Insight*, 26 January 2024. Retrieved from: https://balkaninsight.com/2024/01/26/democracy-digest-hungarys-national-consultation-not-much-to-say/ [Last accessed 21 April 2024].

victories over an – often perceived – enemy.[14] There is a fine line between the democratic game and civil war. Orbán has played on the edge since the early 2000s, anticipating hazardous tactics elsewhere in the world, e.g., the United States, since the emergence of the Trump phenomenon.

Nation Capture

Before democracy was captured, while still in extraparliamentary opposition (following the 2002 defeat), Orbán successfully captured the nation. More precisely, he monopolized the national narrative, forcing his opponents (in power) to react to his increasingly conservative and chauvinistic narrative.[15] This capture or hijacking of the 'Great National Novel' has successfully discredited the liberal parties' use of the national lexique (the nation, the homeland, patriotism, 'Hungarianness').[16]

A landmark in this capture was the appropriation, since 2004,[17] of the topic of Hungarian minorities living in neighbouring countries (especially in Romania, Slovakia, Serbia, and Ukraine). The rhetorical appropriation of this sensitive yet crucial topic paved the way for the regime's strategy after 2010.[18] The regime has instrumentalized these minorities to support friendly candidates in the neighbouring countries (Vučić in Serbia, Robert Fico in Slovakia),[19] an instrumentalization akin to the use of 'migrants' at the borders, highly efficient at decisive electoral moments.[20] As a result,

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[14] Péter Visnovitz and Erin Kristin Jenne, "Populist argumentation in foreign policy: the case of Hungary under Viktor Orbán, 2010-2020", *Comparative European Politics*, 2021, Vol. 19, pp. 683–702.

[15] Political Capital, "Fidesz nagygyűlés a Várban" [Great Fidesz meeting in the castle], *Political Capital*, 10 May 2002. Retrieved from: https://politicalcapital.hu/konyvtar.php?article_read=1&article_id=711 [Last accessed: 21 April 2024].

[16] Zsolt Kapelner, „Mit kezd a baloldal a nemzettel?" [How can the Left deal with the nation?], *Mérce*, 18 November 2017. Retrieved from: https://merce.hu/2017/11/18/mit-kezd-a-baloldal-a-nemzettel/ [Last accessed 21 April 2024].

[17] Political Capital, "Felelőtlenség vagy morális megsemmisülés – december 5. kettős olvasata", *Political Capital*, 6 December 2004. Retrieved from: https://politicalcapital.hu/konyvtar.php?article_read=1&article_id=1487 [Last accessed 21 April 2024].

[18] Népszabadság, "Kettős állampolgárság villámsebességgel" [Double citizenship with light speed], *vg.hu*, 6 August 2010. Retrieved from: https://www.vg.hu/kozelet/2010/08/kettos-allampolgarsag-villamsebesseggel [Last accessed 21 April 2024].

[19] Katarína Klingová, "Hungarian minority in Slovakia: Cultural ties and deliberate building of influence", *Globsec*, 2 April 2022. Retrieved from: https://www.globsec.org/what-we-do/publications/hungarian-minority-slovakia-cultural-ties-and-deliberate-building-influence [Last accessed 21 April 2024].

[20] Sona Otajovicova, "Slovakia: Will a rise in illegal migration sway voters?", *Deutsche Welle*, 22 September 2023. Retrieved from: https://www.dw.com/en/slovakia-will-a-rise-in-illegal-migration-sway-voters/a-66887208 [Last accessed 21 April 2024].

the discourse in Hungary about the Hungarians living in neighbouring countries has been deprived of the many nuances these most heterogeneous communities would deserve to have their needs and rights properly asserted and represented.[21] Discourse has been reduced to a simplistic and empty black-and-white confrontation: praised as 'authentic' Magyars on the regime's side, their situation and diversity are denied on the liberal side too, where these communities are depicted as radical, backward, simple-minded Orbán supporters.

In short, the capture of the national narrative has led to a political gamble with whole groups of people (in Slovakia and Serbia, not to mention Ukraine, the most tragic case in the present situation[22]), a gamble where individual dignity and collective identities leave the floor to the newest variants of 'biopolitics:'[23] a migrant is nothing but a body; likewise, a Hungarian-speaker is nothing but a Slovak or a Serbian ballot; both are political weapons, i.e., have the status of unanimated tools and instruments. Their sacrifice does not trigger moral indignation or any sincere emotion: the faculties required to have sincere feelings and voice them have already been sufficiently uprooted in public opinion.

Society Capture

People feeling a lot of sorrow are ideal subjects for a tyrant. Moreover, unhappy people come to crave a tyrant. This theory has been well-known since Early Modern political thought. Though we might have doubts regarding the proper interpretation of La Boétie and Spinoza's political philosophy in Orbán's close circle, the recipe seems well-understood and applied.[24]

Apathy: The Weakness of a Captive Society

The general apathy of Hungarian citizens is a perception that has already resulted from the deliberate weakening of social ties. It is a symptom rather

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[21] Boróka Parászka, "Erdélyi Magyar fekete lyuk" [Transylvanian Hungarian black hole], *HVG*, 14 June 2023. Retrieved from: https://hvg.hu/360/20230614_Erdelyi_magyar_fekete_lyuk [Last accessed 21 April 2024].

[22] Keno Verseck, "Ungarn in der Ukraine: 'Wir sind keine Separatisten'" [Hungarians in Ukraine: "We are not separatists"], *Deutsche Welle*, 19 April 2024. Retrieved from: https://www.dw.com/de/ungarn-in-der-ukraine-wir-sind-keine-separatisten/a-68865896 [Last accessed 21 April 2024].

[23] See Michel Foucault, *Naissance de la biopolitique. Cours au Collège de France 1978–1979* [The birth of biopolitics. Lectures at the Collège de France 1978–1979], Seuil, Paris, 2004.

[24] Étienne de la Boétie, "Discours de la servitude volontaire" [Discourse on voluntary servitude], *Payot*, Paris, 2016. Baruch Spinoza, Theological-Political Treatise, trans. Michael Silverthorne and Jonathan Israel, Cambridge University Press, Cambridge, 2007, pp. 3-11.

than a critical note. The impression that society's overall emotions seem to have "divorced from real life,"[25] despite many reasons to outrage against arbitrariness, got bitter confirmation in the 2022 general elections. The regime cruised through the electoral campaign in the context of the brutal escalation of Russia's war against Ukraine without a single scratch. Despite being heavily compromised on Vladimir Putin's side, Orbán managed to inflict a devastating defeat on the opposition by steadily sticking to the revolting refrain that those whom Putin's Russia existentially threatens are "pro-war."[26] Apathy successfully absorbed all emotions of fear and outrage and the apparent fact that Hungary has a primordial interest in strengthening European and Eastern European security. The lack of alternatives and perspectives explains how the people come to "crave a tyrant" and opt for the perceived security offered by continuity.[27] Hungary today is an additional (i.e., useless) illustration of this classic political theory.

This lack of reliable or convincing alternatives and discourse in the 2022 elections also had a possibly devastating effect on Hungary's European and international image: after four consecutive landslide victories at legislative elections, the country – its people, the diversity of opinions – get more and more identified with the regime in place, as if the majority of Hungarians would blindly support the regime, its overtly anti-European orientation, and blatantly proud far-right discourse and denial of human dignity at home, in the neighbourhood, and beyond. Despite a recent yet palpable wind of change, the country's international image might take longer to change than the regime's dismantling.[28] Such stigmatization is bitterly well-known in Hungary's Southern neighbourhood.[29]

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[25] Hannah Arendt, "The Concept of History" in Between past and future. Six exercises in political thought, *The Viking Press*, New York, 1961, p. 53.

[26] András Mizsur, "Most már plakátokon is sulykolják, hogy az ellenzék 'háborúpárti'" [Governmental billboards denounce the opposition as 'pro-war'", *Telex*, 16 June 2023. Retrieved from: https://telex.hu/belfold/2023/06/16/plakatkampany-haboruparti-ellenzek-cof-coka-propaganda-megafon-hirdetes [Last accessed 21 April 2024]. Cabinet Office of the Prime Minister, "Hungary is pro-peace", *miniszterelnok.hu*, 13 October 2022. Retrieved from: https://2015-2022.miniszterelnok.hu/hungary-is-pro-peace-2/ [Last accessed 21 April 2024].

[27] Világgazdaság, "EZért bukhatott ekkorát az ellenzék" [That's why the opposition failed so strikingly], *vg.hu*, 4 April 2022. Retrieved from: https://www.vg.hu/kozelet/2022/04/valasztas-2022-ezert-bukhatott-ekkorat-az-ellenzek [Last accessed 21 April 2024].

[28] Suzanne Lynch, "Orbán faces danger from new enemy brandishing a leaked tape", *Politico*, 26 March 2024. Retrieved from: https://www.politico.eu/article/viktor-orban-peter-magyar-judit-varga-new-headache-leaked-tape/ [Last accessed 21 April 2024].

[29] Milan Krstić, "The conceptual relations between Europeanization and destigmatization: Regional challenges shown through the case of Serbia" in: Adam

Nostalgia: A Political Weapon and Condition

Nostalgia is a political disease and weapon. The notion addresses the intimate feeling of home and is easy to instrumentalize. In Hungarian party politics, time seems to have stopped somewhere in the mid-2000s: though the atomization of the opposition parties and the relative majority of Orbán's fan club are apparent, the opinion continues to stick to the narrative of a bipolar political spectrum, as if two sides of approximately equal size would structure the country's political life.[30] Liberals are not less into an exclusive 'us and them' narrative than the regime with its discriminating national narrative.

The fairytale of the 'two sides' partly dissimulates the ruling apathy. It is a weakening factor: any group split into two bubbles that refuse to dialogue has its intellectual capacities significantly lowered. The mere impression or illusion that there are two 'sides' is sufficient to achieve that: even though the other 'side' is merely perceived, the impact on critical thinking and empathy is real, the same way we do not need real and well-defined civilizations to suffer the consequences of their clash.[31] In Hungarian domestic politics, these unexisting 'civilizations' correspond to the illusion that the structure of party politics has not radically changed since the mid-2000s. What maintains this illusion is that Orbán and his primary political opponents have successfully undermined the chances of new generations of political actors to rise. The country tends to live in the recent and tumultuous past as if nothing had changed throughout the last twenty years. Nostalgia, far from being harmless and pleasant Sunday afternoon reminiscing, is a severe political disease of our times – Hungary being more of a symbolic than a genuinely significant case in point.

With the idea that 2010 was a "revolution through the urns," by repeating the thrill of that "revolution" through free but unfair elections, and with the belligerent rhetoric where every challenge is a fight to win over a perceived enemy systematically connected to yesterday's opponents, the regime foments the general feeling of a postwar situation where the recent past represents a threat, a potential relapse, all this in the interest of imaginary

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Bence Balazs (ed.), *The Europeanization of Montenegro*, Nomos, Baden Baden, 2022, pp. 153-183.

[30]   Márton Sándor Németh, "Visszatér a kétezres évek elejére a magyar politika?", *Index*, 30 March 2023. Retrieved from: https://index.hu/belfold/2023/03/30/ellenzek-demokratikus-koalicio-fidesz-kdnp-valasztas-mszp-osszefogas-gyurcsany-ferenc-dobrev-klara-arnyekkormany/ [Last accessed 21 April 2024].

[31]   Samuel P. Huntington, *The Clash of civilizations and the remaking of world order*, Simon & Schuster, New York, 1996. Hubert Védrine, Dictionnaire amoureux de la géopolitique [A sentimental dictionary of geopolitics], *Plon/Fayard*, Paris, 2021, pp. 189-190.

international-cosmopolitan conspirators in direct affiliation with the 1930s' antisemitic representations.[32]

The Orbán regime has been uncarefully compared to previous authoritarian systems: János Kádár's state-socialist Moscow satellite and Miklós Horthy's Interwar and wartime revisionist, pro-Nazi authoritarian setting. The regime's structure has barely anything to do with these predecessors.[33] The link is elsewhere: in the deliberately repeated and more or less coded references to them to feed nostalgia in a society that has not managed to turn the page of History and overcome its collective traumas.

The object of this politically directed nostalgia is hardly the past – at least indeed not the past as the object of historians who struggle to fulfill their civic responsibilities in the present political context, i.e., against the grain.[34] The real object of this nostalgia under political control is a plethora of frustrations. These do stem from past failures but are fed in the present as resentment towards Europe and the West. In other words, and that is the very essence of this condition, the real object of nostalgia is dissatisfaction with the present, dissimulating that the responsibility for such discontent should logically aim at the regime that has been in place for fourteen years.

The political twist is that this condition, heavily tainted with pain and sorrow, still feels like a source of joy for those who believe that Orbán is making Hungary great again. Bygone times of grandeur would call for objective and critical debates, practices labelled by the regime's propaganda as 'antipatriotic' and 'foreign' – as if critical thinking, theory, and intellectual curiosity in general would be 'un-Hungarian.'[35] The result is a fundamental confusion between sorrow and joy, a complex source of sorrow mistaken for pride: Hungary deserves better; Hungary deserves more recognition.[36] Bygone grandeur: Hungary is certainly not alone with its nostalgia for times perceived as more glorious. Serbia, Bosnia, and, farther away, Armenia

[32]   William Echikson, "Viktor Orbán's anti-Semitism problem", *Politico*, 13 May 2019. Retrieved from: https://www.politico.eu/article/viktor-orban-anti-semitism-problem-hungary-jews/ [Last accessed 21 April 2024].

[33]   Szilárd Teczár, "'Ez nem a Kádár-korszak' – Tamás Gáspár Miklós önkényuralomról, pesszimizmusról ellenállásról", *Magyar Narancs*, 7 December 2017. Retrieved from: https://magyarnarancs.hu/belpol/ez-nem-a-kadar-korszak-107769 [Last accessed 21 April 2024].

[34]   Krisztián Ungváry, "Egy történelem, sok magyarázat" [One history, many explanations], *CEU Lecture series*, 7 February – 2 May 2023, Open Society Archives, 2023.

[35]   Gáspár Miklós Tamás, "Permanens forradalom vagy ellenforradalom" [Permanent revolution or counter-revolution], *Mérce*, 23 October 2017. Retrieved from : https://merce.hu/2017/10/23/tgm-permanens-forradalom-vagy-ellenforradalom/ [Last accessed 21 April 2024].

[36]   Népszava, "Szijjártó Péter megsértődött, több tiszteletet követel Svédországtól", *Népszava*, 6 October 2023. Retrieved from: https://nepszava.hu/3211306_szijjarto-peter-svedorszag-nato-csatlakozaas [Last accessed 21 April 2024].

face similar challenges regarding memory and forgetting to open new and sound future perspectives.[37] The specificity is that some perceive Hungary as a model, hence the urgent need to deconstruct it and bring the essential components of it to the light. It is a regime built on the multilayer weakness of the country. Populism is a weakening factor, as elsewhere; state capture and corruption weaken institutions; a monopoly on the national narrative weakens the political community of Hungarians and lowers its ability to feel and think critically; the deliberate weakening of society results in the absence of essential solidarity: how could people suspicious about each other protest together against a regime that has been poisoning all sectors of their existence for an already significant amount of time?

Orbán likes to present himself as a "freedom fighter."[38] In the ongoing, more global debate on the exact definition of this notion, we can state that a freedom fighter, despite the diversity and complexity of contexts worldwide, could not be interested in the pain and unhappiness of the group they represent and struggle to emancipate. Therefore, we might wonder whose freedom exactly is the goal of the self-proclaimed Hungarian warrior. The Hungarian nation and society do not seem to benefit from the glorious outcomes of Orbán's relentless fight against mills – or his much more discrete ties of vassalage with influential players such as Putin's Russia. Whatever the specific interest, it can hardly be considered 'national.'[39]

THE SHORTCOMINGS OF INTEGRATION
AND THE POLITICS OF WEAKNESS

There are at least two reasons not to call such a leader a 'strongman.' First, his political action not only relies on the country's weaknesses but, what is more, further weakens democracy, the state, the nation, and society. The practice of such politics, though through the effective concentration of power, results in longer-term multilayer weakening. In Badie's framework, weakness is a broader term that can be either the consequence of imperialism, in other

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[37] Zoltán Sz. Bíró, "Mi történik Hegyi-Karabahban?" [What is happening in Nagorno-Karabah?], *Klubrádió*, 25 September 2023. Retrieved from: https://www.klubradio.hu/archivum/reggeli-gyorsreggeli-szemely-2023-szeptember-25-hetfo-0900-sz-biro-zoltan-35901 [Last accessed 21 April 2024].

[38] John Chalmers and Gabriela Baczynska, "Hungary's Orban rejects criticism over rule of law, says he is a 'freedom fighter'", *Reuters*, 25 September 2020. Retrieved from: https://www.reuters.com/article/idUSKCN26G281/ [Last accessed 21 April 2024].

[39] András Dezső, "Kevés dolog annyira értelmetlen, mint az, amit Orbánék csinálnak a svédekkel NATO-ügyben" [Hardly anything as absurd as Orbán's behaviour towards Sweden], *HVG*, 24 January 2024. Retrieved from: https://hvg.hu/360/20240124_Dezso_Andras_Magyarorszag_Svedorszag_Torokorszag_NATO_tagsag_csatlakozas_Orban_Viktor_Szijjarto_Peter [Last accessed 21 April 2024].

words, given, or a twisted resource used to concentrate power. That is the critical point where we can distinguish between a freedom fighter and other categories. Badie encompasses all cases to develop his concept of the "power of weakness."[40]

Second, the purported 'strongman' is weak himself. Again, this can generally be said of all users of sharp power, whether they build up such tactics to overcome or deepen weakness. In Orbán's case, the strategy was not justified: it was not a last-resort solution for a country formally well-integrated in the Euro-Atlantic system of alliances.

Badie's theoretical framework addresses the context of decolonization on a global scale to highlight its shortcomings and put a name on the resulting anomalies in global governance and contemporary warfare. For Badie, decolonization, a moral necessity, has technically failed as an integration process. At first glance, the topic seems far from Hungary and its macro-regional neighbourhood. Nevertheless, in the same way, his theory has already made sense of multilayer weakening in Hungary, Badie's framework sheds new light on the concept of integration as well, which is relevant for the constructive criticism of the shortcomings of the Euro-Atlantic alliances – and the Hungarian 'anomaly.' The "power of weakness" is first a decolonial critique of integration, i.e., a theory of integration. Second, it analyzes the resulting anomaly, i.e., the apparent success of weaker players in asymmetrical power relations. Overall, it is a framework we can apply to European cases such as Hungary and the Western Balkans.

For Badie, "decolonization is the great event of the post-World War II period."[41] Integration (into the UN system) is the keyword to grasp why this event or process failed.[42] Integration is a three-step process. Including new, freshly emancipated states is a first step, followed in theory by establishing well-balanced interdependence, and, as a third step, activating mobility in the integrated world. [43]

Inclusion

The first step is the inclusion of new sovereign states. According to Mattias Iser, this first step has three layers: formally legal, political, and moral.[44] For Badie,

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[40]　Bertrand Badie, *Quand le Sud réinvente le monde*, op. cit.

[41]　*Ibidem*, p. 13.

[42]　 *Ibidem*, pp. 13–14.

[43]　*Ibidem*, pp. 21–28.

[44]　*Ibidem*, p. 22. See Mattias Iser, "Recognition between states?" In: Christopher Daase, Caroline Fehl, Anna Geis, and Georgios Kolliarakis (eds), *Recognition in International Relations*. Rethinking a Political Concept in a Global Context, Palgrave Macmillan, Basingstoke, pp. 27–45.

the legal procedure is the "most evident" one: following the proclamation of independence, admission to the United Nations confirms the recognition of the new state.[45]

The political layer is more problematic. The aim is to recognize the new state as "a political player, interacting on all great international questions."[46] Badie stresses how "history shows that a state can be juridically recognized without acknowledging it as an integral political force."[47] For Badie, decolonized states are stuck in formal recognition: "Their right to manage their domestic issues, to intervene in regional conflicts, and to fully join the international system is *de facto* denied."[48] Integration blocks at a rather initial stage.

Iser highlights a third, moral layer within this first step: "esteem."[49] The new state carries its own values, history, and culture. Disrespect towards these properties undermines integration by making this term interchangeable with assimilation.

Several countries in the Global South are indeed blocked at the stage of formal recognition. Interestingly, the Orbán regime, in a hardly comparable situation, has rhetorical refrains that echo the last two layers: harsh demands for the recognition of Hungary's right to supervise its domestic issues (radical rejection of asylum-seekers in the name of a Hungarian way of life with an ethnicist aftertaste),[50] *not* to intervene in a regional conflict (Ukraine),[51] and *not* to join its closest allies already *within* an international system of alliances (NATO and the EU).[52] The regime's reactions and demands sound like Hungary had been going through a process of decolonization since 2010, with "Brussels" in the role of the 'colonial' centre – which is at least disrespectful for former Belgian colonies living through harsh and precarious times. The romanticized freedom-fighting rhetoric hardly dissimulates that

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[45]   Bertrand Badie, *Quand le Sud réinvente le monde*, op. cit., p. 22.

[46]   *Ibidem*, p. 23.

[47]   *Ibidem*.

[48]   *Ibidem*.

[49]   Mattias Iser, "Recognition between states?", op. cit., pp. 28–29.

[50]   Gáspár Miklós Tamás, "Ki a bűnös?" [Who is guilty?], *HVG*, 8 September 2015. Retrieved from https://hvg.hu/velemeny/20150908_TGM_Ki_a_bunos [Accessed 19 February 2023]. *Ibidem*, "A menekültek éve" [The year of the refugees], *HVG*, 28 December 2015. Retrieved from https://hvg.hu/velemeny/20151228_TGM_A_menekultek_eve [Last accessed 19 february 2023].

[51]   Cabinet Office of the Prime Minister, "Hungary is pro-peace", op. cit.

[52]   Magyar Nemzet, "Orbán Viktor: A háborúpárti kormányokat és a háborús hangulatot meg kell állítanunk!" [Viktor Orbán: We have to stop pro-war governments and the belligerent atmosphere!], *Magyar Nemzet*, 22 April 2024. Retrieved from: https://magyarnemzet.hu/kulfold/2024/04/orban-viktor-a-haboruparti-kormanyokat-es-a-haborus-hangulatot-meg-kell-allitanunk [Last accessed 22 April 2024].

Hungary is abusing EU privileges (funds and veto) while demanding some vague freedom that would deprive the country of its European rights.

Interdependence

The second step of integration is interdependence, an appealing concept often perceived as a vague promise of order on the global plane. For Hubert Védrine, economic interdependence is "blatant".[53] However, if "almost all peoples, states, economies, cultures, individuals have become interdependent and interwoven, then can we still talk about independence, national, European, or otherwise?"[54]

For Badie, independence turns into dissent due to the unkept promises of global interdependence. According to him, decolonization was supposed to "promote a regime of global governance that would have made it authentic by breaking with the old Concert of powers."[55] The Westphalian order has not adapted its institutional framework to the enlarging global community of states. The reaction of ill-integrated states has been to nurture dreams of autonomy triggered by resentment towards better-established powers who have not entirely dismissed their colonialist practices, a "spirit of vindictiveness"against the Western establishment.[56]

In a puzzling way, the Orbán regime rejects cooperation with its European allies and defends its pipedreams of autonomy against the EU while blatantly cherishing dependence on powers with overt imperialist ways and means. Energetic independence from Russia is a case in point.[57] Against all sound conceptions of national interest, Orbán bets on ties of vassalage with Moscow instead of gaining more latitude, i.e., independence within the collective framework of European energy strategies.

Another problematic tactic is the abuse of the rule of unanimity in decision-making. Unanimity creates an interdependent political framework: every EU member depends on the veto right of each member state.[58] The idea

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[53] Hubert Védrine, *Dictionnaire amoureux de la géopolitique*, op. cit., p. 241.

[54] *Ibidem*, p. 242.

[55] Bertrand Badie, *Quand le Sud réinvente le monde*, op. cit., p. 26.

[56] *Ibidem*, p. 28.

[57] Ariel Cohen, "Viktor Orban's Goulash Energy Policy Makes Hungary Putin's Trojan Horse In Europe", *Forbes*, 17 May 2022. Retrieved from: https://www.forbes.com/sites/arielcohen/2022/05/17/viktor-orbans-goulash-energy-policy-makes-hungary-putins-trojan-horse-in-europe/ [Last accessed 21 April 2024].

[58] Ignas Repčys, "The pros and cons of unanimity in EU's foreign policy and what's better for Lithuania – opinion", *Vilnius University*, 25 August 2022. Retrieved from: https://www.tspmi.vu.lt/en/comments/the-pros-and-cons-of-unanimity-in-eus-foreign-policy-and-whats-better-for-lithuania-opinion/ [Last accessed 21 April 2022].

behind this rule is to avoid conflict: the aim is to reach a consensus before a vote, the veto being a privileged guarantee in the Europe of nations. Abusing the veto right to blackmail the whole EU community emulates the "power of the weak," as if Hungary would not have any other choice but to turn the tables on a club it joined voluntarily. Being an EU (and NATO) member, Hungary is not on the losing end of the unkept promises of interdependence. The Orbán regime's use of freedom-fighting rhetoric in the EU sounds like a member of the UN's Permanent Security Council would cry for more visibility in the General Assembly. Pretending not to be privileged might easily lead to a loss of such generous rights: Orbán's power of annoyance has met its limits and could drift away the country from the Euro-Atlantic system of alliances, turning the romantic rhetoric into a self-fulfilling prophecy.

Mobility and EU Capture

The third step of integration in Badie's framework is active mobility. Based on well-balanced interdependence, global mobility would "regenerate the Westphalian order, to leave behind an extreme territorialization and progress towards a less sedentary order."[59] Globalized mobility would prove that integration is a functional two-way street with the mutual share of skills, competencies, and resources.

Badie writes that the opposite tendency has been followed, leading to "the time of walls." The "old ruling powers reacted by seclusion to the new world in decolonization."[60] This seclusion is among the main factors behind the specificities of global migration and its perception by "old ruling powers" as a catastrophe. Migration is not the result of excessive mobility but the absence of it. While appropriating the rhetoric of demand for "esteem," romantically identifying Hungary with a decolonizing country, Orbán's standpoint regarding migration is that of an old ruling power tempted by seclusion. The temptation of "fortress Europe," the idea that the Old Continent should resist the outside world, and the pipedream of Europe as a "hi-tech submarine" in complete security[61] under the seas of a hardly developed non-European world[62] is symptomatic of former colonial powers. In a curious fashion, Orbán positions Hungary on this side of the decolonial narrative when it comes to

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[59]   Bertrand Badie, *Quand le Sud réinvente le monde*, op. cit., p. 27.

[60]   *Ibidem*, p. 18.

[61]   Roland Barthes, *Mythologies, trans. Annette Lavers*, The Noonday Press, New York, 1972 [1957], pp. 65–67.

[62]   Adam Bence Balazs, "Inside the European Submarine: Europe's Dreams of Autonomy and Global Perspectives". In: Paolo Furia, Dagmar Kusá, and Maria Vendra (eds), *The Challenges of Autonomy. Thinking Autonomy in Challenging Times*, The Liberal Herald/ Kritika & Kontext, Bratislava, 2022, pp. 207–219.

sharing responsibilities at the European level to find sustainable alternatives to humanitarian catastrophes.

The instrumentalization of asylum-seekers to monger fear at home and interfere in a neighbouring country's elections shows the way Orbán positions Hungary on the global map: the regime's discourse swings between the romanticism of emancipation and the fortified seclusion of "old powers," depending on what source of weakness becomes the further increase of power on the outskirts of Europe, as if 'Central Europe' was in-between the Global South and North. This undermines collective efforts to overcome humanitarian catastrophes, strengthens the temptation of seclusion, harms the weak deprived of mobility, and might, in the longer-term, discredit those near-humanitarian issues Hungary and neighbouring countries would need to face. Though incomparable to suffering in the Global South, the Eastern European area has its fair share of underdevelopment and discrimination. Setting up for the hero of European superiority further distracts attention from these significant regional challenges.

EU mobility is among the main ingredients of the Orbán regime's consolidation. In addition to democracy, the state, the nation, and society, the regime has also captured the significant assets of EU membership to concentrate power behind the vitrine.

The misuse (or theft) of EU funds is well-known and documented.[63] Less analyzed is the abuse of the EU's publicity and mobility. First, EU platforms and the attention paid by member states to each other have significantly contributed to Orbán's fame and popularity. EU membership has provided the Hungarian PM with an international spotlight the leader of a WB country could hardly even dream of.

Second, a significant difference between Kádár's state socialist regime in the Eastern Block and Orbán's installment in the EU is that anyone dissatisfied with the 'Hungarian way' is free to leave the country and look for a better life without major administrative obstacles elsewhere in the EU. This contributes to weakening Hungarian society: brain drain is also political, in the sense that those who would most actively protest against the regime are already abroad – though the reasons for leaving the country are far from always being solemnly political.[64]

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[63]   László Kállay, *The corruption risks of EU funds in Hungary*, Transparency International Hungary Foundation, Budapest, 2015. Retrieved from: https://transparency.hu/wp-content/uploads/2016/05/The-Corruption-Risks-of-EU-Funds.pdf [Last accessed 21 April 2024].

[64]   Gábor Lados, Zoltán Kovács, Gábor Hegedűs, and Lajos Boros, "Challenges of braindrain and obstacles of return migration in Hungary: An empirical perspective", *Berichte Geographie und Landeskunde*, Vol. 87, no. 4, pp. 441–458.

EU mobility is a double-edged privilege for new members, as shown by the neighbouring case of Croatia.[65] The enticement to leave the country is considerable, even without an authoritarian shift. The other way round, the authoritarian shift is also tempting based on the Hungarian example. In Slovakia, Robert Fico bets on Orbán's recipe, apparently without the international spotlight component, to avoid dragging attention on his ongoing attempt to weaken the country.[66] Besides weakening ethnic Hungarian groups and their political representation in neighbouring countries, Hungary also supports the overall weakening of some of these countries based on his short-sighted political goals on the international scene (strengthening far-right populism in Europe and the USA[67]), but also as a model.

THE CONSEQUENCES: RECONSIDERING THE 'HUNGARIAN MODEL'

Badie's theory of the "power of weakness" addresses an anomaly in global power relations resulting from the several shortcomings of decolonization as a process of integration. Orbán's model is an anomaly within the anomaly.

Decolonial Folklore

The regime's rhetoric seems to evoke both revolutionary ("freedom fighting") and counter-revolutionary (Horthy, Kádár) fragments of the Hungarian past, feeding nostalgia for a bit of both and keeping emotions confused. The confusion is partly based on Hungary's contrasting imperial legacy: Was the country not an occupied occupier, oppressing nationalities yet subordinated to Vienna during Habsburg and especially Austro-Hungarian times?

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[65] Domagoj Karačić, "Reproductive changes in the population of the Republic of Croatia", *Athens Journal of Social Sciences*, Vol. 11, no. 1, pp. 37–52.

[66] Denisa Hopková, "Alexander Duleba: 'Fico nie je proruský politik. Nemyslím si, že bude ako Orbán'" [Alexander Duleba: 'Fico is not a pro-Russian politician. I don't think he will be like Orbán'], *Aktuality*, 22 November 2023. Retrieved from: https://www.aktuality.sk/clanok/xijbcEf/alexander-duleba-fico-nie-je-prorusky-politik-nemyslim-si-ze-bude-ako-orban-rozhovor/ [Last accessed 21 April 2024].

[67] Orbán joined and delivered an opening address at the Conservative Political Action Conference (CPAC) on August 4th, 2022, in Dallas – without consulting with any member of the current U.S. administration. Another CPAC event was hosted by Hungary in May 2023. Miniszterelnok, "Prime Minister Orbán To Deliver Opening Address At CPAC Conference In US", *Miniszterelnok.hu*, 11 July 2022. Retrieved from https://2015-2022.miniszterelnok.hu/prime-minister-viktor-orban-to-deliver-opening-address-at-cpac-conference-in-us/ [Last accessed 19 February 2023].

On the 'revolutionary' side, Orbán, who has made a hobby out of global geopolitical reflections,[68] appropriates a context, a vocabulary, and means closer to the struggles of decolonization than the blurred imperial legacies of Hungary. There are differences in the Global South between actors who face different layers of weakness. In contrast, others build political capital out of the further weakening of the state, the nation, or society. Yet in both cases, the given weakness (e.g., a fragile postcolonial institutional framework or a nation-building process impeded by tribal diversity) is much more radical than that of an East-Central European country, i.e., a periphery where integration and development are neither vague promises nor coercive orders.

Feeding the delusion of might and glory through nostalgia and the relentless demand for more "esteem," the Orbán regime has weakened the country. Formal democracy foods the neverending thrill of victory in a context where the Hungarian model, less sustainable than thought by its nonchalant leaders, is failing under the pressure of global conflicts. Nation capture has undermined the political body's intellectual faculties and means of orientation through polarization and the exclusion of a significant share of that 'body' from the nation. That undermines objective rereadings of the past as well. Multilayer weakness results in a loss of the leadership's sense of scale: admitting that Hungary is a small country on the Eastern periphery of Europe, exposed to foreign interference and compelled to rely on alliances with the country's much more powerful Western neighbours should not be felt like a defeat. On the contrary, following the 1989-1990 turning point, Hungary had the historic opportunity to voluntarily join the Euro-Atlantic system of alliances and play a constructive role in overriding frustrations inherited from the imperial past. Instead, through EU capture, the regime opted for an irresponsible parasitic blackmailing game, systematically provoking those who would not heavily strike back: Hungary's Western allies.

War and the Limits of Instrumentalized Weakness

The escalation of Putin's war against Ukraine has brought the limits of this hazardous game to the limelight.[69] Orbán's "coffee break" during the European Council's meeting on December 14, 2023,[70] and then his seemingly

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[68] József Szilágyi, "Lakner Zoltán: 'Orbán Viktor a tűzzel, Magyarország jövőjével játszik'" [[Zoltán Lakner: "Orbán plays with fire and the future of Hungary"], *Nyugat*, 16 July 2023. Retrieved from: https://www.nyugat.hu/cikk/lakner_zoltan_politologus_interju_nato_haboru_fidesz_ellenzek [Last accessed 21 April 2024].

[69] Zoltán Sz. Bíró, "Magnetikus erő tartja Orbánt Putyin mellett" [Zoltán Sz. Bíró: a magnetic attraction keeps Orbán on Putin's side]. *Hírklikk*, 19 February 2023. Retrieved from <https://hirklikk.hu/klikktv/sz-biro-zoltan-magnetikus-ero-tartja-orbant-putyin-mellett/1510> [Last accessed 5 June 2023].

[70] Virginie Malingre, "Olaf Scholz's successful coffee break strategy with Viktor Orban", *Le Monde*, 20 December 2023. Retrieved from: https://www.lemonde.fr/

sudden renouncing in February to further block negotiations for Ukraine's accession to the EU[71] show that the EU has at last elaborated a toolbox to counter toxic veto-players who abuse the privileges of EU membership.

Moreover, Orbán tried to play a similar "transactional" game with NATO,[72] disregarding the significant differences between the European club and the US-led defense system. The fact that the two groups significantly overlap has misled the Hungarian leader, who thought Hungary had the means to blackmail major military powers in the very field of defense. The overt support for Donald Trump, Orbán's visits to the US without any contact with the current US administration, and the numerous references to the former president as a 'messiah' who will bring peace to the world[73] undermine US-Hungarian relations without any sound reason on the side of Hungary's national interests. In fact, in the ongoing context (war), the Orbán regime has started paying the consequences of the irresponsible and useless strategy used since 2010. More precisely, the country, isolated, stigmatized, and more exposed than ever to Russian influence, will pay the price of the regime's folkloric approach to international relations.

Sabotaging the Euro-Atlantic system of alliances, increasing dependency on Russian gas and 'non-profit' Chinese investments, support for a US politician who might abandon the Eastern European members of NATO to Russian imperialist appetite: it is not possible to tell, at least from open sources, what is profitable in all this for Hungary. Given its size, more than relative importance, and geopolitical location on the map, the regime's discourse and acts violate any reasonable conception of Hungary's national interests. The discourse and decisions are more likely to follow another country's national

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en/international/article/2023/12/20/olaf-scholz-s-successful-coffee-break-strategy-with-viktor-orban_6359543_4.html [Last accessed 21 April 2024].

71   Péter Magyari, "Óriási műsort csinált Orbán Viktor – mutatjuk, mit ért el vele" [Viktor Orbán did a huge show – we show what he has achieved with it], *Válasz*, 2 February 2024. Retrieved from: https://www.valaszonline.hu/2024/02/02/europai-unio-brusszel-csucs-orban-viktor-ukrajna/ [Last accessed 21 April 2024].

72   Keno Verseck, "Sweden in NATO, Hungary in isolation", *Deutsche Welle*, 27 February 2024. Retrieved from: https://www.dw.com/en/sweden-in-nato-hungary-in-isolation/a-68389844 [Last accessed 21 April 2024].

73   Jan-Werner Müller, "Trump's love for Viktor Orbán hints at what another Trump term will look like", *The Guardian*, 12 March 2024. RJan-Werner Müller, "Trump's love for Viktor Orbán hints at what another Trump term will look like", *The Guardian*, 12 March 2024. Retrieved from: https://www.theguardian.com/commentisfree/2024/mar/12/trump-viktor-orban-reelection [Last accessed 21 April 2024].Jan-Werner Müller, "Trump's love for Viktor Orbán hints at what another Trump term will look like", *The Guardian*, 12 March 2024. Retrieved from: https://www.theguardian.com/commentisfree/2024/mar/12/trump-viktor-orban-reelection [Last accessed 21 April 2024].etrieved from: https://www.theguardian.com/commentisfree/2024/mar/12/trump-viktor-orban-reelection [Last accessed 21 April 2024].

interest: Putin's Russia. It is hardly conceivable that this servitude is more "voluntary" than belonging to the Western alliances.

Tempting Weakness: Regional Effects

Hardly a significant player on the global scene, the Hungarian model still has a toxic impact on its regional neighbourhood as a cheap brand. Besides weakening ethnic Hungarian political representation in Romania and Slovakia, Orbán also has a weakening impact on the Western Balkans' European perspectives.

With its limited political and economic latitude, Hungary's interest in the neighbouring Balkan peninsula is evident.[74] However, the resulting ties are highly selective and counterproductive for the Western Balkans. Investment does not justify Orbán's ways of breaking the already weak WB enclave further. Real estate business covers rather than explains how Orbán uses Belgrade as an alternative political platform to insult Hungary's Western allies.[75] In fact, Belgrade welcomes a *persona non grata* in major Western European capitals. Orbán avoids confronting the reality and consequences of his weakness by finding shelter in an weaker neighbouring country. Officially supporting Serbia's EU accession is an excuse: Orbán's 'brand' is more of a delusional alternative to EU membership than substantial help by a neighbouring EU member state. Aware that Serbia is already engaged in a hazardous 'plan B' with its stabilitocratic administration, based on a neverending accession process without membership on the horizon,[76] and compromised like Hungary by the active and official presence of pro-Putin narratives, we have, with the Orbán-Vučić tandem, two countries joining weaknesses rather than forces.

The friendly personal ties between the two leaders compromise the security and perspectives of the Hungarian-speaking minority in Voivodina. Indeed, if this group gets identified with the SNS like ethnic Hungarians are with Fico's populism in Slovakia, the personal ties between leaders might

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[74] Péter Reményi, Tibor Pap, and Norbert Pap, "The Changing Room for Manoeuvre of 'Visegrad' Hungary in the Western Balkans. An Extraordinary Change in Hungarian-Serbian Relations", *Politics in Central Europe*, Vol. 17, no. 1, 2021, pp. 791–819. Andreas Nölke and Arjan Vliegenthart, "Enlarging the Varieties of Capitalism: The Emergence of Dependent Market Economies in East Central Europe", *World Politics*, Vol. 61, no. 4, 2009, pp. 670–702.

[75] Gábor Kovács, "Az Orbán-kormány pikáns ügyleteket bonyolít a Balkánon" [The Orbán government's spicy business in the Balkans], *HVG*, 27 December 2022. Retrieved from https://hvg.hu/gazdasag/20221227_Az_Orban_kormany_Balkan [Accessed 19 February 2023].

[76] Giorgio Fruscione, "After the Nineties: A Never-Ending Political Transition". In: Giorgio Fruscione (ed.), *The Balkans: Old, new Instabilities. A European Region Looking for its Place in the World*, ISPI, Milan, 2020, pp. 11-28.

weaken this group in the long run. How will it assert and defend its specific political needs nationally after Vučić?

Orbán's sympathy for the Republica Srpska's (RS) de facto leader, Milorad Dodik, is another case in point.[77] This sympathy fractures the already precarious Bosnian state. Indeed, Orbán's support goes at the expense of Bosniaks, labelled by Orbán's propaganda as the country's main problem,[78] feeding the Bosnian cold civil war. Again, consequences are disregarded: if Banja Luka risks a secessionist move, one might wonder how Orbán would clarify his standpoint in the EU and NATO.

The Hungarian leader might consider the RS a model for his strategy towards ethnic Hungarians in Romania and Slovakia. The formula is to create bubbles that consider the neighbouring country as their true home instead of contributing to the national development of the country where they live. Dodik's overt radicalism might be seducing for Orbán, who was impressed by the explicit arbitrariness of greater Oriental powers as well. Another 'Balkan connection' might be Tito's figure and the Non-Aligned Movement of the Cold War (and beyond).[79] Orbán's decolonial rhetoric supports this hypothesis – to a limited extent, such a standpoint can coexist with the Hungarian regime's overt Islamophobia. Nonetheless, a couple of essential ingredients are missing from the Titoist recipe: the moral capital of the resistance against the (Nazi) invader and the visibility of the country on the map. In short, weight.

Hungary's presence in the Western Balkans unveils many forms of power and instrumentalizes weakness. Profiting from the weakness of a compromised EU candidate country to compensate for his marginalization in Europe, exploiting the weakness of a minority, Hungary is supposed to support whoever is in power in Belgrade. The mafia-like solidarity with pro-Russian leaders perceived as models to follow might be more harmful than

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[77] AP News, "Bosnian Serbs Award Putin With Medal of Honor", *AP News*, January 2023. Retrieved from https://apnews.com/article/russia-ukraine-putin-politics-government-milorad-dodik-7edc18d0133bbde4c5b84879c0dbe724 [Last accessed 19 February 2023].

[78] Szabad Európa, "Muszlimellenes retorikája miatt bírálják Orbánt Boszniában" [Orbán is under criticism in Bosnia for anti-Muslim rhetorics], *Szabad Európa*, 23 December 2021. Retrieved from https://www.szabadeuropa.hu/a/muszlimellenes-retorikaja-miatt-biraljak-orbant-bosznia-hercegovinaban/31623036.html [Accessed 19 February 2023].

[79] Wieland Freund and Mladen Gladic, "Seien wir ehrlich – es hängt alles von den USA ab" [Let's be honest – it all depends on the USA], *Die Welt*, 15 February 2023. Retrieved from https://www.welt.de/kultur/plus243707881/Umgang-mit-Russland-Seien-wir-ehrlich-es-haengt-alles-von-den-USA-ab.html [Last accessed 19 February 2023]. Ákos Szilágyi, "A hibrid harmadik világháború küszöbén járunk, vagy már azon is túl" [We are on the cusp of hybrid world war three, if not there already], *24.hu*, 7 February 2023. Retrieved from <https://24.hu/kultura/2023/02/07/szilagyi-akos-interju-orosz-ukran-haboru-elemzes-vilaghaboru-vlagyimir-putyin-nyugat/> [Last accessed 5 June 2023].

Hungary's controversial role in the colonization of Bosnia during Austro-Hungarian times.

CONCLUSION

Orbán's model is based on the deliberate weakening of Hungary at all levels, which Badie describes as a form of weakness in the Global South, turning into a straightforward political program in Hungary. Instead of identifying sources of weakness to overcome them, the Hungarian regime fostered apathy and the "spirit of vindictiveness" based on nostalgia as a weakening political tool. We might doubt the efficiency of a slogan such as 'Let's Make Hungary Weak Again.'

The regime needs this multilayer weakening strategy to justify its use of what Badie calls the "power of annoyance" – without any substantial reasons to fall back on such means and tools, at least beyond personal interests and the trap of Russian vassalage as a consequence of this 'annoying' game within the Western system of alliances. As its name indicates, such sharp power cannot achieve constructive goals. The only outcome is the undermining of the system in place. Orbán's Tito-like swinging between East and West has neither produced effective results either: no mediation or peace summit on the horizon for Budapest.

The instrumentalization of minorities' weakness is disturbingly akin to the weaponization of asylum-seekers. In both cases, the individual and the group are reduced to tools, literary speaking instruments of power, at the tragic expense of these minorities' perspectives and dignity. The barb-wired fence at the Serbian-Hungarian border symbolizes that coordinated instrumentalization of weakness comes along with a profit-oriented conception of migration, contradicting Orbán's anti-migrant rhetoric.

The Hungarian 'model' is unveiling its limits in the fraught situation of combined wars that impact the international order. Drifting Hungary away from its European/Allies cannot possibly correspond to any sound approach to national interest. The consequences of this unnecessary use of annoyance are only starting to unfold. Their further weakening of Hungary is nevertheless straightforward.

As a last and friendly note, I invite the Serbian reader to reconsider the Hungarian 'model' and think through the fruitful complexity of neighbourhood relations. We can consider a neighbouring country as a model to follow; however, we might be better off examining that neighbouring country's past and learning from its mistakes. Hungary has never managed to turn the page following since the 1920 Treaty of Trianon. Erroneous decisions fed by illusions and wishful thinking have significantly contributed to the consecutive crimes and tragedies of the 20th century. Historically, from Horthy to Orbán, a whole century has been wasted, intoxicated with nostalgia, sometimes used as a tool, sometimes smothered. Serbia's (and

its Balkan neighbours') traumatic past is much more recent. Under the sign of sympathy and friendship, slightly different than that indicated by the personal ties between Belgrade and Budapest, I encourage our neighbours to reflect on the Hungarian case, learn from its mistakes, and turn the painful page of history to open sound future perspectives.

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In search of hegemony in the Adriatic: the clash between Italy's and Yugoslav's national interests in the first half of the 20th Century

ABSTRACT

Relations between Italy and Yugoslavia in the first half of the 20th Century were strained and unfriendly. Several political problems estranged Rome and Belgrade at the end of the Great War: the diplomatic struggle for possession of the upper Adriatic, the political rivalry for control over Albania, the Italian support for Croatian and Macedonian separatism, and the presence of national minorities within the respective borders. Most of the Italian leaders regarded the creation of the Yugoslavia as a real threat, as the unification of the South Slavic populations frustrated Italy's expansionist plans eastwards and its hegemonic dreams over the Balkans. Likewise, most of the South Slavic leaders considered Italy's war aims a real and dangerous threat to the very existence of the Yugoslav State. The uncompromising stands of both countries' leadership in addressing any bilateral issue, their unwillingness to better understand one another's reasons and their inability to implement any bilateral agreement, concurred to erase any chance of partnership.

KEYWORDS: *Italian-Yugoslav relations, Italian-Yugoslav conflict, Adriatic Question, Italian national interests, Yugoslav national interests, Italy's strategy in the Balkans, nationalism, imperialism*

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INTRODUCTION

For a long time, most of the Adriatic region had been a common economic and cultural space, within which national and ethnic groups had overlapped and mingled. The complementary nature of the production systems and the coastal proximity had encouraged the flows of people and goods between the Adriatic shores. Besides mutual economic interests and trade exchanges, also the widespread use of the Venetian dialect as a lingua franca among the local populations had helped create an inter Adriatic network.[1]

This common space began to fragment in the second half of the 19th Century, because of the Italian national unification process and the parallel growth of nationalist feelings among the Adriatic and Balkan societies. As a result of Italy's independence, within which the Italian populations of the Habsburg provinces of Istria and Dalmatia had not been included, national identities in the eastern Adriatic underwent a process of polarization and politicization, which turned a cultural factor such as linguistic affiliation within multi-ethnic communities, into a politically divisive issue. The Italian-speaking communities along the eastern Adriatic coast endured contestations and criticism, as they were viewed with growing suspicion and distrust by a large number of South Slavs. Slovenes and Croats of Istria and Dalmatia considered the local Italian populations a sort of fifth column of the newborn Italian kingdom undermining their national cohesion and working for Italy's territorial aspirations. The linguistic rivalries were also exacerbated by socio-economic conflicts, due to the difference in status between the Italian communities (which on average were more affluent and urbanized) and the South Slavic ones (overall, rural and less wealthy). This cultural, social, and ethnic conflict also became a political clash for control of the local government in the upper Adriatic. In addition to that, also the relations of the Italian kingdom with Serbia in the lower Adriatic deteriorated due to both countries' attempt to exercise a dominant influence over the Albanian provinces, which at that time were under the dominion of the Ottoman Empire, as those territories were a potential outlet to the sea for southern Serbia and also a strategic stronghold for Italy's national security in the Adriatic. To sum up, long before the outbreak of the Great War the relationship between Italians and South Slavs were already tense and uncooperative.[2]

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[1]   Ernesto Sestan, *Venezia Giulia. Lineamenti di una storia etnica e culturale*, Del Bianco, Udine, 1997; Alberto Basciani and Egidio Ivetic, *Italia e Balcani. Storia di una prossimità*, il Mulino, Bologna, 2021.

[2]   Luciano Monzali, *The Italians of Dalmatia. From Italian Unification to World War I*, University of Toronto Press, Toronto 2009; Vojislav G. Pavlović (ed.), *Italy's Balkan Strategies* (*19th and 20th Century*), Institute for Balkan Studies of the Serbian Academy of Sciences and Arts, Belgrade, 2014; Marina Cattaruzza, *Italy and Its Eastern Border, 1866–2016*, Routledge, New York-London, 2017; Fabrice Jesné, *La face cachée de l'empire. L'Italie et les Balkans, 1861–1915*, École Française de Rome, Rome, 2021.

ITALY, YUGOSLAVIA, AND THE STRUGGLE FOR SUPREMACY IN THE ADRIATIC AT THE END OF THE GREAT WAR

The outbreak of the Great War escalated the power struggle for territorial expansion, political hegemony, and naval supremacy over the entire Adriatic region. Mutually opposing national programs widened the political rift between Italy and the neighboring South Slavic nations, even though they had a common enemy, the Austro-Hungarian Empire, and had similar war aims. They fought the Dual Monarchy in a sort of «parallel war» in order to free the Adriatic nations from the Habsburg yoke and overthrow the Austro-Hungarian hegemony over the region. Yet, instead of joining forces in the common fight and finding some compromise solutions for the post-war settlement, they bitterly contended for the Habsburg territorial and political legacy. Italy expressed its desire to enlarge its own territories in the upper Adriatic and along the Albanian coast, so as to complete its national unification process and ensure security on the eastern flank. Serbia and the South Slavic independence movement in the Habsburg Empire proclaimed the creation of a single Yugoslav State, which would include all the Serbian, Croatian and Slovenian populations, as their primary objective. The territorial aspirations of both parties were not easy to reconcile since Italy's claims to the whole of Istria and to the central part of Dalmatia were confronted with Yugoslav identical demands for the entire Dalmatian coastal region and for all the Istrian districts up to Trieste/Trst and Gorizia/Gorica. The Italian requests were based on the Treaty of London, which the Entente Powers and Italy signed in April 1915 to set the conditions for the Italian participation in the war against the Central Empires in return for expanding its borders and gaining political hegemony eastwards. The Yugoslav demands stemmed mainly from an extensive application of the nationality principle, according to which all the eastern Adriatic region was to be considered Yugoslav land due to the large share of Slovenian and Croatian populations, even though the Istrian provinces were at least half Slovenian and half Italian (while there was no doubt that most of the Dalmatian inhabitants were ethnically Croatian)[3].

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[3] Kosta S. Pavlowitch, "The First World War and the Unification of Yugoslavia", in: Dejan Djokić (ed.), *Yugoslavism. Histories of a Failed Idea 1918–1922*, The University of Wisconsin Press, Madison and London, 2003, pp. 27 ff.; Andrej Mitrović, "The Yugoslav Question, the First World War and the Peace Confernce", *Ibidem*, pp. 42 ff.; Dragoljub R. Živojinović, "The War Aims of Serbia and Italy (1917)", in: Voijslav G. Pavlović (ed.), *Italy's Balkan Strategies*, op. cit., pp. 137 ff.; Massimo Bucarelli, "Allies or Rivals? Italy and Serbia during the First World War", in: Dragoljub R. Živojinović (ed.), *The Serbs and The First World War 1914–1918*, The Serbian Academy of Sciences and Arts, Belgrade, 2015, pp. 247 ff.; Voijslav G. Pavlović (ed.), *Serbia and Italy in the Great War*, Institute for Balkan Studies of the Serbian Academy of Sciences and Arts, Belgrade, 2019.

The unyielding territorial aspirations led politicians of both sides to assume uncompromising stances, narrowing any room for dialogue and mutual concessions, and paving the way for growing political and diplomatic tensions. The quarrel over Adriatic space reached its climax at the end of the Great War, after the birth of Yugoslavia (as Kingdom of Serbs, Croats, and Slovenes, henceforth SCS Kingdom) and during the Paris Peace Conference. The Italian-Yugoslav clash went beyond the mere territorial dimension and involved crucial political concerns and critical strategic issues. Most of the Italian leaders regarded the creation of the Yugoslav state as a real threat. They considered the unification of the neighboring South Slavic nations as a sort of new Austria-Hungary built up to frustrate the Italian aspirations to the eastern Adriatic shore and prevent Rome from having any significant role in the postwar southeast Europe. The war against the Dual Monarchy could not result in the establishment of a new regional power in the Balkans, under whose control the entire eastern Adriatic coast would be placed. Due to the birth of a single pan Slavic State in the Western Balkans, Italy would have never been completely free and safe in the Adriatic Sea and would have never filled the power vacuum left by the fall of the Habsburg Empire[4]. Likewise, most of the Serbian, Croatian, and Slovenian leaders considered Italy's participation in the war under the terms of the Treaty of London a real and dangerous threat to the achievement of the Yugoslav war aims[5]. They exerted considerable diplomatic pressures to oppose Italy's territorial requests and to prevent the implementation of the Treaty of London[6]. Serbia could not consent that the war against the Habsburg Empire would result in Italy becoming the new regional hegemonic power[7]. The Slovenes and Croatian secessionist leaders, who had the historical chance to free the South Slavic populations from the Habsburg's rule and gain national independence, could

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[4]   *Di Sangiuliano to Imperiali*, Roma, September 16, 1914, in *I Documenti Diplomatici Italiani* (hereafter DDI), Series V, Vol. I, doc. 703; *Sonnino to Imperiali, Carlotti and Tittoni*, Rome, March 21, 1915; *Salandra to Sonnino*, Rome, April 2, 1915, ivi, Vol. III, docs. 164 and 257. Also: Guglielmo. Imperiali, *Diario (1925–1919)*, Rubbettino, Soveria Mannelli, 2006, p. 135.

[5]   *Squitti to Sonnino*, 5 May 1915, in DDI, series V, vol. III, docs. 553 and 571.

[6]   *Supilo to Pašić*, 21 October 1914; *Memorandum from Supilo to Izwolski*, 12 November 1914; *Memorandum from Supilo to Grey*, 7 January 1915, in: Frano Supilo, *Politički spisi. Članci, govori, pisma, memorandumi*, Znanje, Zagreb, 1970, pp. 463–470, pp. 471–478, and pp. 482–487. Also: *Trumbić to Seton-Watson*, 7 April 1915; *Seton-Watson to Grey*, 2 May 1915, in: Robert W. Seton-Watson, *R. W. Seton-Watson and the Yugoslavs: Correspondence 1906–1941*, British Academy and University of Zagreb, London and Zagreb, 1976, vol. I, docs. 127 and 135.

[7]   Milorad Ekmečić, "Serbian War Aims", in: Dimitrije Djordjević (ed.), *The Creation of Yugoslavia 1914–1918*, Clio Books, Santa Barbara and Oxford, 1980, pp. 19–32.; Andrej Mitrović, *Srbija u Prvom svijetskom ratu*, Beograd, Srpska književna zadruga, 1984, pp. 94 ff., pp. 134 ff.

not accept that hundreds of thousands of their kinsmen would be included within Italy's borders[8].

At the end of the war, while the Italian troops were occupying all the territories along the eastern Adriatic shore that Italy had been promised by the Entente Powers[9], almost all the South Slavic leaders, even those who were not so sympathetic towards the idea of the Yugoslav unification, realized that in order to fulfill their national aspirations there were no other options than merging Serbs, Croats and Slovenes into a single Yugoslav State. Facing Italy's expansionism was a powerful linkage that helped join the South Slavic populations. Common resistance against Italy's political and territorial plans, therefore, was actually a crucial step for the birth of the SCS Kingdom on the 1st December 1918[10].

At first, Italy refused to recognize the new Yugoslav State, as it was uncertain whether the SCS Kingdom would be «a partner or an enemy». The Italian cabinet made it clear that it was impossible to have a friendly attitude towards those who every day showed that they wanted to keep «an unfriendly stance»[11]. Italy's move was more than a political retaliation or diplomatic negotiating tactics; it was also the consequence of a widespread scepticism about the SCS Kingdom's chances of surviving. It was immediately clear that the new Yugoslav State was a centralized State under Serbian domestic hegemony. Yugoslav was the name, but Serbian was the reality of this new

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[8]   Gale Stokes, 'The Role of the Yugoslav Committee in the Formation of Yugoslavia', in: Dimitrije Djordjević (ed.), *The Creation of Yugoslavia*, op. cit., pp. 51–55; Hugh and Christopher Seton-Watson, *The Making of a New Europe. R. W. Seton-Watson and the Last Years of Austria-Hungary*, Methuen, London, 1981, pp. 108–109, and pp. 121 ff.; Ivo Banac, *The National Question in Yugoslavia: Origins, History, Politics*, Cornell University Press, Ithaca and London, 1984, pp. 118 ff.

[9]   *Verbale del Consiglio supremo di guerra, ottava sessione – prima seduta*, Versailles, October 31, 1918, in DDI, Series V, Vol. XI, doc. 791. Also: Vincenzo Gallinari, *L'esercito italiano nel primo dopoguerra 1918–1920*, Ufficio Storico SME, Roma, 1980, pp. 26 ff.

[10] *Delegati Narodnoga Vijeća pred Regentom Aleksandrom*, Belgrade, December 1,1918, in: Ferdo Šišić (ed.), *Dokumenti o postanku Kraljevine Srba, Hrvata i Slovenaca 1914–1919*, Naklada "Matice hrvatske", Zagreb, 1920, doc. 172, Appendix III. Also: Dragovan Šepić, *Italija, saveznici i jugoslavensko pitanje, 1914–1918*, Školska knjiga, Zagreb, 1970, pp. 400–413; Jasna Adler, *L'union forcée: la Croatie et la création de l'Etat yougoslave (1918)*, Georg, Chêne-Bourg, 1997, pp. 313–324.

[11] *Bonin Longare to Orlando*, Paris, November 17, 1918; *Orlando to Bonin Longare*, Rome, November 18, 1918, in DDI, Series VI, Vol. I, docs. 193 and 198; *Borsarelli to Imperiali, Bonin and Galanti*, Rome, January 29, 1919; *Sonnino to Orlando*, Paris, February 21, 1919; *Orlando to Sonnino*, Rome, February 22, 1919; *Sonnino to Borghese and Borsarelli*, Paris, March 3 and 5, 1919, in DDI, Serie VI, Vol. II, docs. 146, 421, 438, 617 and 656. Also: Francesco Caccamo, *L'Italia e la «Nuova Europa», Il confronto sull'Europa Orientale alla conferenza di pace di Parigi 1919 1920*, Luni, Milano, 2000, pp. 30–32.

multinational country[12]. According to the news coming from Yugoslavia in the months that followed the creation of the SCS Kingdom, a strong feeling of frustration and rebellion was spreading among Slovenes and Croats, due to the lack of local autonomies and the failure to fulfill their national aspirations to Istria and Dalmatia, which Italy's military presence was jeopardizing, and the Serbian leaders were not safeguarding as firmly as they expected. In such a troubled domestic situation, while widespread dissatisfaction and disillusion were mounting among the non-Serbian populations, the anti-Yugoslav tendencies gained momentum and the secessionist movements looked for support abroad in their fight against Serbian hegemony[13].

It was then that some Italian leaders drew up plans aimed at exploiting the growing ethnic tensions, which were running through the SCS Kingdom. The purpose was to exert pressure on the Belgrade government, so that the best possible conditions may be obtained during the Paris peace negotiations. The plans were also meant to get prepared in case of internal collapse of the Yugoslav State, in order to establish a political and territorial settlement, which could prove convenient for Italy's interests and aspirations[14]. Instead of a centralized State, unable of granting local autonomy and self-government, some Italian leaders had in mind the creation of a political and territorial settlement capable of fulfilling the aspirations to independence of each South Slavic nation, on one end, and allowing for Italy's territorial expansion eastwards, on the other. A settlement which was supposed to give freedom and self-determination to all those nationalities that considered themselves as oppressed by the Serbian rule, in exchange for some territorial losses that would let the Italian Kingdom to spread its political and economic influence all over the Balkan region and ensure its strategic and naval supremacy in the Adriatic[15].

As is known, after two years of diplomatic struggle and political quarrels, and notably after the failure to settle the territorial dispute at the Paris

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[12]   Ivo Banac, *The National Question in Yugoslavia*, op. it., pp. 118 ff.; Jasna Adler, *L'union forcée*, op. cit., pp. 90 ff. Also: Dejan Djokić, *Elusive Compromise: A History of Interwar Yugoslavia*, Columbia University Press, New York and London, 2007; Id., *Nikola Pašić and Ante Trumbić: The Kingdom of Serbs, Croats and Slovenes*. Haus, London, 2010.

[13]   Ivo Banac, *The National Question in Yugoslavia*, op. cit., pp, 214 ff., and pp. 226 ff.; Jasna Adler, *L'union forcée*, op. cit., pp. 313 ff., and pp. 325 ff; Bogdan Krizman, *Hrvatska u prvom svjetskom ratu. Hrvatsko-srpski odnosi*, Globus, Zagreb, 1989, pp. 353 ff.

[14]   Guglielmo Salotti, "Gli «intrighi balcanici» del 1919–20 in un memorandum a Mussolini di Vladimiro Petrovich-Saxe", Storia Contemporanea, no.4/1989; Francesco Caccamo, *L'Italia e la «Nuova Europa»*, op. cit., pp. 159 ff.; Id. "Il sostegno italiano all'indipendentismo croato', Nuova Storia Contemporanea, no. 6/2004, pp. 23 ff.

[15]   Massimo Bucarelli, "«Delenda Jugoslavia». D'Annunzio, Sforza e gli «intrighi balcanici» del '19–'20", Nuova Storia Contemporanea, no. 6/2002, pp. 19 ff.

peace conference, finally Italy and Yugoslavia decided to engage in direct negotiations. The bilateral talks led to an early solution to the Adriatic question with the signing of the Treaty of Rapallo in November 1920, according to which Istria went to Italy and the Dalmatian coast, apart from Zara/Zadar, went to Yugoslavia, while Fiume/Rijeka was to become an independent state[16]. Both in Italy and in Yugoslavia (more among the Serbian leaders than among the Slovenian and Croatian ones, actually), the idea took hold that dialogue and partnership could ensure mutual national interests more effectively than any other political strategy. Some Italian leaders (such as Giovanni Giolitti and Carlo Sforza, prime minister, and minister for Foreign Affairs in 1920 and 1921) considered crucial to reach a full understanding with the Serbs, since they were the dominant national group within the new Balkan kingdom. There was no direct territorial dispute with the Serbs and the creation of Yugoslavia seemed to have fulfilled their aspirations for national unification, as the Serbian populations of Bosnia, Croatia-Slavonia, Dalmatia, Montenegro, and Serbia, were all included within the borders of the SCS Kingdom, whose existence it was time to come to terms with. Playing the Serbian card, therefore, appeared the only way to attain a win-win solution. Under the provisions of the Treaty of Rapallo, Italy finally recognised the Yugoslav State under the rule of the Serbian Karađorđević dynasty (which meant under Serbian predominance), in return for the achievement of most of the Italian war aims in Adriatic, at the sole expense of Slovenian and Croatian interests[17].

Fascist Italy's hegemonic ambitions in the Balkans

The fascist seizure of power in Italy in 1922 did not put an abrupt end to the friendly relationship with Belgrade that the late Italian liberal cabinets had been trying to develop. Quite the opposite. Despite widespread fears of anti-Yugoslav policy due to the mounting fascist slavophobic propaganda, Benito Mussolini continued along the path of inter-Adriatic dialogue and cooperation that Giolitti and Sforza had embarked on[18]. In January 1924, Italy and Yugoslavia reached a new political and territorial agreement in Rome. The Pact of Rome established the partition of the free state of Fiume/Rijeka and

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[16] Francesco Caccamo, *L'Italia e la «Nuova Europa»*, op. cit., pp. 295 ff.

[17] Massimo Bucarelli, "«Manicomio jugoslavo». L'ambasciatore Carlo Galli e le relazioni italo-jugoslave tra le due guerre mondiali", Clio, no. 3/2002; Id., *Mussolini e la Jugoslavia (1922–1939)*, Edizioni B. A. Graphis, Bari, 2006, pp. 12–14.

[18] *Sforza to Giolitti*, Turin, February 4, 1924, in: Claudio Pavone (ed.), *Quarant'anni di politica italiana dalle carte di Giovanni Giolitti*, Vol. III, *Dai prodromi della grande guerra al fascismo, 1910–1928*, Feltrinelli, Milano, 1962, doc. 387. Also: Massimo Bucarelli, "Mussolini and the Yugoslav Question during the First World War", in: Vojislav G. Pavlović (ed.), *Serbia and Italy in the Great War*, op. cit., pp. 279 ff.

reaffirmed the Italian commitment to defend the political independence and territorial integrity of Yugoslavia, disavowing the anti-Yugoslav propaganda that Italian nationalists and fascists had pursued for years[19].

However, the pro-Yugoslavia (but pro-Serbia) choice totally failed when dissention arose between Rome and Belgrade on the future of Albania.[20] In the second half of the 1920s, the struggle for political control over Albania resurfaced. A major political crisis erupted and marked the beginning of new public quarrels and diplomatic clash, which resulted in breaking off the short-lived inter-Adriatic cooperation. The fascist regime attempted to set up regional agreements in south-east Europe, whose aim was the encirclement of Yugoslavia[21]. It also exploited the ethnic tensions within Yugoslavia and decided to support the Croatian and Macedonian separatist movements. In particular, the fascist regime supported the *ustaša* of Ante Pavelić, a violent secessionist movement in Croatia that was responsible for the killing of the Yugoslav King, Alexander Karađorđević, in Marseille in October 1934[22]. The South Slavic populations in Venezia Giulia underwent a hard process of denationalisation, which favoured emigration to Yugoslavia for some tens of thousands of Croatians and Slovenes and fed the anti-Italian irredentist feelings. The Italianization of the Yugoslav minorities in Venezia Giulia was soon followed by the worsening of the living conditions of the Italian communities in Dalmatia[23].

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[19]   Massimo Bucarelli, *Mussolini e la Jugoslavia*, op. cit., pp. 27 ff.; Francesco Lefebvre D'Ovidio, *L'Italia e il sistema internazionale dalla formazione del governo Mussolini alla Grande Depressione (1922–1292)*, Edizioni di Storia e Letteratura, Roma, 2016, vol. I, pp. 141 ff., pp. 361 ff.

[20]   Pietro Pastorelli, *Italia e Albania 1924–1927. Origini diplomatiche del Trattato di Tirana del 22 novembre 1927*, Biblioteca della "Rivista di studi politici internazionali", Firenze, 1967, pp. 34 ff.; Bernd J. Fischer, *King Zog and the Struggle for Stability in Albania*, Columbia University Press, Boulder, 1984, pp. 66 ff.; Andrej Mitrović, "Yugoslavia, the Albanian Question and Italy 1919–1939", in: Andrej Mitrović (ed.), *Serbs and the Albanians in the 20th Century*, The Serbian Academy of Sciences and Arts, Belgrade, 1991, pp. 269 ff.; Saša Mišić, *Albanija: prijatelj i protivnik: jugoslovenska politika prema Albaniji 1924–1927*, Službeni Glasnik, Beograd, 2009; Lefebvre D'Ovidio, *L'Italia e il sistema internazionale*, op. cit., vol. II, pp. 581 ff.

[21]   Massimo Bucarelli, *Mussolini e la Jugoslavia*, op. cit., pp. 96 ff.; Francesco Lefebvre D'Ovidio, *L'Italia e il sistema internazionale*, op. cit., pp. 737 ff.

[22]   James J. Sadkovich, *Italian Support for Croatian Separatism, 1927–1937*, Praeger, New York,1987, pp. 52 ff., pp. 228 ff.; Pasquale Iuso, *Il fascismo e gli ustascia 1929–1941. Il separatismo croato in Italia*, Gangemi, Roma, 1998, pp. 33 ff.

[23]   Elio Apih, *Italia, fascismo e antifascismo nella Venezia Giulia (1918–1943)*, Laterza, Bari, 1966, pp. 271 ff.; Lavo Cermelj, *Sloveni e croati in Italia tra le due guerre*, Editoriale stampa triestina, Trieste, 1974, pp. 14 ff.; Anna Millo, "Italiani e Sloveni fra Ottocento e Novecento. La proposta interpretativa della Commissione storico-culturale italo-slovena", in: Massimo Bucarelli and Luciano Monzali (eds.), *Italia e Slovenia fra passato, presente e futuro*, Edizioni Studium, Roma, 2009, pp. 26 ff.

Despite endless quarrels and polemics, the idea of a new Italian-Yugoslav agreement gained new momentum during the 1930s. Several reasons convinced the governments in Rome and Belgrade to set aside their regional rivalry. The revisionist policy that the Nazi Germany under Hitler's regime was pursuing, the worsening of Italy's relations with the United Kingdom and France as a result of the Ethiopian crisis, and the Serbian leaders' need to tighten their grip on the country in order to resist the German pressures on south-east Europe, were all decisive reasons for relaunching the Italian-Yugoslav partnership[24]. A new agreement was signed in March 1937 to address all the issues that for years had caused major tensions between Rome and Belgrade: the threats to territorial integrity, the interference in domestic affairs, the Albanian question, and the treatment of Slovenian and Croatian minorities in Italy[25]. The decision to stop any support for Croatian separatists, the willingness to reconcile the Albanian issue and the slackening of the denationalization measures imposed on Slovenian and Croatian minorities, were meant to make it clear that Yugoslavia was once again considered a partner to rely on.

The Ethiopia campaign distanced Italy from its former allies and forced the Italian rapprochement to the Nazi regime, which led to the proclamation of the Italian-German Axis in the autumn of 1936. It was a radical shift in Italy's foreign policy, as Hitler's friendship had a political cost: Nazi Germany's hegemony over central and eastern Europe, which after the dissolution of the Hapsburg Empire Italy had considered to be within its sphere of political and economic influence. The new agreement with Yugoslavia, thus, aimed at establishing a joint strategy to deal with the increasing political presence and economic predominance of the Third Reich into the Balkans and the Adriatic region. It was not an effort to deter and prevent German revanchism, but rather to offset Germany's growing power in Eastern Europe. The aim was to build a sort of «horizontal Axis», which would balance the relationship between Rome, Belgrade, and Berlin, giving to Italy and Yugoslavia that power that individually neither country would have been capable of wielding[26].

The restoration of the Italian-Yugoslav friendship, however, was soon jeopardised by the German blows to European stability and peace. Faced with

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24   Bogdan Krizman, *Vanjiska politika jugoslovenske države 1918–1941*, Školska knjiga, Zagreb, 1975, pp. 44 ff.; Id., "Italija u politici kralja Aleksandra i kneza Pavla (1918–1941)", Časopis za savremenu povijest, 1/1975; Massimo Bucarelli, *Mussolini e la Jugoslavia*, op. cit., pp. 167 ff.

25   Massimo Bucarelli, *Mussolini e la Jugoslavia*, op. cit., pp. 327 ff.

26   Galeazzo Ciano, *Diario 1937–1943*, BUR, Milano, 1994, p. 112; Giovanni Ansaldo, *Il giornalista di Ciano. Diari 1932–1943*, il Mulino, Bologna, 2000, p. 133. Also: Massimo Bucarelli, *Mussolini e la Jugoslavia*, op. cit., pp. 364 ff.; Luca Micheletta, "The Mediterranean in Fascist Foreign Policy (1936–1940)", in: Giovanni Orsina and Andrea Ungari (eds.), *The Jewish Question in the Territories Occupied by Italians 1939–1943*, Viella, Roma, 2019, pp. 169 ff.

the *Anschluss* and the dismembering of Czechoslovakia, Mussolini decided to put aside all thoughts of «horizontal Axis» and signed the «Pact of Steel» with Germany in May 1939, the political and military alliance that tightly bound Rome and Berlin. The growing successes that Hitler achieved in central and eastern Europe forced Mussolini to tie his own destiny (and Italy's destiny too) to that of the Nazi regime in an effort to keep Germany far from the Adriatic, the Balkans and the Mediterranean, which were supposed to be the future «vital space» of fascist Italy[27]. Therefore, the fascist government overturned its policy towards Yugoslavia and broke off any inter-Adriatic partnership. The contacts with Croatian separatism were resumed, while any collaboration on Albanian issues was avoided despite the commitments agreed upon in the 1937, so much so that in April 1939 Mussolini decided to seize the Albanian Kingdom without involving nor informing Belgrade[28].

The reversal of Italy's policy towards Yugoslavia was also the result of the fall from power of Milan Stojadinović, the Yugoslav prime minister and minister for Foreign Affairs who had been fostering the Yugoslav rapprochement with the Axis Powers. Mussolini returned to distrusting Yugoslav politics and politicians, since the man who had done the most to relaunch the partnership with Italy had been removed from power, just because of his alignment with the Axis Powers, a circumstance that was clearly very unwelcome to some Yugoslav political and military circles[29]. As a result, Mussolini decided to act unilaterally, without taking account of Yugoslav interests or rather against them, and giving rise to new inter-Adriatic tensions,

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[27] Mario Toscano, *The Origins of the Pact of Steel*, Johns Hopkins Press, Baltimore, 1968; Renzo De Felice, *Mussolini il duce*, vol. II, *Lo Stato totalitario 1936–1940*, Einaudi, Torino, 1996, pp. 589 ff.; Ennio Di Nolfo, "Le oscillazioni di Mussolini. La politica estera fascista dinanzi ai temi del revisionismo", Nuova Antologia, Vol. 2176 (1990), pp. 192–193; Francesco Lefebvre D'Ovidio, "Il problema austro-tedesco e la crisi della politica estera italiana", Storia delle Relazioni Internazionali, no. 2/1999, pp. 62–63.

[28] Alfredo Breccia, *Jugoslavia 1939–1941. Diplomazia della neutralità*, Giuffrè, Milano, 1978, pp. 43 ff.; Pasquale Iuso, *Il fascismo e gli ustascia*, pp. 125 ff.; Alberto Basciani, *L'impero nei Balcani. L'occupazione italiana dell'Albania 1939–1943*, Viella, Roma, 2022.

[29] Milan Stojadinović, *Ni rat. Ni pakt. Jugoslavija između dva rata*, El Economista, Buenos Aires,1963, pp. 512 ff, pp. 544 ff.; Massimo Bucarelli, *Mussolini e la Jugoslavia*, op. cit., pp. 298 ff., and pp. 327 ff.; Dejan Djokić, "«Leader» or «Devil»? Milan Stojadinović, Prime Minister of Yugoslavia (1935–39) and his ideology", in: Rebecca Haynes and Martyn Rady (eds.), *In the shadow of Hitler: personalities of the right in Central and Eastern Europe*, I. B. Tauris, London and New York, 2011 pp. 153–169; Bojan Simić, *Milan Stojadinović i Italija između diplomatije i propagande*, Beograd, Institut za noviju istoriju Srbije, 2019, pp. 59 ss., e pp. 183 ss.

which resulted – as is known – in the tragedy of the Italian aggression against Yugoslavia in April 1941[30].

During the Second World War, Yugoslavia was militarily defeated, politically erased, and territorially dismembered. Border disputes, political rivalries, national clashes, unrealistic aspirations for power, social differences and ideological conflicts had dug a deep rift between Rome and Belgrade, to overcome which the fascist regime resorted to violence chasing the dream of regional hegemony. There is no doubt that the responsibility for all the human losses and sufferings that the Adriatic populations (especially the Yugoslav ones) experienced in the Second World War, can be traced back to the power politics and the imperialistic ambitions of the fascist regime. But it is also doubtless that for more than twenty years politicians and diplomats of both parties had not been able to settle the manifold inter-Adriatic quarrels, leaving it to weapons and to the use of force to deal with their bilateral disputes. Because of the ruinous participation in the Second World War, Italy had to renounce its ambitions and presence in the eastern Adriatic region, while the local Italian populations fled their homes in Istria and Dalmatia, where they had been living for centuries. What both countries' leaderships had failed to settle for decades, that is reaching a peaceful solution to the conflicting national interests, they painfully managed to achieve waging war.

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[30]   Davide Rodogno, *Il nuovo ordine mediterraneo. Le politiche di occupazione dell'Italia fascista in Europa (1940–1943)*, Bollati Boringhieri, Torino, 2003; Francesco Caccamo and Luciano Monzali (eds.), *L'occupazione italiana della Iugoslavia*, Le Lettere, Firenze, 2008; Elena Aga Rossi and Maria Teresa Giusti, *Una guerra a parte: i militari italiani nei Balcani, 1940–1945*, il Mulino, Bologna, 2011; Eric Gobetti, *Alleati del nemico: l'occupazione italiana in Jugoslavia (1941–1943)*, GLF Editori Laterza, Roma-Bari, 2013.

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Future-making, Bosnia, and the Dayton Accords

ABSTRACT

Peace agreements are often framed as a roadmap for the future post-conflict; however, peace agreements and their implementation can be analyzed through the concept of future-making. Political actors engage in future-making to construct and articulate their desired futures. During the negotiation and implementation of peace agreements, these desired futures become subject to contestation; the success or failure of any peace process hinges on the extent to which former combatants can jointly construct a future that is acceptable to all parties Confidence in a peace process is thus linked to whether parties to the peace agreement jointly construct a future that reduces uncertainty and fosters ontological security. In this paper, I apply the framework of future management strategies to Bosnia by analyzing the future constructed within the Dayton Accords and how actors within Bosnia engaged in divergent future-making, including through attempts at *rebuilding history*.

KEYWORDS: *Ontological security, peace agreements, temporality, Bosnia, Critical security studies*

INTRODUCTION

In 1995, the United States helped to broker an end to the war in Bosnia; the Dayton Accords were negotiated and signed by the presidents of Bosnia, Serbia, and Croatia. The United States took on a lead role in facilitating the negotiations, alongside the involvement of other actors such as the European Union, the United Nations, and Russia. Almost 30 years since being signed, the legacy of the Dayton Accords is mixed; while most observers credit the

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agreement with ending the fighting and preventing a recurrence of war and ethnic cleansing in Bosnia, the Accords also included a constitution that produced an unwieldy state structure that locked in ethnic divisions and the territorial gains of the war.[1] Despite successful reforms in some areas, Bosnia remains fundamentally divided along ethnic lines; furthermore, the limited successes in state- and peacebuilding within Bosnia and Herzegovina are mirrored to some degree by continued divisions elsewhere in the Western Balkans, such as recent protests and violence in Kosovo.

Bosnia illustrates how the "success" or "failure" of peace agreements goes beyond whether they are followed by a resumption of war or not. Additionally, the terms and implementation of the Dayton Accords have had important impacts beyond their effects within Bosnia. This case illustrates how both peace processes and relations among states become defined, in part, through negotiations over the future. I argue that all peace agreements are about joint future-making, and that understanding the outcomes of peace processes requires understanding their underlying temporal politics. While such future-making efforts vary across cases, a common element is that they reflect the underlying power of the parties to the peace process to shape the temporal politics of the process. The futures constructed within peace agreements and their implementation thus reflect both the joint future-making efforts at the local level, as well as efforts by external third parties, including cases where such futures are externally imposed.

This intervention contributes to the literature on ontological security. A foundational concept within ontological security theory (OST) is existential anxiety in the face of uncertainty, which leads states or other actors to seek stable routines and relationships to maintain ontological security.[2] Building on work on identity narratives and the temporality (in particular, states' pasts) within OST,[3] my approach further explicates the temporal dimension of OST

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1   Soeren Keil and Anastasiia Kudlenko, "Bosnia and Herzegovina 20 years after Dayton: Complexity born of paradoxes", *International Peacekeeping*, Vol. 22, No. 5, 2015, pp. 471–489; Tajma Kapic, "The Dayton Peace Agreement in Bosnia and Herzegovina and lessons for the design of political institutions for a United Ireland", *Irish Studies in International Affairs*, Vol. 33, No. 2, 2022, pp. 1–26; Jens Woelk, "Bosnia-Herzegovina: Trying to build a federal state on paradoxes" in: Michael Burgess and G. Alan Tarr (eds.), *Constitutional Dynamics in Federal States*, McGill-Queen's University Press, 2012, pp. 109–139; John Hulsey, "Electoral accountability in Bosnia and Herzegovina under the Dayton framework agreement", *International Peacekeeping*, Vol. 22, No. 5, 2015, pp. 511–525.

2   Jennifer Mitzen, "Ontological security in world politics: State identity and the security dilemma", *European journal of international relations*, Vol. 12, No. 3, 2006, pp. 341–370; Brent Steele, *Ontological security in international relations: Self-identity and the IR state*, Routledge, 2008.

3   See e.g. Jelena Subotić, "Narrative, ontological security, and foreign policy change", *Foreign Policy Analysis*, Vol. 12, No. 4, 2016, pp. 610–627; Kathrin Bachleitner,

by positing an alternative way actors seek ontological security: by linking desired futures to identity narratives.

This intervention also contributes to literature on the evolution of the European Union and its involvement in peacekeeping and peacebuilding;[4] I foreground the evolution of the EU's common security and foreign policy, and the way in which the EU has increasingly shaped the global governance of peacebuilding in a way that is entwined with the EU expansion process. Furthermore, this approach links the project and identity of the European Union to peacebuilding in particular, from the European Community/European Union as the engine of postwar peace in Europe to the sometimes-fraught tensions inherent in attempting to produce a common approach to peacebuilding among 27 member states as well as multiple EU institutions.

The rest of this article proceeds as follows. First, I review the literature on different approaches to peace agreements, with an eye toward how these approaches are rooted in different conceptions of time and temporality. Whereas many of these approaches are rooted in past- or present-oriented temporalities, I then motivate a turn to a future-oriented approach that takes the articulation of different futures as an object of study. In the last part, I analyze future-making efforts in the case of Bosnia and the Dayton Accords.

TIME AND PEACE SETTLEMENT OUTCOMES

The question of how to prevent the recurrence of war post-settlement is of paramount importance in international relations. Existing research points to conflict recurrence accounting for a significant proportion of all conflicts.[5] Existing explanations for the durability of peace settlements tend to focus on the success or failure of bargaining between combatants, features or mechanisms of peace settlements that contribute to enduring peace, and the efficacy of liberal policy interventions such as peacekeeping. However, a common feature of these explanations is that they operate within a presentist framework. By this, I mean that durability of peace is conceived of as starting

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"Diplomacy with memory: How the past is employed for future foreign policy", *Foreign Policy Analysis*, Vol. 15, No. 4, 2019, pp. 492–508.

4   E.g. Filip Ejdus, "'Here is your mission, now own it!' The rhetoric and practice of local ownership in EU interventions", *European Security*, Vol. 26, No. 4, 2017, pp. 461–484; Dominik Tolksdorf, "Incoherent Peacebuilding: The European Union's Support for the Police Sector in Bosnia and Herzegovina, 2002–8", *International Peacekeeping*, Vol. 21, No. 1, 2014, pp. 56–73; Bahar Rumelili, "Breaking with Europe's pasts: memory, reconciliation, and ontological (In)security", *European Security*, Vol. 27, No. 3, 2018, pp. 280–295.

5   Michael P. Colaresi and William R. Thompson, "Hot spots or hot hands? Serial crisis behavior, escalating risks, and rivalry", *The Journal of Politics*, Vol. 64, No. 4, 2002, pp. 1175–1198.

with an end to the fighting and extending those present, initial conditions as long as possible to prevent a recurrence of combat while gradually building on the gains from that initial agreement.

Peace Settlements, Peace Duration, and Temporal Politics

One strand of research on the durability of peace post-conflict comes from the perspective of the bargaining theory of war.[6] The role of the future here is primarily in the context of repeated interactions between the two sides and changes over time that might affect the bargaining space.[7] Here, the future is built incrementally, interaction by interaction. Furthermore, the unknowability of the future drives conflict recurrence. However, despite this central role of the future as a source of uncertainty, the bargaining theory of war still focuses on the politics of the present. The future is an unknown entity, a blank space on the map that can only be revealed incrementally in a linear fashion, rather than being a site for creativity, contestation, and construction. Conflict is avoided by adversaries taking steps to day-after-day signal their adherence to the peace agreement and provide information about their intention to continue doing so tomorrow. Success, then, is not predicated on the future looking different from the present; rather, success is defined as the present enduring, building the future from the present.

Other research employs the concept of intertemporal trade-offs to analyze peace duration through a temporal lens.[8] Similarly, international relations research on time horizons and intertemporal trade-offs highlight how variance in leaders' tendencies to weight more heavily the long term or short term affects the strategies they adopt.[9] While these approaches explicitly foreground temporality and the future, they primarily treat time as a neutral factor. In the context of peace settlements, this means that whether focusing on incremental change or intertemporal trade-offs, in both cases the underlying assumption is of time as a neutral background.

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[6]   James D. Fearon, "Rationalist explanations for war," *International Organization*, Vol. 49, No. 3, 1995, pp. 379–414.

[7]   Virginia Page Fortna, "Does peacekeeping keep peace? International intervention and the duration of peace after civil war", *International Studies Quarterly*, Vol. 48, No. 2, 2004, pp. 269–292; Suzanne Werner and Amy Yuen, "Making and keeping peace", *International Organization*, Vol. 59, No. 2, 2005, pp. 261–292.

[8]   Kyle Beardsley, "Agreement without peace? International mediation and time inconsistency problems", *American Journal of Political Science*, Vol. 52, No. 4, 2008, pp. 723–740.

[9]   Ronald R. Krebs and Aaron Rapport, "International relations and the psychology of time horizons", *International Studies Quarterly*, Vol. 56, No. 3, 2012, pp. 530–543; David M. Edelstein, *Over the Horizon*, Cornell University Press, 2017.

Other Approaches to Peacebuilding and their Temporal Assumptions

While the preceding section discussed a common approach to peace settlements that foregrounds peace duration within a politics of the present that incrementally builds peace, other approaches prioritize different outcomes and have different underling temporal assumptions. One major strand of research is work distinguishing between positive and negative peace. While the work discussed thus far tends to define peace as the absence of war, and thus defines peace duration as the amount of time post-settlement where there is no war, research by Johann Galtung and others problematizes this definition of peace.[10] Negative peace, the absence of overt or what Galtung calls 'personal' violence inflicted on people directly, is contrasted against *positive* peace, defined as the absence of structural, indirect, or potential violence. In this view, it is not enough to call a state of affairs peaceful simply due to the absence of violence inflicted on individuals. Societal injustice or the threat of violence preclude positive peace. Focusing on positive as well as negative peace complicates the underlying politics of the present. One the one hand, fostering positive peace means that maintaining the status quo reached in the peace agreement is not sufficient. Positive peace requires making changes to address underlying societal injustices, rather than preserving a state of no fighting. On the other hand, the concept of latent violence within positive peace is a different conception of the future than in negative peace. In approaches that prioritize the maintenance of negative peace, future uncertainty in the form of future violence can derail the peace process and lead to a resumption of fighting. However, within the positive peace framework, this threat of future violence is a form of violence in the present. In other words, the condition of peace in the present is defined in terms of an absence of violence in the future, rather than just an absence of peace in the present. Positive peace thus depends on a constructed future whereby violence is unthinkable.

     In order to distinguish between the different temporal assumptions of positive and negative peace, it is useful to bring in the concept of temporal orientations from fields including social psychology and anthropology. Broadly speaking, temporal orientation can be thought of as whether one preferentially attends to the past, present, or future, as well as the stance one adopts toward each.[11] Bryant and Knight further distinguish different types of future temporal orientation, including the orientations of expectation versus

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[10]   Johan Galtung, "Violence, peace, and peace research", *Journal of peace research*, Vol. 6, No. 3, 1969, pp. 167–191.

[11]   Alison E. Holman and Roxane Cohen Silver, "Getting" stuck" in the past: temporal orientation and coping with trauma", *Journal of Personality and Social Psychology*, Vol. 74, No. 5, 1998, pp. 1146.

anticipation.[12] When someone *expects* a certain future, they are relying on their experience in the present and past to inform what they think will happen in the future. When someone *anticipates* a certain future, that future intrudes on the present; it *feels* real and immanent. Within negative peace, future violence may be expected, which might lead to a breakdown in the peace process, but this expectation of violence is a question of information based on past and present conditions. Within positive peace, future violence may be anticipated, and this anticipation constitutes a form of violence in the present, as people feel the weight of that future violence, which shapes their present.

Bringing the future in

In this section, I motivate a turn to theorizing the future within peace processes by drawing on ontological security theory and the contributions of Felix Berenskoetter, the timing theory of Andrew Hom, and research on temporality in peace processes by Roger Mac Ginty. I also incorporate research on intergenerational justice and the design of constitutions to further theorize how peace agreements engage in future-making.

Ontological security theory foregrounds the role of the future in generating anxiety. In the context of international relations, states seek ontological security through establishing stable, routinized relationships with other states.[13] Anxiety in the present has a future orientation, a kind of objectless worry driven by being unable to see what possible threats lie ahead. This anxiety is managed through practices that establish and maintain a sense of continuity and being able to expect that future relationships will endure, even if those relationships are conflictual or threaten physical security. Recent work within ontological security theory specifically examines temporality; Kathrin Bachleitner, for example, argues that states seek congruence between their actions in the present and a collective memory of 'historically significant others.'[14] Applied to a post-conflict setting, this would mean that actors' decisions to abide by or renege on a peace agreement are driven by a desire to bring their present and future behavior in line with their past behavior. This approach focuses on the past and present: states' future actions are driven by

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[12] Rebecca Bryant and Daniel M. Knight, *The anthropology of the future*, Cambridge University Press, 2019.

[13] Jennifer Mitzen, "Ontological security in world politics: State identity and the security dilemma", *European journal of international relations*, Vol. 12, No. 3, 2006, pp. 341–370. Brent Steele, *Ontological security in international relations: Self-identity and the IR state*, Routledge, 2008.

[14] Kathrin Bachleitner, "Ontological security as temporal security? The role of 'significant historical others' in world politics", *International Relations*, Vol. 37, No. 1, 2023, pp. 25–47.

key moments in their pasts, akin to other approaches whereby the future is built incrementally from the present with a similar conception of the past as seen in transitional justice.

Such work can be brought into dialogue with the narrative and temporal turns within international relations. Felix Berenskoetter posits the state as an entity bounded by time as well as space, constituted by a biographical narrative that is subject to contestation both domestically and internationally.[15] Such biographical narratives, in Berenskoetter's view, are forward-looking as well as backward-looking; imagined, possible futures are thus constitutive of the Self of the state. Such visions of the future, including of utopia and dystopia, are important sites of political contestation. Berenskoetter argues further that analyzing the politics of the construction and pursuit of possible futures has been under-theorized despite the role of imagined futures in political life. Drawing on a phenomenological framework, Berenskoetter contends that these imagined futures are not only the result of humans' drive to assign meaning to visions of the future but also are deployed to combat existential anxiety and constitute the Self through visions that 'pull' the Self into the future and thus render unknowable futures knowable.[16] In other words, visions of the future not only act on the present but are constituent elements of identity.

Andrew Hom, in employing narrative theory in his advancement of timing theory, offers a way to analyze time, including the future, as a social construct subject to contestation as well as an active process. In Hom's view, time is not an objective backdrop against which events occur, but rather times are produced through active or passive efforts of agents to manage processes of change, emplotting events, processes, and people within narratives.[17] I-n this view, political contestation is linked to the ability to manage and shape processes of change through a range of instruments or timing standards— deadlines, waiting periods, etc. Past, present, and future events are arrayed into meaningful narrative structures which give them meaning or inform how they are used as reference points for action. The ability to shape timing standards, which influence how change processes are managed and action motivated and organized, is both reflective of and constitutes power.[18]

So, to compare the linear or path dependent conception of time as a backdrop to what Hom is proposing, we can analyze how and why time is

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[15]   Felix Berenskoetter, "Parameters of a national biography", *European journal of international relations*, Vol. 20, No. 1, 2014, pp. 262–288.

[16]   Felix Berenskoetter, "Reclaiming the vision thing: Constructivists as students of the future", *International Studies Quarterly*, Vol. 55, No. 3, 2011, pp. 647–668.

[17]   Andrew R. Hom, *International relations and the problem of time*, Oxford University Press, 2020.

[18]   Elizabeth F. Cohen, *The political value of time: Citizenship, duration, and democratic justice*, Cambridge University Press, 2018.

configured in different ways in different contexts. The linear conception of time takes as granted that events unfold sequentially and incrementally given a set of initial conditions, with points of ripeness or critical junctures[19] arising along the way. Hom's timing theory instead interrogates the political processes that have made particular sequential logics or periods of ripeness seem naturally occurring, rather than the result of specific timing standards that have become reified. Furthermore, timing theory foregrounds a conception of narrative time,[20] whereby these different timing logics and standards are situated within different narrative structures linking them to webs of meaning and identity. Additionally, concepts such as wartime and peacetime move from being objective, neutral descriptions of particular time periods and instead become productive of specific sets of relations that designate particular timing standards. Furthermore, this focus on the social construction of times may flip the logic of cause in the present resulting in an effect in the future; instead, the future may exert force on the past as the meanings and properties of events change in the future.[21]

Timing theory provides tools to understand the dominant way the future has been constructed within peace processes. Coupled with Berenskoetter's call to analyze how alternative futures are articulated and advanced, timing theory opens the possibility for understanding how alternative futures may be constructed and pulled into the present. Rather than assuming that peace processes must unfold incrementally in a linear fashion, this approach flips the logic and underlying temporal assumption by considering how possible futures may be pulled into the present—or how those futures may pull the present forward.

Within the context of peace processes, timing standards would include things like shaping the timing and sequence of peace negotiations and the implementation of elements of peace agreements. This corresponds to Mac Ginty's argument that understanding the processes that shape the timing and sequencing of events within peace processes is vital to understanding the outcomes of those peace processes.[22] Elsewhere, Róisín Read and Roger Mac Ginty[23] discuss the temporal dimension of violent conflict and post-conflict

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[19]   Michael W Manulak, *Change in Global Environmental Politics: Temporal Focal Points and the Reform of International Institutions*, Cambridge University Press, 2022.

[20]   David Carr, *Time, narrative, and history*, Indiana University Press, 1991; Hayden White, *Metahistory: The historical imagination in nineteenth-century Europe*, JHU Press, 2014.

[21]   David Weberman, "The nonfixity of the historical past," *The Review of Metaphysics*, 1997, pp. 749–768.

[22]   Roger Mac Ginty, "Time, Sequencing and Peace Processes" in: Roger Mac Ginty and John Darby (eds.), *Contemporary Peacemaking*, Palgrave Macmillan, 2022, pp. 181–195.

[23]   Roisin Read and Roger Mac Ginty, "The temporal dimension in accounts of violent conflict: A case study from Darfur", *Journal of Intervention and Statebuilding*, Vol. 11, No. 2, 2017, pp. 147–165.

peace processes, arguing for consideration of both bottom-up and top-down narratives and how the construction of temporalities are suffused with power relations. The power to shape the timing and sequencing of the negotiation, design, and implementation of peace agreements in post-conflict situations is linked to the ability to emplot events within particular narratives, with specific orientations toward the future. This reflects not only the ability to influence when, for example, peace negotiations begin or the order in which different issues are negotiated; this power also reflects the ability to link such timing and sequencing to larger narratives or desired futures. For example, negotiators may emphasize the need to focus on a territorial settlement based on the status quo, rather than focusing on how to address pressure for changes in territorial status in the future. Influence over timing standards within negotiations may lead to the prioritization of such a settlement over an alternative standard which emphasizes flexibility within the peace agreement.

Taken together, then, Berenskoetter, Hom, and Mac Ginty provide a starting point to analyze the role of constructed futures brought about by instruments to manage times and processes of change within the context of peace agreements. Furthermore, the role of narrative in both Berenskoetter's and Hom's work provides a common link whereby times and timing standards are situated within narrative structures that also constitute identity. Engaging in future-making is thus linked to the production of identity and ontological security.

FUTURE-MAKING IN BOSNIA

In this section, I will analyze future-making in the case of Bosnia and the Dayton Accords. The goal here is to provide an initial snapshot of how the theoretical framework can elucidate the temporal politics surrounding the Dayton Accords and help draw out lessons that can aid in understanding the temporal politics of peace processes more generally.

The General Framework Agreement for Peace in Bosnia and Herzegovina, or the Dayton Accords, were negotiated from November 1–21 1995 in Dayton, Ohio. While the negotiation of the Accords was the culmination of multiple rounds of negotiations and prior agreements such as the 1994 Washington Agreement, the negotiations in Dayton still occurred within a highly compressed time frame shaped primarily by pressure from the United States.[24] Focusing for the moment on the temporal politics surrounding the negotiations specifically, the United States' negotiating team under Richard

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[24]   Richard Holbrooke, *To End a War: The Conflict in Yugoslavia – America's Inside Story – Negotiating with Milosevic*, Modern Library, 2011.

Holbrooke largely shaped the tempo and timing of the negotiations.[25] The US was determined to finalize the agreement at Dayton in part due to domestic political considerations and the need to secure approval for the deployment of US peacekeepers in Bosnia. In practical terms, this meant focusing on major points of contention between the Serb, Croat, and Bosniak delegations, such as the delineation of the borders and territories of Bosnia's entities and the status of Sarajevo.

What is striking, however, is the extent to which the negotiations focused on relatively static issues such as territorial distribution and the separation of powers of the different central government and entity institutions. What I mean by this is that these negotiations were focused on reaching an agreement that would be "frozen" in place indefinitely; for example, negotiations over the border lines were framed as negotiations over outcomes that would be set in stone. This parallels later critiques of the Dayton Accords that contend that the short-term or presentist focus of the agreement resulted in the codification of the territorial gains from ethnic cleansing and warfare.[26] In other words, the negotiations over territorial distribution and other issues reflected the wartime status quo, and the timing of the ceasefire and start of negotiations, and thus what would count as the status quo, was influenced in part by players such as the United States. This focus helps explain why the long-term future of Bosnia does not seem to have been a series point of explicit discussion at Dayton; little consideration seems to have been given for how the agreement might need to change, or might need to accommodate change, in the future.[27]

The accords did not explicitly lay out a broader vision for the future of Bosnia. A critique of the agreement is that it did not articulate a common future for Bosnia.[28] Rather, the measures laid out within the agreement pushed forward and maintained the ethnic divisions present at the signing of the agreement, ensuring that divisions among the Serb, Croat, and Bosniak

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[25] Ibid.

[26] Tajma Kapic, "The Dayton Peace Agreement in Bosnia and Herzegovina and lessons for the design of political institutions for a United Ireland", *Irish Studies in International Affairs*, Vol. 33, No. 2, 2022, pp. 1–26; John Hulsey, "Electoral accountability in Bosnia and Herzegovina under the Dayton framework agreement", *International Peacekeeping*, Vol. 22, No. 5, 2015, pp. 511–525.

[27] Interestingly, President Slobodan Milosevic may have hoped that the agreement would open the door to Republika Srpska seceding from Bosnia and unifying with Serbia at some point in the future; he is reported to have stated to other members of the Serb delegation in Dayton "If this [the agreement] goes, it will be a historic result, because through Republika Srpska we have created a second Serb state in the Balkans. The two Germans also united later on." (Nebojas Vujovic, *Last Flight From Dayton: Negotiations behind closed doors*, GM Books, 2019, pp. 162).

[28] Soeren Keil and Anastasiia Kudlenko, "Bosnia and Herzegovina 20 years after Dayton: Complexity born of paradoxes", *International Peacekeeping*, Vol. 22, No. 5, 2015, pp. 471–489.

communities continued to structure the politics of Bosnia and Herzegovina.[29] Rather than focusing on building enduring, flexible institutions that could weather and manage change in the future, the emphasis at Dayton was placed on "establishing peace under international supervision"[30] The Dayton negotiators constructed a future that maintained the status quo enshrined within the agreement. Furthermore, in the documents comprising the Dayton Accords, for example, there is little reference made to underlying drivers of sectarian conflict in Bosnia and Herzegovina, nor to contemporary and historical disputes between the Bosniak, Serb, and Croat communities. In other words, there is little in the way of narrative linkages between the causes of the conflict and the future charted in the Dayton Accords.

The vision of the future within the agreement, then, seems imply both the continuation of ethnic divisions in Bosnia and the indefinite involvement of the international community through institutions such as the Office of the High Representative. By contrast, there is little room for a future of Bosnia that is shaped by the agency of Bosnians regardless of ethnic identity. This lack of a common vision of the future for all peoples in Bosnia may explain how alternative, potentially destructive futures, may become more attractive, such as the alternative future of Republika Srpska secession advocated by President Milorad Dodik.

With no common future advanced within the Dayton Accords, the period immediately following the signing of the agreement was marked by apprehension over the future. Refugees were reluctant to return, especially to areas that had been subjected to ethnic cleansing. In Sarajevo, Bosnian Serbs fled the city, resulting in greater ethnic segregation.[31] Years later, Serbs who left Sarajevo speak of being out of time and possible futures that they used to have which are no longer accessible after leaving Sarajevo.[32] This feeling of being out of time as well as being displaced in space is likely felt by Bosniaks, Croats, and Serbs who were not only forced to leave behind their homes during the wars, but also left their futures behind. An anticipated future that is no longer felt results in disorientation and ontological insecurity prompted by no longer having a future. For others, this can result in trying to recreate

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29   Ronald C Slye, "The Dayton peace agreement: Constitutionalism and ethnicity", *Yale Journal of International Law*, Vol. 21, 1996, p. 459.

30   Zlatan Begić and Zlatan Delić, "Constituency of peoples in the constitutional system of Bosnia and Herzegovina: Chasing fair solutions", *International journal of constitutional law*, Vol. 11, No. 2, 2013, p. 449.

31   Ondrej Žíla, "The flight of Serbs from Sarajevo: not the Dayton agreement's first failure, but its first logical consequence", *Nationalities Papers*, Vol. 49, No. 5, 2021, pp. 967–985.

32   Ondrej Žíla, "'Sarajevo is not what it used to be': Ex-Sarajevan Serbs and their ambivalent relationship to their place of origin", *Journal of Refugee Studies*, Vol. 35, No. 1, 2022, pp. 416–434.

the past or shape one's space. In post-Dayton Accords Sarajevo, for example, the government of the Federation of Bosnia and Herzegovina undertook changes to the city's landscape and structures, including renaming many streets, reconstructing Sarajevo University, and commissioning a national atlas.

Future-making in Bosnia included external actors. Even though the Europeans were somewhat sidelined at Dayton, the European Union came to play a major role in the agreement's implementation, including through the Office of the High Representative (with expanded "Bonn Powers" after 1997 and with the position of High Representative fused with the EU Special Representative to Bosnia and Herzegovina from 2002 to 2011) and Operation Althea (formerly EUFOR). The EU's increasingly muscular role in the peace process has meant that the implementation of the peace process has become linked to Bosnia's road to being a potential EU member state, including the application for EU membership in 2016 and the granting of candidate status in 2022. EU future-making in Bosnia has been complicated by its role in the implementation of the peace process, and the slow rate of accession progress due to difficulties in implementing reforms, the ability of the future of Bosnia within the EU to act as an anchor for Bosnia's identity has been limited. This uncertainty or liminality regarding Bosnia's external future within the EU is compounded by the lack of progress at forging an inner Bosnian identity and future to replace the continued ethnic divisions.

European Union future-making in Bosnia has been hampered both by the rigid structures and continuing divisions enshrined in the Dayton Accords, as well as uncertainty about the pace of reform and the accession timeline. One the one hand, the accords froze in place rigid structures and ethnic divisions that resist change; on the other, the EU has held out the prospect of a European future if Bosnia can enact needed reforms and the forging of a functioning, multiethnic democracy. This tension has led to a degree of pessimism—for example, in a survey in 2021, 85% of people surveyed (including 64% of Bosnian Serbs) supported EU membership, while 90% of Bosnians also felt that Bosnia is moving in the wrong direction due to economic concerns, political divisions, and corruption.[33] In other words, Bosnians, no matter their expectations, cannot anticipate or feel a solid, bright future.

CONCLUSION

The case study presented in brief offers an analysis of the temporal politics and future-making at play in the negotiation and implementation of the Dayton Accords. The case of Bosnia provides lessons for the design and implementation

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[33] National Democratic Institute, Bosnia and Herzegovina Poll 2021, Washington, D.C., 2021, Available from: https://www.ndi.org/publications/bosnia-and-herzegovina-poll, (Accessed 10 January 2024).

of peace agreements. A major lesson is that highly rigid, externally-imposed agreements may both be inadequately flexible and not seen as legitimate for the communities whose future they are intended to structure and safeguard. If people on the ground cannot see their desired future reflected in the agreement and the architecture of the peace process, they may become demoralized and seek to exit the process entirely. An anticipated future can be a powerful motivator, whereas an uncertain or threatening future can be demoralizing. So too can a situation where multiple, incompatible futures are articulated, as demonstrated by divergences between the future articulated in the Dayton Accords and that articulated through the EU accession process.

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The Monroe Doctrine and Conception of American National Interest: From an Annual Message of President James Monroe to the Foreign Policy Doctrine of the United States of America**

ABSTRACT

The main open issues regarding the Monroe Doctrine are its original meaning and intention, but also how it has evolved over time, especially after President James K. Polk's use of it and Theodor Roosevelt's Corollary Namely, the Annual Message represents a product of long-term discussions between representatives of at least two approaches to the United States Grand strategy after the War with Britain in 1812: John Quincy Adams and John C. Calhoun. After that war, which threatened the survival of the Young Republic, its leaders had to answer at least three questions in the long run: how far the U.S. should and can go in terms of territorial expansion, what kind of relationship they should make with the newly liberated states and other entities in both Americas, and what kind of relationship they should foster with the European powers and the rest of the world. Wars, changing foreign policy goals and strategic determinations gave a reason, first to President Polk and then to Theodore Roosevelt to refer to this Annual Message of President Monroe and give it a meaning that it did not have when it was written. The additions made by these two presidents, and

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above all by President Theodore Roosevelt, largely turned Monroe's Annual Message into a doctrine of American foreign policy dominance in the Western Hemisphere. There are at least two types of reference to this Doctrine: 1) for internal political needs in the USA itself and 2) in other countries that had and still have similar ambitions to realize their interests and create spheres of influence in the regions where they are located. Briefly, U.S. national interest dictated, broadened and narrowed the use of President Monroe's original address.

INTRODUCTION

The Seventh Annual Message of President James Monroe on 2 December 1823, better known as the Monroe Doctrine, is almost unanimously regarded as one of the most significant foreign policy and security documents in the history of the United States by nearly all of its subsequent interpreters.[1] Even when analyzing its longevity and impact on American domestic and foreign policy, as well as on modern world history, excluding its often inevitable mythologization and, even more, setting aside the unique "invention of tradition" aimed at creating the much-needed, non-contradictory political-historical narrative for a country that, in just two centuries, grew from a colony to a superpower, the Monroe Doctrine stands out like Mount Rushmore above the transience and unstoppable flow of events.[2]

Three non-sequential paragraphs from the aforementioned Message have, for two whole centuries, provided the ideological-political basis for the conception and realization of this country's national interests and geopolitical goals. Their interpretations and use have changed *pari passu* with the rise of the United States' power in the Western Hemisphere and world affairs. What has not changed to this day is the geopolitical core of this document, from which, in the decades following its adoption, the domestic and, to a somewhat lesser extent, foreign and security policies of the United States have developed.

To grasp the essence, significance, and numerous meanings of the positions presented at that time, it is necessary to consider some preliminary questions. First, is it strictly possible to speak of a doctrine in its original and prevailing sense? Then, perhaps the most important question: what did its

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[1] James Monroe, *Seventh Annual Message*, December 2 2023, Available from: https://www.presidency.ucsb.edu/documents/seventh-annual-message-1 (Accessed 15 April 2024.)

[2] Jay Sexton, "The Monroe Doctrine in an Age of Global History", *Diplomatic History*, Volume 47, Issue 5, November 2023, https://doi.org/10.1093/dh/dhad043, p. 862.

creators intend to convey, primarily to their compatriots and other countries, especially the European powers, in the years following the Congress of Vienna? Not to mention how important it is to "explain" relationships, common views, and the difficult to unpack differences between the members of President Monroe's cabinet, as well as the views of the last "Virginia planter" who ruled the Young Republic during the "Era of Good Feelings."[3]

Therefore, considering the many other causes, influences, motivations, and parties involved in the creation of this document, this "crucial period"[4] of American policy can and must be studied not only from the perspectives of political history, diplomatic history, public diplomacy, intellectual and social history, but even more so from the perspectives of geopolitics, geostrategy, geoeconomics, anthropology, psychology, gender studies. For example, in our time, the role played by men in the formulation and subsequent interpretations of the Monroe Doctrine is often questioned and criticized. It is already well-known that there is a fundamental criticism of interpretations that describe and explain events by emphasizing the decisive role of "great individuals" who more or less single-handedly encourage, direct, and lead the course of history. This is evidenced by the frequently highlighted image from the time of the Doctrine's creation, showing a few men, engrossed in maps in front of them, making "important decisions" this image is mockingly referred to as "Chaps with Maps."[5]

HISTORICAL IMPORTANCE

In most references to the "original principles" of the Monroe Doctrine, several decades after its adoption during President Polk's time, and especially at the turn of the 19th to the 20th century in statements by Theodore Roosevelt, Monroe's Seventh Annual Message was almost exclusively taken as a kind of test of masculinity, strength, toughness, and the epitome of patriotism. It's not difficult to conclude that invoking the "doctrine of Mr. Monroe" primarily targeted domestic political opponents, with other nations and countries being sporadically and rarely mentioned. The Monroe Doctrine was further interpreted as a litmus test that identifies the "true" Americans who are

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[3] "This period was called the Era of Good Feelings because the name captured Americans' hopes of partisan and national unity following the War of 1812. During his presidency, James Monroe accelerated the end of the First Party System. When the Federalists were no longer a national political party, partisan animosity that had marked the First Party System appeared to end." https://study.com/academy/lesson/john-madison-after-the-war-of-1812-the-era-of-good-feelings.html, (Accessed 10 January 2024)

[4] See Henry Kissinger, *A World Restored*: *Metternich, Castlereagh and the Problems of Peace 1812–1822*, Weidenfeld and Nicolson, London, 1957.

[5] Jay Sexton, "The Monroe Doctrine in an Age of Global History", op. cit., pp. 857–858.

unreservedly committed to advancing the national interests of this country, which rapidly established itself as one of the world's most powerful nations during the 19th century. If it can be said that the creators of the original text of President Monroe's Seventh Annual Message largely intuitively recognized and laid the groundwork for American national interests in the decades that followed, all subsequent references to this document were largely the result of rational calculation of the needs for the rise of power of this thalassocratic nation to its current level of "hyperpower" (Hubert Védrine).[6]

Furthermore, references to the "original" text of the Monroe Doctrine served as cover for a variety of internal and foreign policy intentions, actions, and policies – not only of American presidents but also of a large number of high-ranking officials from all sides of the ideological spectrum, including scholars. For instance, from justifying isolationist reasons and impulses to accusing dissenters of "abandoning Monroe's 'teachings' from 1823 and thus ceasing to serve true American national interests to finding support and persistent points in this document for interventionism in Central America, the Caribbean, the Philippines, Guam... It stretched like 'Indian rubber'" (Alejandro Alvarez).[7] For example, during the Cold War, the Monroe Doctrine served as a counterpoint, inherently based on isolationism, compared to the internationalist grand strategies of American foreign and security policy. After World War II, every new resident of the White House, by and large, had a strategy named after them. They were all, without exception, determined by the overarching "Containment Strategy" outlined by George Frost Kennan. Since the end of the Cold War, we have been talking about *Pax Americana*, i.e., American global dominance and corresponding strategic directions for maintaining and strengthening global hegemony. In the last three decades, as a result of the power shift in the world order towards other centers: states and/or groups of states, Americans themselves, and even more so, advocates of regional spheres of influence and domination in different parts of the shrinking world, have once again invoked the Monroe Doctrine much more than in the entire period since the end of World War II.

When something is "everything," then, of course, according to such superficial interpretations, it is simultaneously "nothing." Jay Sexton wittily, and with a touch of sarcasm and mockery, refers to the Monroe Doctrine as

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[6]   See "To Paris U. S. Looks like HyperPower", *International Herald Tribune*, February 5th 1999, available from: https://www.nytimes.com/1999/02/05/news/to-paris-us-looks-like-a-hyperpower.html (accessed 15 April 2024.)

[7]   A. Alvarez, *The Monroe Doctrine: Its Importance in the International Life of States of the New World*, Oxford University Press, Oxford, 1924, p. 394, quoted in Heiko Meiertöns, *The Doctrines of US Security Policy: An Evaluation under International Law*, Cambridge University Press, Cambridge, 2010, p. 29.

a "nothingburger" while exploring the reasons for its longevity and various uses and abuses.[8]

On the other hand, any more profound analysis or study of the Monroe Doctrine must start from the historical context, the "milieu" in which this document emerged. Without immersion into the "green depths" of the history of the first three decades of the nineteenth century in the life of the Young American Republic, every discussion about this Doctrine hangs in the air, remaining for later generations as a more or less appealing myth that flatters national pride. The authors of the Doctrine did not set out to write guidelines for this country's foreign and security policy in the decades to come. Pressured to define themselves concerning several extremely unfavorable events and trends in international relations at the time while also considering the internal stability of a country that was expanding and strengthening territorially, the Doctrine was their "answer of the day,", response to external, and even more so, internal challenges.

From the perspective of strategic thinking, it was also a momentum that did not tolerate a delayed response. After much deliberation among the members of Monroe's cabinet, the final text of the Seventh Annual Message emerged, according to prevailing assessments, as a well-balanced and yet simultaneously strong stance of a state that, at that moment, had more ambitions than actual power.[9] The United States and the early third decades of the 19th century were economically and militarily significantly weaker than any member of the Holy Alliance and Great Britain taken individually. It's almost unnecessary to compare the overall power of Britain at that time with the state that emerged from its former colonies, especially the naval power of this country, whose merchant and warships sailed all the world's sees and dominated all major maritime routes and passages. It wouldn't be wrong to say that expressing such a stance by the U.S. at that very moment was more about courage than prudence.

CIRCUMSTANCES AND CAUSES OF THE TRANSFORMATION OF SECURITY THOUGHTS IN THE UNITED STATES OF AMERICA

The unraveling of the 1823 document begins with an unexpected British attack on Washington and the burning of all state institutions in 1814. John Lewis Gaddis's analysis of pivotal points in the history of American strategic thinking, when the very concept and system of security were shaped, outlines three events after which this society needed to provide a new, different

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[8]   Jay Sexton, "The Monroe Doctrine in an Age of Global History", op. cit., p. 845.

[9]   See for more in: Samuel Flagg Bemis, *John Quincy Adams and the Foundations of American Foreign Policy*, Alfred A. Knopf, New York, 1949.

response. The burning of Washington was indeed the first such event in the series. The other two sudden attacks with similar strategic consequences were the Japanese attack on Pearl Harbor on December 7, 1941, and the terrorist attacks on New York and Washington on September 11, 2001. These events led to significant shifts in security concepts and comprehensive reforms of the overall security system.[10]

The burning of government buildings in Washington in 1814, as well as the course and outcome of the war with Great Britain, served as a painful reminder to Americans that the Young Republic was not entirely secure, even on its territory. It was crucial to thoroughly reconsider the existing security concept, not only in its theoretical-philosophical and strategic foundations but also to urgently proceed with the redefinition of key institutional and operational aspects of the security system within a short timeframe. For such an endeavor, among other things, America needed to improve its relations with Britain. The United States would have struggled to endure another similar war conflict with this country, experiencing a rise in power to the peak of global affairs. Figuratively speaking, the world's most powerful navy and trading fleet were sailing inexorably into the century of British dominance, both economically and militarily. When he was the American ambassador to London, the proto-strategist of the Monroe Doctrine John Quincy Adams, outlined why good relations between these two countries were significant for both nations in a letter to his father, John Adams, the second president of the United States.[11]

The terms of peace and the text of the peace treaty between the two warring parties were negotiated by John Quincy Adams himself, as the head of the American delegation, on Christmas Eve 1814 in Ghent, Belgium.[12] Unwaveringly establishing the intellectual and institutional foundations for reshaping the American security system in line with the ideas of John Quincy Adams, the United States settled territorial disputes with Britain in the Great Lakes region through the Rush-Bagot Pact and effectively divided spheres of interest between their countries in North America. Britain gains "free hands" in the northern part of the continent, while in return, the Young Republic takes complete freedom of action in the South and West.[13] However, this

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[10]   John Lewis Gaddis, *Surprise, Security and American Experience*, Harvard University Press, Cambridge, 2005.

[11]   "I am deeply convinced that peace is the state best adapted to the interest and the happiness of both nations." See in JQA to JA, May 29, 1816, in JQA, Writings, 6:38. Quoted in Charles N. Edel, *The Nation Builder: John Quincy Adams and the Grand Strategy of the Republic*, Harvard University Press, Cambridge, 2014, p. 209.

[12]   See for more in: Samuel Flagg Bemis, *John Quincy Adams and the Foundations of American Foreign Policy*, op. cit., pp. 196–220.

[13]   See for more in: Charles N. Edel, The Nation Builder: John Quincy Adams and the Grand Strategy of the Republic, op. cit. p. 135. and Samuel Flagg Bemis, *John Quincy Adams and the Foundations of American Foreign Policy*, op. cit., pp. 230–231.

was a compelled interim move not in line with the fundamental advocacy and strategic considerations of Adams' approach to U.S. security and creating conditions for their unhindered territorial expansion and economic development. Adams viewed the aforementioned premises of survival, expansion, and advancement of his country in complete rejection of any form of European balance of power system; for a man from Massachusetts, only total American hegemony on the North American continent guaranteed the achievement of national security and the national interests of the United States.

Here, it's not difficult to discern the sharp contrast between the Adams' well-known liberalism and sincere democratic principles on the one hand and essentially the highly realistic understanding and, even more so, actions aimed at achieving national security and American national interests on the other hand. In a somewhat more liberal interpretation of John Quincy Adams' views and political actions, the goals of establishing reliable foundations for the decades-long overall growth of American power justified the means he advocated for and applied. This most educated American statesman[14] of his time understood that the Young Republic must act proactively. Achieving hegemony throughout the North American continent is the goal that alone guarantees the stabilization and growth of the power of this country. To achieve this, as noted by John Lewis Gaddis, security can be attained through territorial expansion, almost at any cost.

Furthermore, Adams insisted that the U.S. should promptly fill every power vacuum on their borders, often due to the collapse of the tired and reluctant Spanish colonial empire. He reasonably believed that a European power could fill such a power vacuum or could lead to a threat to the United States themselves, which at that time was unable to protect their population living along the border. The "Frontier Spirit," deeply ingrained in American history and mythology of westward expansion beyond the territories of the "first thirteen colonies," was born in the mid-19th century. To protect the existing territory and undertake expansion, America did not have the luxury of relying on any other state; unilateral action was only possible through strengthening military power, which was always in the most immediate relationship with economic strength.

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[14]   According to Charles N. Edel, "he learned to speak ancient Greek, Latin, French, Spanish, Dutch, and German. In Greek, he read Homer, Xenophon, Herodotus, Thucydides, and Plutarch; in Latin, Suetonius, Livy, Virgil, Cicero, Tacitus, Juvenal, Horace, and Ovid. He plodded through European history, became versed in the various religions, and devoured political philosophy. He became a daily reader of the Bible and an avid fan of Shakespeare. The great Roman orators taught him wisdom and folly. The story of Abraham and his descendants highlighted "all the vicissitudes to which individuals, families, and nations are liable", Charles N. Edel, *The Nation Builder: John Quincy Adams and the Grand Strategy of the Republic*, op. cit., p. 18.

Just as they rejected any balance of power on "their" continent, American "nation builders"[15] also refused to enter into an alliance with any European power or join forces with the newly liberated countries and peoples of Latin America. All this was in accordance with the recommendations of George Washington, the first President of the United States, about giving essential priority in foreign policy to commercial over political ties. The leading foreign policy strategist of that time, John Quincy Adams, steadfastly, sometimes even harshly, rejected demands from certain Latin American leaders for U.S. intervention in the complex internal and inter-state relations of the newly formed states south of the Rio Grande River.

Certain authors make a mistake by labeling occasional and temporal refraining from the active participation of the United States in global affairs (especially in the always intricate European politics) as isolationism. This was, in fact, a unilateral policy, such as when the United States, after the Versailles Peace Conference and during the administrations of Harding, Coolidge, and Hoover, replaced Woodrow Wilson's foreign policy internationalism with massive economic outreach to world markets and a bitter struggle for raw materials with their former predominantly colonial possessors.[16]

Starting from 1814 until the Seventh Annual Message of President Monroe alongside the rapprochement with Great Britain, the United States took several other strategically crucial foreign policy and security measures that set the stage for a strong internal definition and international political and geopolitical positioning, all of which, intended or consequential, culminated in the document of 2 December 1823. One such measure was the liberation of five South American states from Spanish colonial rule during that period. The U.S. recognized the independence of these nations shortly after Spain was expelled from their territories. By this very act, *ipso facto*, undertaken by the U.S. before Great Britain, the leading statesmen of the Young Republic hinted at their intention to pursue an active policy of preserving the independence of countries and peoples in the Western Hemisphere from the influence of non-American states in this part of the world.

The leaders of the fight for independence in these five Latin American countries, especially Simon Bolivar – "El Libertador", often emphasized how they and their peoples were inspired by the example set by the United States – the successful American Revolution and, more than that, the established social and political institutions, the implementation of the principle of separation of powers, the rule of law, the pursuit of independence, and

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15   Charles N. Edel, *The Nation Builder: John Quincy Adams and the Grand Strategy of the Republic*.

16   See for more in: Dragan R. Simić, *Svetski poredak: politika Vudroa Vilsona i Frenklina Delana Ruzvelta*, FPN, CLIO, Beograd, 2022.

freedom. Argentine historian Sabato[17] rightly claims that alongside the United States, the ideas that ignited the Great French bourgeois revolution also influenced the Latin American peoples. As we have already noted, alongside the chaotic decolonization of the Spanish Empire and the awakening of the peoples south of the Rio Grande, another process influenced developments in the Western Hemisphere during those years. After the Congress of Vienna, the Great Britain began building of its informal trading empire. Following the scheme of capitalism as a global system outlined by Immanuel Wallerstein[18], North America and Latin America were respectively semi-peripheral in the former and peripheral to the center of the global capitalist system in London.

Although Britain did not formally recognize the independence of the five newly liberated states of Latin America until 1824 and somewhat later, it did not remain passive during the South American revolutions. It sent assistance in personnel from its Caribbean possessions, as well as weapons and ammunition. After the conflict, it immediately imposed itself as the leading trading partner for most Latin American countries; relations with the economically burgeoning United States were much more developed. The development of the British economy largely depended on the import of raw materials, timber, grain, and cotton from its former colonies on the eastern coast of the Atlantic Ocean. London also had significant investments in the then-American financial markets. Cynics saw this economic-political relationship, which lasted for several decades until the outbreak of the Civil War (1861-1865), as evidence that even after the successful American Revolution and the attainment of full independence the United States was *de facto* still subordinate to Great Britain as a kind of "honorary dominion"[19] of the old metropole.

This so-called informal British trading empire simultaneously strengthened its well-known dominance at sea. Its naval power was such that it rivaled or even surpassed the navies of the following two or three countries combined.[20] However, despite the years of stable relations with London following the peace treaty in Ghent in 1814 – which resulted in increased state revenues, a bolstered military, and further territorial expansion for the U.S. – both John Quincy Adams and President Monroe were aware that the danger to the very survival of America was far from over. Both were fully conscious: Adams, based more on a rational analysis of the international relations of the

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[17] Hilda Sabato, *Republics of the New World: The Revolutionary Political Experiment in 19th- Century Latin America*, Princeton, NJ, 2018. Quoted in Jay Sexton, "The Monroe Doctrine in an Age of Global History", op. cit., p. 851.

[18] For more see Immanuel Wallerstein, *World – System Analysis: An Introduction*, Duke University Press, 2004.

[19] Jay Sexton, "The Monroe Doctrine in an Age of Global History", op. cit., p. 851.

[20] See for more in: Paul Kennedy, *The Rise and fall of Great Powers*, Random House, New York, 1987.

time, and President Monroe, guided mainly by the intuition of an experienced statesman and revolutionary, that their country still had a long way to go before attaining the status of a relatively safe and stable state and society that could develop smoothly in relation to its environment. According to our knowledge, President Monroe was the first American statesman to explicitly state in the early 19th century that the waters of the Atlantic Ocean did not provide complete protection to his country. "The stopping power of water"[21] (John Mearsheimer), which undoubtedly could have discouraged or prevented many aspirants to the Western Hemisphere, was not entirely sufficient at that time. Hence, both statesmen advocated building a convincing military force in accordance with the strategic commitment to relying solely on their own strengths. As the history of warfare teaches us, much time and resources are required for such an endeavor. In the meantime, until a satisfactory level of economic and military strength is achieved, it is vital to survive and ensure conditions for growth in the ongoing power struggle with other countries and peoples.

IMMEDIATE CHALLENGES

Monroe emphasized that the belief that America was safe was, at the very least, naive and that indulging in the supposed security of the Young Republic was simultaneously dangerously perilous.[22] Several interconnected events in Europe related to the actions of the Holy Alliance, especially its actions in Italy, Portugal, and particularly in Spain, further solidified President Monroe's fears. The reactionary European powers, joined in 1818 by Bourbon France, became more determined to confront and suppress liberal ideas and their proponents on the Old Continent. For Americans, as well as for Great Britain, the intervention of the Holy Alliance and France to strengthen Ferdinand VII's rule in Spain was particularly unsettling. The apprehension of these two countries escalated into a concrete fear that France was capable of, shortly after that, outfitting a fleet, crossing the Atlantic Ocean, and attempting to restore the Spanish colonial empire in Latin America. The shared interest in preventing such a development compelled the United States and Great

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[21]   John Mearsheimer, *Tragedy of Great Power Politics*, W. W. Norton, New York, 2001. "True, the president told the audience, 'our distance from Europe and the just, moderate, and pacific policy of our Government may form some security against these dangers, but they ought to be anticipated and guarded against.' Distance was a safeguard but not a fail-safe." See Charles N. Edel, *The Nation Builder: John Quincy Adams and the Grand Strategy of the Republic*, op. cit., p. 120.

[22]   "Monroe reminded his countrymen of the perpetual dangers Europe posed to their young country. It would attempt "to overset our Government, to break our Union, and demolish us as a nation." See Charles N. Edel, *The Nation Builder: John Quincy Adams and the Grand Strategy of the Republic*, op. cit., p. 120.

Britain to take joint action. The first steps in this direction were taken by the agile British Foreign Secretary George Canning, who proposed to the then-American ambassador in London, Richard Rush, that the two countries issue a joint statement warning the Holy Alliance and France not to take any actions in the Western Hemisphere aimed at restoring the Spanish colonial empire.[23] Canning also proposed to Rush that the two countries commit in that document not to exploit any possible turn of events to assert sovereignty over any of the Latin American countries and/or any part thereof.

In official Washington, although aware of the real threat the Holy Alliance posed to their vital interests, there was hesitation about accepting Canning's recommendation. The composition of Monroe's cabinet, in essence, reflected all the tensions, opposing interests, and understandings that existed in the still fragile American society in the second and third decades of the 19th century. John C. Calhoun, a political leader from South Carolina and at that time Secretary of War, initially embraced Canning's proposal for a joint statement by Great Britain and the United States, warning the Holy Alliance not to take aggressive steps to restore the Spanish colonial empire in Latin America. This astute politician and statesman, but also a slaveholder and planter, hoped that closer ties between their two countries would help preserve the institution of slavery to which he fervently adhered; shortly after that, he withdrew his support for such a statement. His staunchest political adversary in President Monroe's cabinet, Secretary of State John Quincy Adams of Massachusetts, was reserved about getting too close to the "hated British," fearing that economically weaker USA could suffer from such a relationship. While the two key secretaries in his cabinet were mostly against the mentioned joint statement with Britain, President Monroe believed such a move would be in American national interest. In late September 1823, he went on vacation to his plantation in Virginia, primarily to consult with two former American presidents, Jefferson and Madison, about what to do. Both experienced statesmen supported continued rapprochement with their former metropolis.

Meanwhile, not waiting for the "indecisive Yankees"[24] to make a decision, agile Canning contacted the then-French ambassador in London, Prince Polignac, and managed to obtain from him a written assurance that France would not cross the ocean or take action to change the status quo in the Western Hemisphere. The Monroe Doctrine proclaimed on 2 December 1823, actually came at a time when the real danger of action by the Holy

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[23]   According to Samuel Flagg Bemis, „the climax came at the banquet when Canning poposed the health of overwhelmed charge. Great Britain and the United States, he said, had already forgotten their former dissensions. "The force of blood again prevails, and the daughter and the mother stand together against the world." Samuel Flagg Bemis, *John Quincy Adams and the Foundations of American Foreign Policy*, op. cit., p. 379.

[24]   Jay Sexton, "The Monroe Doctrine in an Age of Global History", op. cit., p. 849.

Alliance across the ocean had already passed. The role played by the brilliant diplomat George Canning led some interpreters of this document to argue that it is not Monroe's but rather the "Canning Doctrine." Considering the entire historical context and the main protagonists of its creation, the *dramatis personae*, this claim is unfounded and exaggerated.

After months of hard work on the text of the Seventh Annual Address, the document was almost completed in the second half of November 1823. President Monroe gave the first version to members of his cabinet for consideration. In the part of the Message concerning America's international political and geopolitical position in the world, in addition to responding to the Proclamation of Russian Tsar Alexander I from 1821 in which Russia declared its jurisdiction over the territory north of the 51st parallel and stated the well-known views on defending the freedom and independence of the United States and countries and peoples in the Western Hemisphere, Monroe also announced some other harsher measures his administration intended to take. This primarily included expressing readiness for the United States to recognize Greece's independence and send its diplomatic representative to Athens. Seeing these positions of the President, Quincy Adams promptly requested a meeting with Monroe. As an experienced diplomat, considering the delicate relations with the Holy Alliance and worried about the military strength of these states, but also respecting the commitment of American foreign policy not to interfere in the affairs and relations of European nations and states, he demanded that President Monroe simply remove these stands from the speech. He presented possible reactions from the Holy Alliance but also warned him that, in this way, he was opening an international conflict at the very end of his second term. The consequences of such an act would be left to his successor. Respecting the opinion of his Secretary of State, Monroe indeed "toned down" the speech.[25] He softened his previously stated positions and thus avoided giving the Holy Alliance justification for aggressive action against the United States.

Indeed, among President Monroe's cabinet members who worked on drafting the Address, John C. Calhoun, Attorney General William Wirt, and Adams, the latter was responsible precisely for matters of international relations, strategy, and foreign policy. In addition to his widely acknowledged renaissance-like breadth of education, knowledge of languages, classical antiquity, law, and politics, nearly unparalleled in American political history, Quincy Adams understood European relations and circumstances better than anyone else in President Monroe's administration. As mentioned, he managed to maintain existing loans and negotiate new ones from the Dutch when the finances of the United States were in crisis. Additionally, Adams "negotiated" the peace with the British on Christmas Eve 1814, and he also

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[25]   Charles N. Edel, *The Nation Builder: John Quincy Adams and the Grand Strategy of the Republic*, op. cit., p. 178.

served as the American ambassador in what was arguably the most significant European capital for Americans, London. Due to his crucial influence on the aforementioned aspects of the Seventh Address, many later renamed this document from the Monroe Doctrine to the "Adams Doctrine."[26] Absolutely, a significant number of historians have delved into and reaffirmed the somewhat overlooked and forgotten role of this great architect of the American nation during pivotal times. Scholars like Samuel Flagg Bemis, John Lewis Gaddis, and others have contributed extensively to shedding light on Quincy Adams's contributions and influence in shaping American foreign policy and strategic thinking.[27] Adams indeed left an invaluable legacy in the form of detailed records of meetings and events he witnessed, providing insights into the political dilemmas and anxieties of the time. Thanks to these records, we understand the considerations and plans that cabinet members, including President Monroe himself, had regarding America's potential response to possible actions by European powers. This demonstrated the efforts and deliberations that preceded the making of political decisions and strategies for the challenges in international relations at that time. Considering the economic, military, and naval power that the United States wielded at the time, declaring "America to Americans" to the face of European powers, as well as proclaiming the full sovereignty of Americans to decide their destiny through the famous principles of Non-intervention, Non-interference, and Non-colonization, was courageous beyond prudence. This sort of cry for freedom or, as Jay Sexton argues, an audacious reaction due to the frustration with ongoing international challenges and threats to the Young Republic inspired other nations in the Western Hemisphere. For some, it even represented the seed of the idea of Pan-Americanism.

The foreign policy views expressed in President Monroe's Seventh Annual Message were undoubtedly a response to the challenges and threats of a specific moment. Primarily directed towards the international environment of the United States, as the developments in the 19th century particularly showed, these analyzed "non-sequential paragraphs" were also a primary instrument of domestic policy. Simultaneously proactive yet sufficiently passive and conciliatory, they balanced not only the contradictions in the approaches of its creators to the foreign and security policies of the Young Republic but also certain diametrically opposite visions of the Union's future, its internal social and political organization, and its relationship to the institution of slavery. Crafted by individuals of "flesh and blood," torn by dilemmas, uncertainties, and fears, they courageously, resolutely, and "manfully," proclaimed the

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[26] Nicholas Guyatt, "The Adams Doctrine and an Empire of States", *Diplomatic History*, Volume 47, Issue 5, November 2023, pp. 823–844, https://doi.org/10.1093/dh/dhad052

[27] Dexter Perkins, *Yield of the Years: An Autobiography*, Boston, MA, 1969 and Hiram Bingham, *The Monroe Doctrine: An Obsolete Shibboleth*, New Haven, CT, 1913.

values and ideals they wished to defend independently of their own strength. The subsequent course of events and the history of this country, which has traversed the path from "colony to superpower," attests to that.[28] They showed that this document was much more than its original purpose. In any case, it stands as one of the most brilliant achievements and outcomes of the "Great Men Politics" of American political history.[29]

It should be noted that the Seventh Annual Message contained around six thousand words in total. Not much different from previous annual addresses, it aimed to present in the best light the results of the administration of President Monroe's policy thus far and to announce and explain future actions. Among other things, it considered the impact and provided guidance for the so-called "Indian policy." The Message also emphasized the state of finances, which had significantly recovered after 1814; it discussed the fever outbreak that occurred during those months at the naval station on Thompson's Island and deliberated on repairing the Cumberland Road and improving postal traffic.

TRANSFORMATION OF ONE ANNUAL MESSAGE IN THE DOCTRINE

The British fleet, the most powerful force on the seas and oceans during the 19th century, fortunately, guarded not only maritime routes of interest to London but also, consequently and simultaneously, deterred possible aspirations of European powers in the Western Hemisphere. The Seventh Annual Message by President James Monroe on 2 December 1823 was nearly forgotten in the following two decades until it was invoked as the "Monroe Doctrine" by President Polk in 1845.[30] Coincidentally, due to the early establishment of printing and dissemination of decisions, legislative acts, statements, and documents within political institutions during President Jefferson's time, Monroe's Message reached a significantly broader audience both in the United States and globally. This period also marked the emergence of what we now recognize as public diplomacy.

We have already established that the original intent of Monroe's Message before both Houses of Congress in late 1823 was not to set fundamental guidelines for American foreign and security policy in the coming decades but primarily to provide a specific response to certain challenges of that time. As previously mentioned, it was formally a kind of continuation of diplomatic correspondence with Russia due to the stands outlined in Tsar Alexander's Edict of 16 September 1821, in which the monarch claimed Russia's

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28   See George C. Herring, *From Colony to Superpower: U. S. Foreign Relations since 1776*, Oxford University Press, Oxford, New York, 2008.

29   Jay Sexton, "The Monroe Doctrine in an Age of Global History", op. cit., p. 856.

30   *Ibidem*, p. 857.

jurisdiction over territory north of the 51st parallel. We have also pointed out President Monroe's concerns that despite the ongoing successful process of rapprochement with Great Britain, due to the actions of the Holy Alliance in Europe and the increasingly chaotic decolonization of the Spanish Empire in the Western Hemisphere, the Young Republic was far from safe as it may have initially seemed. At the same time, he assessed that the time had come for the United States to define its stance towards other states with a strong, unequivocal statement of its vital national interests and the extent of its sphere of interest. It is often overlooked that, among other things, the Seventh Annual Message was a political document whose seemingly neuralgic core contained a geopolitical platform for stabilizing, strengthening, and growing American power. Indeed, in a broader sense, the "three non-sequential paragraphs" of this document can be understood as an expression of the liberal aspirations of the United States at that time, as well as a defense of republicanism, which was under attack by overseas European powers.

Again, conditionally speaking, three foundational principles that have endured for over two centuries stand out from the foreign policy section of the Seventh Annual Address.

The first is the so-called Non-colonization principle. In a broader interpretation, it can be argued that this principle is the seed of the enduring and unquestionable libertarian, anti-colonial stance of this country, which honors it in history, regardless of the occasion in this case. The aforementioned stance goes as follows: "The occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any European powers."[31]

Second, the Non-intervention principle has been outlined in the following passage: "We owe, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With existing colonies or dependencies of any European power, we have not interfered and shall not interfere. But with the governments who had declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling them in any other manner their destiny by any European power, in any other light than the manifestation of an unfriendly disposition towards the United States... It is impossible that the allied powers should extend their political system to any portion of either

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[31] James Monroe, *Seventh Annuall Message*, December 2 2023, Available from: https://www.presidency.ucsb.edu/documents/seventh-annual-message-1 (Accessed 15 April 2024.)

continent without endangering our peace and happiness; nor can anyone believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should view such interposition in any form with indifference."[32]

If these first two highlighted principles were not "too strong" in President Monroe's Seventh Address, the principle of "Non-interference" precisely brings the necessary balance: "Our policy in regard to Europe...remains the same, which is, not to interfere in the internal concerns of any of its powers".[33]

Serving the realization of American national interests, both in domestic and foreign policy and going "hand in hand" with the growth of the power of this in many ways unique country, the Seventh Annual Message and later, from the time of President Polk, the Monroe Doctrine, have been amended more than thirty times up to the present day. Dexter Perkins provided the most well-known periodization of the two-century existence and duration of the Monroe Doctrine. He distinguishes a defensive-isolationist phase, its imperialistic period, and finally, the era of multilateralism in understandings and references to President James Monroe's Seventh Annual Message of 2 December 1823.[34]

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[32]   Ibid.

[33]   Ibid.

[34]   Heiko Meiertöns, *The Doctrines of US Security Policy: An Evaluation under International Law*, pp. 29–38.

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Yugoslav Perception of Henry Kissinger's Role in the American Foreign Policy toward Yugoslavia during the Ford Administration: Between National Interest and National Prejudice***

ABSTRACT

The main aim of this work is to describe and explain Yugoslav Perception of Henry Kissinger's role in the American Foreign Policy toward Yugoslavia during the Ford Administration. Research question of this work is the following: Was Henry Kissinger decisive actor in the American Foreign Policy towards Yugoslavia during the Ford Administration or it all stayed the same as in previous administration? We argue that there was a gap between the Yugoslav Perception of Henry Kissinger's role in the American foreign policy towards Belgrade in the period (August 1974 – January 1977) and his actual role. The paper will consist of three parts: in the first part we will explain Henry Kissinger role in American Foreign Policy during Ford Administration. Second Part dealing with Kissinger general understanding of the concept of

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the National Interest. Third part is giving Yugoslavian perception of Kissinger Role in American foreign policy towards Yugoslavia in that period, especially concerning Yugoslavian non-alignment policy and more insight in Kissinger real role in Yugoslavian-American Relations from 1974 to 1977.

INTRODUCTION

Henry (Heinz) Alfred Kissinger (1923–2023) was one of the most important and at same time most controversial figures in the history of the American Foreign Policy. Both as a theoretician (professor and author of many important articles and books) and practitioner (U.S. National Security adviser to the Presidents Richard Nixon and Gerald Ford from 1969 to 1975 and U.S. Secretary of State from 1973 to 1977) he is often portrayed as "larger than life" figure and main architect of the US Foreign Policy, even more powerful than the presidents whom he served. Yugoslavia and its diplomats were not exceptions in all of that, recognizing and seeing Kissinger as main player in the American foreign policy toward Yugoslavia. Nevertheless, having in mind that National Security advisor and Secretary of state influence on the American foreign policy process largely depends on his/her relationship with the President, it was expectable that there would be some changes in Kissinger's influence once President Ford was in charge. However, Yugoslav diplomacy was in favor of seeing Kissinger's influence as untouched, at least for a while. But was this the case? To understand that we formulate the research question of this article as follows: Was Henry Kissinger decisive actor in the American Foreign Policy towards Yugoslavia during the Ford Administration or it all stayed the same as in previous administration? We argue that there was a gap between the Yugoslav Perception of Henry Kissinger's role in the American foreign policy towards Belgrade in the period (August 1974 – January 1977) and his actual role. The paper will consist of three parts: in the first part we will explain Henry Kissinger's role in the American Foreign Policy during the Ford Administration. Second Part will deal with the Kissinger's general understanding of the concept of the National Interest. Third part is outlaying the Yugoslav perception of Kissinger's Role in the American foreign policy towards Yugoslavia in that period, especially concerning the Yugoslav non-alignment policy and gives more insight in the Kissinger's actual role in the Yugoslavian-American Relations between 1974 and 1977.

HENRY KISSINGER'S ROLE IN THE AMERICAN FOREIGN POLICY DURING THE FORD ADMINISTRATION

Early August of 1974 was a very turbulent time in the American History and especially for President Richard Nixon. The Watergate scandal has been taking its tolls and President Nixon had his inner and outer demons to fight. Unfortunately for him, it was more than obvious that the end of his presidency was approaching and that no kind of maneuver or his usual escape from reality was possible. At least, not anymore. During their meeting on August 7th, the Senate Republican leaders were telling the president that his impeachment process would go further. According to Robert Dallek, "a Nixon meeting on the afternoon of August 7 with Goldwater (Barry Goldwater, former Republican Presidential candidate in 1964 and senator from Arizona-note by authors), Senate Republican Minority Leader Hugh Scott, and House Minority Leader John Rhodes to review congressional sentiment was an exercise in the obvious."[1] It was pretty clear that no more than 10 senators supporting Nixon and it was an optimistic estimate.[2] The same day, just before six in the evening, Kissinger was called to the White House and "Nixon told him that he decided to resign and expected Henry to stay on to ensure continuity in Foreign Policy."[3] In the third volume of his memoirs, covering Ford Presidency, Kissinger recalled that then vice president, Gerald R. Ford, called him on August 8 in the morning and during a meeting in person that afternoon, he asked him to stay in his positions of Secretary of State and National Security advisor.[4] As "One of Ford's assistants told a reporter, "Kissinger was America's foreign policy."[5]

However, since a relationship between people is a dynamic category, it was not possible to expect the same relationship as with previous president. Ford had much more self-confidence than Nixon and he was in peace with himself, knowing his own limitations and virtues. According to Kissinger, "with Ford, what one saw was what one got. Starting with that first meeting, I never encountered a hidden agenda. He was sufficiently self-assured to disagree openly, and he did not engage in elaborate maneuvers about who should receive credit. Having been propelled so unexpectedly into an office he revered but never thought he would hold; he felt no need to manipulate his environment. Ford's inner peace was precisely what the nation needed

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[1]   Robert Dallek, *Nixon and Kissinger: partners in power*, Harper Collins, New York, 2007, p. 607.

[2]   *Ibidem*, p. 608.

[3]   *Ibidem*.

[4]   Henry Kissinger, *Years of Renewal*, Simon & Schuster, New York, 1999, p. 27.

[5]   Thomas Schwartz, *Henry Kissinger and American power: a political biography*, Hill and Wang, New York, 2020, p. 258.

for healing its divisions."[6] David Rothkopf, who wrote one of the most informative books about history of the national Security Council, said that "during Ford's first year as president, the system worked as it had before, with Kissinger dominating the apparatus of the government"[7] Still, over time Ford took over more control and Kissinger was not in same situation to continue being such a dominant figure. We have many examples of the diminishing influence, but we will here explain a couple of them, the most illustrative in our opinion. First one is an episode with the President Ford's veto of foreign aid Bill in the spring of 1975. It was done not by the advice and consent of Henry Kissinger, but by upon proposal of his deputy in the national Security Council, Brent Scowcroft. Namely, "Scowcroft recommended that Ford veto the 1975 foreign aid bill on the grounds that almost $500 million in the bill was to go to Israel, with none for any Arab states – even though Israel had reneged on a promise to return to Egypt two oil fields and two strategic passes it held in the Sinai. Ford vetoed the bill without telling his secretary of state, shocking Kissinger, who had wanted the bill passed. (When Senator Hubert Humphrey asked the president why he had vetoed the bill, Ford said, "Hubert, you don't seem to understand; I am the President." US diplomat Robert Oakley reports that Kissinger, who was also in the room, "turned purple."[8] The second example occurred in April 23 1975, when President Ford in his Tulane University speech said that Vietnam war was "finished as far as America is concerned."[9] If it was the Nixon Presidency, Kissinger would be the first to be informed, but now "Ford's remarks at Tulane were deemed a slap at Henry Kissinger, who had not been informed beforehand that the president was about to declare the war "finished."[10]

Kissinger alone was very sincere about this, saying many years later that with Ford as a President and "with Nixon's resignation, I became a 'normal' Secretary of State and lost my special status... no longer a "surrogate president for foreign affairs" and could resume a traditional role."[11] In other words, Kissinger was "no longer indispensable"[12] and it was especially clear after so called "*Halloween Massacre*" when on November 4th 1975, President Ford

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6   *Ibidem*, p. 31.

7   David J. Rothkopf, *Running the World: The Inside story of the National Security Council and the architects of American Power*, Public Affairs, New York, 2005, p. 152.

8   Bartholomew Sparrow, *The Strategist: Brent Scowcroft and the call of National Security*, Public Affairs, New York, 2015, p. 89.

9   Douglas Brinkley, *Gerald R. Ford*, Times Books, New York, 2007, p. 86.

10   *Ibidem*, p. 87.

11   Henry Kissinger, *Years of Renewal*, op. cit., p. 189. Quoted in: Thomas Schwartz, *Henry Kissinger and American power: a political biography*, op. cit., p. 260.

12   ABC Evening News, December 5, 1975, VTNA quoted in: Thomas Schwartz, *Henry Kissinger and American power: a political biography*, op. cit., p. 260.

replaced Secretary of Defense, James Schlesinger, with Donald Rumsfeld, the CIA director, William Colby, with George Herbert Walker Bush, and Henry Kissinger with Brent Scowcroft as National Security Adviser.[13] With this promotion "Scowcroft became Kissinger's near equal.[14] Part of the reason was that Kissinger's star had started to descend".[15]

Second reason for Kissinger declining influence in new administration, especially during 1976, was crisis of détente which was second name for Nixon–Kissinger Foreign Policy.[16] Presidential Election campaign of 1976 just added new wounds and attacked Kissinger policy of Détente from the Left and from the Right.[17] Namely, from his own Party, a Ford challenger within Republican field, former California Governor and future U. S. President, Ronald Reagan, was "blasting détente as a "one-way street that the Soviet Union has used to pursue its aims."[18] During Presidential campaign he was even more critical in saying that "under Messrs. Kissinger and Ford ... this nation has become number two in military power in a world where it is dangerous – if not fatal – to be second best."[19] Reagan of course was not alone among the Republicans

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[13]   According to Douglas Brinkley, Ford biographer, main reason for that is bad relationship between secretary of Defense, Schlesinger and secretary of State, Kissinger. However, even Kissinger who survived that "massacre" as a head of Department of State, lost position of National Security Adviser. Ford said to Kissinger "'Henry, I'm going to take your NSC hat away from you because I think its poor organization... It gave me a chance to put my imprimatur on my cabinet at a very important time", See Douglas Brinkley, *Gerald R. Ford*, op. cit., p. 118.

[14]   Bartholomew Sparrow, Scowcroft biographer, emphasized what was relationship between Scowcroft and Kissinger during Ford Years: "the two never quite became peers during the Nixon and Ford years; Scowcroft said he always regarded Kissinger as his boss. But the longer Scowcroft worked in the West Wing, the more responsibilities he took on, the more independent he became, and the more confident he felt in his own judgment." Bartholomew Sparrow, *The Strategist: Brent Scowcroft and the call of National Security*, op. cit., p. 89.

[15]   *Ibidem*, p. 90. "Barrie Dunsmore, ABC's diplomatic correspondent, started a report that contrasted Kissinger's position after the Syrian disengagement agreement, when he was "Super K," at the "height of his career" and "everybody's favorite," with his current situation, when he had become "everybody's favorite target". ABC Evening News, December 5, 1975, VTNA, Quoted in: Thomas Schwartz, *Henry Kissinger and American power: a political biography*, op. cit., p. 259.

[16]   Niall Ferguson, "Kissinger and the True Meaning of Détente", *Foreign Affairs*, March/April 2024, pp. 120–133.

[17]   *Ibidem*, p. 123; Thomas Schwartz, "Henry Kissinger: Realism, Domestic Politics, and the Struggle Against Exceptionalism in American Foreign Policy", *Diplomacy & Statecraft*, Vol. 22: 2011, pp. 121–141, DOI: 10.1080/09592296.2011.549746; Coral Bell, "Kissinger in Retrospect: The Diplomacy of Power-Concert", *International Affairs*, Vol. 53, No. 2 April 1977, pp. 202–216.

[18]   Niall Ferguson, "Kissinger and the True Meaning of Détente", op. cit., p. 123.

[19]   *Ibidem*, p. 123.

to attack détente and Kissinger as a symbol of that policy. For example, "in the words of New Jersey Senator Clifford Case, "the gains made in détente have accrued to the Soviet side."[20] Democrats and Democratic Party controlled Congress, were also in attacking mode towards the policy of détente and it was impossible to control those critics to the point that on the March 1st 1976, President Ford said: "I don't use the word detente any more ... I think what we ought to say is that the United States will meet with the superpowers, the Soviet Union and with China and others, and seek to relax tensions so that we can continue a policy of peace through strength."[21] Thus, "just as appeasement, which had started out as a respectable term, fell into disrepute in 1938, détente became a dirty word – and it did so even before Kissinger left office."[22] Even Jimmy Carter, who became a presidential Candidate of the Democratic Party in 1976 and who once was full of praise for Kissinger's diplomatic skills[23] "changed tactics dramatically during the fall campaign. He decried 'the Nixon-Kissinger-Ford policy' as 'covert, manipulative, and deceptive in style. It runs against the basic principles of this country, because Kissinger is obsessed with power blocs, with spheres of influence. This is a policy without focus. It is not understood by the people or the Congress'."[24] It was clear signal that Henry Kissinger will not play any official role in the U. S. Foreign and Security Policy in the years and decades to come, although his influence was always present, almost to the end of his long life.

HENRY KISSINGER'S UNDERSTANDING OF THE CONCEPT OF THE NATIONAL INTEREST

Henry Kissinger is very hard to define in a sense of his belonging to the theories of the International Relations. Usually he is put in the Realist camp, which sees the power as the most important factor in the international relations and many see Kissinger as being obsessed himself "with order and power at the expense of humanity."[25] At the same time, Hans Morgenthau, founder of Realist theory of International Relations, "described Kissinger as,

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[20]   *Ibidem.*

[21]   James M. Naughton, "Ford Says 'In Time' He Expects To Talk With Nixon on China", *The New York Times*, March 2nd 1976, p. 12.

[22]   Niall Ferguson, "Kissinger and the True Meaning of Détente", op. cit., p. 123.

[23]   Robert D. Schulzinger, *Henry Kissinger: Doctor of Diplomacy*, Columbia University Press, New York, 1989, p. 231.

[24]   *Ibidem.*

[25]   Nial Ferguson, "The meaning of Kissinger: Realist reconsidered", *Foreign Affairs*, September/October 2015, p. 134.

like Odysseus, "many-sided."[26] Those are some of the reasons why his official biographer, Niall Ferguson, put to first volume of his book subtitle "Idealist".[27] Ferguson sees three main reasons for such conclusion: 1) Kissinger argues that realism may be also paralyzing (like Wilsonian idealism), especially having in mind that many people who tried appeasement with Hitler considered their policies as realist[28]; 2) in his senior thesis, Immanuel Kant was his main hero and Kissinger "was an idealist in a philosophical sense"[29]; 3) "from an early stage in his career, Kissinger was a convinced antimaterialist, as hostile to capitalist forms of economic determinism as he was to Marxism-Leninism".[30] Probably, it is the best to describe Kissinger as a theoretician of International Relations in a sense of combining realism and liberalism, which is one of the characteristics of the English School of International Relations, especially because of his obsession with the ideas of the World Order and the concept of Legitimacy.[31]

Very similar to his theoretical belongings, we think that Kissinger had rather implicit than explicit understanding of the national interest. Namely, in accordance with the concept of national interest in the famous James Rosenau's distinction of national interest as a tool of political analysis, and a tool of political action[32], Kissinger is much more at home in the field of political action than to the field of political analysis.

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[26] *Ibidem*. One of the most important International Relations theoreticians today, Stephen Walt, even thinks that Kissinger is not realist at all. See Stephen M. Walt, "Was Henry Kissinger really Realist?", *Foreign Policy*, December 5 2023, Available from: https://foreignpolicy.com/2023/12/05/was-henry-kissinger-really-a-realist/ (Accessed 7 December 2023.)

[27] Niall Fergusson, *Kissinger 1923–1968: Idealist*, Penguin Press, New York, 2015.

[28] Nial Ferguson, "The meaning of Kissinger: Realist reconsidered", op. cit., p. 135.

[29] *Ibidem*, p. 136.

[30] *Ibidem*.

[31] Especially two of his many books are important in that sense. His PhD thesis (later published as a book) "A World Restored" and his 2014. book, "World Order". See Henry Kissinger, *A World Restored: Metternich, Castlereagh and the Problems of Peace 1812–1822*, Weidenfeld and Nicolson, London, 1957. and Henry Kissinger, *World Order*, Penguin Press, New York, 2014.

[32] Namely, "Professor Rosenau has proposed a distinction between the use of the concept for the purpose of political analysis and that of political action. As an analytic tool, it is employed to describe, explain, or evaluate the sources or the adequacy of a nation's foreign policy. As an instrument of political action, it serves as a means of justifying, denouncing or proposing policies. Both usages, in other words, refer to what is best for a national society. They also share a tendency to confine the intended meaning to what is best for a national society. Beyond these general considerations, however, the two uses of the concept have little in common". See James N. Rosenau, "National Interest", *International Encyclopedia of Social Sciences*, 1968, p. 34. Quoted in: Joseph Frankel, *National Interest*, Palgrave Macmillan, London, 1970, pp. 15–16.

For the purpose of this article, we have analyzed all his articles in the "Foreign Affairs" magazine, which pages made him famous worldwide in the mid of 1950s.[33] All things considered, he authored[34] (both in print editions and online versions) 18 articles[35] in the "Foreign Affairs" and in all those articles we cannot find explicit definition what constitutes national interest in theoretical sense. He used the concept more as a given and did not give it a deeper theoretical meaning. For example, in his first ever published "Foreign Affairs" article, he used the term *strategic interest* instead of the national interest.[36] We cannot find any proof of precise and explicit understanding of it in his books, even those published in 1950s like the *Nuclear Weapons and Foreign Policy* and *World Restored*, from the period of the "Golden Age" of the concept of the National Interest.

As a public servant, especially during the Nixon Administration, both Nixon and Kissinger, saw national interest as "the triumph of geopolitics over ideology," with their conception of American national interests always paramount."[37] In that sense détente "representing the unsentimental pursuit of American national interest while at the same time recognizing that there were limits to what Washington could achieve internationally."[38]

He became much more analytical with the concept of the national interest in 1990s and after 2001, especially after his book *Does America need a Foreign Policy*[39], but still it was rather implicit than explicit understanding of the term. He was quoted many times saying that "When you're asking

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[33]   His first *Foreign Affairs* article appeared in April 1955. See Henry A. Kissinger, "Military Policy and Defense of the "Grey Areas", *Foreign Affairs*, Vol. 33, No. 3, April 1955, pp. 416–428.

[34]   From all those 18, two were coauthored (article from 1991 with former U. S. Secretary of State, Cyrus Vance and the last one from 2023 with Graham Allison). See Henry Kissinger, Cyrus Vance, "Bipartisan Objectives for American Foreign Policy", *Foreign Affairs*, Summer 1988, pp. 899–921.

[35]   The last one was published on "Foreign affairs" website together with Harvard professor and his former student, Graham Allison, on October 13th 2024, just one and half month before his death. See Henry Kissinger, Graham Allison, "The Path to AI Arms Control America and China Must Work Together to Avert Catastrophe", *Foreign Affairs*, October 13 2023, Available from: https://www.foreignaffairs.com/ united-states/henry-kissinger-path-artificial-intelligence-arms-control, (Accessed 14. October 2023.)

[36]   See Henry Kissinger, "Military Policy and Defense of Gray Areas", op. cit., p. 423.

[37]   See, John Lewis Gaddis, *Strategies of Containment: A Critical Appraisal of American National Security during the Cold War*, Oxford University Press, New York, 2005, p. 297 quoted in: Nil Ferguson, *Kisindžer 1923–1968: Idealista*, CIRSD, Beograd, 2016, str. 21.

[38]   Barry Gewen, *Inevitability of Tragedy: Henry Kissinger and his World*, W. W. Norton, New York, 2020, p. 342.

[39]   Henry Kissinger, *Does America need a Foreign Policy*, Simon & Schuster, New York, 2001.

Americans to die, you have to be able to explain it in terms of the national interest"[40], nevertheless it is still more a justification of a policy, than a precise meaning of the concept. With this, he showcases not just a mix of realism and liberalism, but we may detect even constructivism in this stance.[41]

However, two and half decades later, he explicitly said that "foreign policy must begin with a clear conception of the national interest. At the same time, in our interconnected world, the national interest must relate to and limited by a vision of world order."[42] It is here where we find proof that he considered national interest as an important and even overwhelming concept. Nevertheless, in terms of understanding the national interest, it is clear that he was much more prone to broader understanding of that term, not just as a classical realist emphasizing only the national security and selfish interest of the states[43], but of a broader international environment and different actors as well.

Namely, in answering a question about the problems that realist theory of international relations and the ideas of the likes of Hans Morgenthau, Dean Acheson, or George Frost Kennan, had at the time of changing circumstances of international reality (2015 interview) and what was different today in comparison to 1970s, Kissinger explicitly said: "I have always had an expansive view of national interest, and much of the debate about realism as against idealism is artificial. The way the debate is conventionally presented pits a group that believes in power as the determining element of international politics against idealists who believe that the values of society are decisive. Kennan, Acheson or any of the people you mentioned did not have such a simplistic view. The view of the various realists is that, in an analysis of foreign policy, you have to start with an assessment of the elements that are relevant to the situation. And obviously, values are included as an important element.

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[40]   J. Kelly, "Amicable divorce' could turn nasty, experts say." *USA Today*, November 22, 12A. quoted in Jutta Weldes, *Constructing National Interest: The United States and the Cuban Missile Crisis*, University of Minnesota Press, Minneapolis, London, 1999, p. 1.

[41]   See for more in: Dragan R. Simić, Dragan Živojinović, „Konstruktivistička teorija i koncept nacionalnog interesa", u: Dejan Jović, Ur., *Konstruktivističke teorije međunarodnih odnosa*, Fakultet političkih znanosti sveučilišta u Zagrebu, Zagreb, 2016, str. 177–198.

[42]   See Henry A. Kissinger, "The USA and World Peace after the Presidential Election" Address to the Inaugural Nobel Peace Prize Forum, December 11, 2016, Oslo, Norway, Available from: https://www.henryakissinger.com/speeches/the-usa-and-world-peace-after-the-presidential-election-address-to-the-inaugural-nobel-peace-prize-forum-by-henry-a-kissinger/ (Accessed 15. April 2024.)

[43]   See for more in Dragan Živojinović, „Razumevanje pojma nacionalni interes u realističkim teorijama", u: Dejan Jović, (Ur.), *Teorije međunarodnih odnosa – realizam*, Politička kultura, Zagreb, 2013. str. 252–256.

The real debate is over relative priority and balance.”[44] In other words, there is always room for freedom of action, but limits as well. because “limits was a favorite word in Kissinger’s vocabulary”.[45]

YUGOSLAV PERCEPTION OF KISSINGER’S ROLE IN THE AMERICAN FOREIGN POLICY TOWARDS YUGOSLAVIA DURING THE FORD ADMINISTRATION

In Yugoslavia, every Kissinger’s move was observed with great attention and interest. From the first official contacts with the new American administration in the late 1960s, state officials in Belgrade noticed that he played an important, and over time, decisive role in the team of Richard Nixon in foreign policy decision-making process, including those decisions related to Yugoslavia.[46] Thus, for example, during the entire series of events, starting from disagreements over the status of the Panama Canal, the coup in Chile, the Yom Kippur War of 1973, to the Cyprus crisis and the Angolan war the following year – when Yugoslav-American political relations fell into a serious crisis due to differing attitudes towards these events – state officials in Belgrade saw Kissinger as a person who sets the tone for bilateral relations.[47]

Not much changed in the perception of Kissinger as a decisive factor in shaping policy towards Yugoslavia after Nixon resigned in August 1974 and Gerald R. Ford became the President of the United States. The initial assessment by Toma Granfil, then Yugoslav ambassador in Washington, immediately following the Nixon’s resignation, was that Kissinger would give bilateral relations even more of a “personal touch“ and have more independent position relative to the President. He would also “have to coordinate his activities more with Congress and other elements of the establishment.”[48]

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[44]   Jakob Heilbrunn,“The Interview: Henry Kissinger”, *The National Interest*, August 19th 2015, Available from: https://nationalinterest.org/feature/the-interview-henry-kissinger-13615 (Accessed 5. December 2023.)

[45]   Barry Gewen, *Inevitability of Tragedy: Henry Kissinger and his World*, op. cit., p. 342.

[46]   Bojan Dimitrijević, *Kisindžer u Beogradu: Henri Kisindžer, Tito i Jugoslavija u Hladnom ratu i ratovima 1990-ih*, Institut za savremenu istoriju, Beograd, 2023, str. 49.

[47]   For more details about the Yugoslav-American relations during the mentioned events and the role of Henry Kissinger in them see: Dragan Bogetić, *Jugoslovensko-američki odnosi u vreme bipolarnog detanta 1972–1975*, Zavod za udžbenike, Institut za savremenu istoriju, Beograd, 2015; Milorad Lazic, *Unmaking détente: Yugoslavia, the United States, and the Global Cold War, 1968–1980*, Lexington Books, Lanham, 2022, pp. 81–124; Bojan Dimitrijević, *Kisindžer u Beogradu: Henri Kisindžer, Tito i Jugoslavija u Hladnom ratu i ratovima 1990-ih*, op. cit., str. 71–96.

[48]   The Archives of Yugoslavia, Fond 837 – Office of the President of the Republic (hereinafter AJ, KPR). I-5-b/104-19, Izvod iz pisma našeg ambasadora u SAD druga T.

Soon, Yugoslav state officials began to notice that congressional investigations regarding Kissinger's role in the events in Chile and Cyprus had "significantly shaken" his position.[49] This perspective was reflected in the Yugoslav public, with newspaper articles expressing doubts that the Watergate scandal, which had brought down Nixon, and the Congress attacks on his administration, could also diminish Kissinger's role.[50]

The opportunity for the Yugoslav leadership to acquaint themselves with Kissinger's views and those of the new administration, came in early November 1974, when he paid a one-day official visit to Yugoslavia. The meeting was significant for both countries. In Belgrade, it was seen as a chance in midst of tensions with Moscow over the Cominformists affair, to reaffirm the principles underpinning Yugoslav-American relations established during Nixon's presidency. For Washington, it was an opportunity to regain political influence in Yugoslavia, which had been shaken in the previous two years, and to expand cooperation in areas such as the military.[51] During his seven-hour stay in Belgrade, Kissinger met with the entire state leadership, including President Tito, and both sides rated the meeting as very successful.[52]

Kissinger's November visit also prompted the local press to reflect on the Secretary of State's activities, calling him "the most brilliant post-war head of American diplomacy"[53] and "one of the most significant figures on the contemporary world diplomatic scene,"[54] who, along with President Ford, was a dominant figure on the American political scene.

The impression these talks left on the Yugoslavs is well illustrated by the reports of British diplomats in Yugoslavia. According to them, Kissinger

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Granfila upućenog potpredsedniku SIV-a i saveznom sekretaru za inostrane poslove drugu M. Miniću.

[49] AJ, KPR, I-5-b/104-19, Telegram ambasade u Vašingtonu upućen Saveznom sekretarijatu za inostrane poslove SFRJ, September 25, 1974.

[50] Journalist from the Belgrade-based *NIN*, Hari Štajner, wrote about this: "(...) in America, which has long referred to the current Minister of Foreign Affairs as the 'national Henry,' or even more popularly simply declared him a 'superstar,' serious criticisms have been heard in recent months, and he has even been called to testify before Senate committees." Hari Štajner, "Veliki svetski putnik", *NIN*, November 3, 1974, str. 37.

[51] Milorad Lazic, *Unmaking détente: Yugoslavia, the United States, and the Global Cold War, 1968-1980*, op. cit., pp. 106–111.

[52] For more details about talks see: Bojan Dimitrijević, *Kisindžer u Beogradu: Henri Kisindžer, Tito i Jugoslavija u Hladnom ratu i ratovima 1990-ih*, op. cit., str. 97–129.

[53] Đ. Radenković, „Međunarodni pregled – Hleb nasušni", *Politika*, November 10, 1974, str. 2; Bojan Dimitrijević, *Kisindžer u Beogradu: Henri Kisindžer, Tito i Jugoslavija u Hladnom ratu i ratovima 1990-ih*, op. cit., str. 128.

[54] Dr. R. P, „Kisindžer u Beogradu", *Međunarodna politika*, November 16, 1974, str. 10.

had previously been "held in curious regard" in Yugoslavia.[55] In Belgrade, they were "suspicious" of his policy of direct cooperation with the Soviets and resented his disdain for the non-aligned movement. At the same time, they "yearned" for him to visit Yugoslavia and were unsettled by his past unwillingness to do so. These sources interpreted this stance as Kissinger's disinterest in Yugoslavia and Tito's role in world politics.[56] When Kissinger finally came to Belgrade in November, the British noted, the Yugoslavs were honored and delighted by his visit.[57] British Ambassador in Yugoslavia Dugald L. Stewart summed it up well with the words: "In November the Yugoslavs had their first experience of being Kissingered."[58]

The visit marked the beginning of a new phase of improving political relations that would last through most of 1975. One of the significant manifestations of this were high-level state visits. First, from March 19–21, the President of the Federal Executive Council, Džemal Bijedić, visited the United States. Then, on August 3rd, President Ford, along with Kissinger, paid a one-day visit to Belgrade, and at the end of the same month, a delegation from the House of Representatives, led by Speaker Carl Albert, came to Yugoslavia. Finally, in late September, the Federal Secretary for Foreign Affairs, Miloš Minić, paid an official visit to Washington and Kissinger. Both countries showed interest in deepening and expanding cooperation in various fields, with Yugoslavia particularly insisting on developing economic cooperation.[59] The only serious open issue in bilateral relations was the activities of a part of the Yugoslav emigration in the USA, which behaved hostilely towards the socialist Yugoslavia.[60]

During this period, Belgrade carefully monitored all the US foreign policy activities and the Kissinger's role in them. In the first months of 1975, no changes were observed in the global foreign policy and strategy, and Kissinger was still seen as the key figure in Ford's Administration, formulating and implementing the US foreign, international economic, and military policy, with the President fully relying on him in all important matters.[61]

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[55] The National Archives, London, Foreign and Commonwealth Office, (hereinafter TNA, FCO) 28/2634, Confidential, From British Embassy Belgrade to Eastern European and Soviet Department, September 18, 1974.

[56] *Ibidem.*

[57] TNA, FCO, 28/2634, Confidential, From British Embassy Belgrade to Eastern European and Soviet Department, November 7, 1974.

[58] TNA, FCO, 28/2799, Yugoslavia: Annual Review for 1974.

[59] AJ, KPR, I-3-a/107-215, Informacija (platforma) za predstojeću posetu Predsednika SAD Džeralda Forda Jugoslaviji.

[60] For activities of Serbian emigrant circles in the USA see: Саша Мишић. Бобан Марјановић, „Српска политичка емиграција и југословенско–амерички односи 1970–их година", *Лесковачки зборник*, LXII (2022), стр. 313–334.

[61] AJ, KPR, I-5-c/23, Telegram iz Vašingtona, Položaj Kisindžera u SAD, March 18, 1975.

In other words, he "absolutely dominated foreign policy and the entire security system."[62] However, it was noted that he increasingly came under attacks from various power centers and the establishment in the USA. These attacks mainly came from administration members, senators, congressmen, and the public, who no longer saw him as a "superstar."[63] Kissinger's main opponents in the administration were as seen by the Yugoslavs, the Pentagon and Defense Secretary James Schlesinger, while the attacks from senators and congressmen were seen as a manifestation of Congress' growing desire to oppose the administration and decisively influence US foreign policy.[64]

As news of Kissinger's disagreements with parts of the American political establishment, particularly his congressional policy opponents, became more frequent, Ford, apparently intending to dispel all these doubts, emphasized to his interlocutors during his August visit to Yugoslavia that he had a close relationship with Kissinger and that the Secretary of State enjoyed his confidence.[65] Despite Ford's assurances, the Yugoslav diplomatic service continued to monitor Kissinger's position, especially when the administration was reshuffled in November. The changes in the administration were accompanied by observations in the Belgrade newspaper "Politika" that these events had strengthened Kissinger's position, while Yugoslav diplomats believed his role was diminished but that he remained a key figure in formulating and implementing US foreign policy.[66]

The Yugoslav leadership's interest in Kissinger, regardless of the administrations he served in, focused on his views on important international issues, such as the policy of détente, the place and role of the non-aligned movement in global relations, and bilateral matters. Yugoslavs disagreed with Kissinger's views on the non-aligned movement. In Belgrade, it was assessed that since the Nixon administration Kissinger had occasionally shown hostility towards the non-aligned movement and its member states. As Minić concluded, Kissinger saw the non-aligned movement as force against the USA

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[62] AJ, KPR, I-5-b/104-20, Položaj Kisindžera i odnosi u političkom vrhu SAD.

[63] AJ, KPR, I-5-c/23, Telegram iz Vašingtona, Položaj Kisindžera u SAD, March 18, 1975.

[64] AJ, KPR, I-5-b/104-20, Položaj Kisindžera i odnosi u političkom vrhu SAD. This intelligence report prepared for Tito at the end of February 1975 also states that Schlesinger's position was that congressional criticisms would increasingly hinder Kissinger's actions. Regarding Ford's attitude toward Kissinger, Schlesinger allegedly says, "Ford, who has been on the sidelines of foreign policy his whole life, is very impressed by Kissinger and lacks the strength or knowledge how to oppose him and believes that the best solution is whatever Kissinger suggests".

[65] Bojan Dimitrijević, *Kisindžer u Beogradu: Henri Kisindžer, Tito i Jugoslavija u Hladnom ratu i ratovima 1990-ih*, op. cit., str. 162; Dragan Bogetić, *Jugoslovensko-američki odnosi u vreme bipolarnog detanta 1972–1975*, op. cit. str. 246.

[66] Bojan Dimitrijević, *Kisindžer u Beogradu: Henri Kisindžer, Tito i Jugoslavija u Hladnom ratu i ratovima 1990-ih*, op. cit., str. 186–189.

and almost always declared it an anti-American bloc of states.[67] It was a policy of "antagonizing, accusing non-aligned countries of being a new bloc, that it was the tyranny of the majority in the United Nations."[68] Official Belgrade believed that Kissinger was disturbed by Yugoslavia's international role and activity and that his true intention was to reduce its significance in international relations and limit it to a regional actor.[69] Therefore, he initiated permanent pressure on thee country. Edvard Kardelj vividly defined this by saying that Kissinger saw Yugoslavia "as a fly bothering an elephant that needs to be swatted away from time to time."[70] During his official visit to the USA in early autumn of 1977, Kardelj met with Kissinger, who was no longer a Secretary of State. On these occasion, he half-jokingly, half-seriously reproached Kissinger about the non-aligned movement: "During your tenure as Secretary of State, you initiated many currents that significantly changed, I would almost say, the course of history, but you made mistakes, and your biggest mistake was your attitude towards the non-aligned countries, including Yugoslavia. You constantly pushed us and the non-aligned to the corner, always giving us some kind of reprimands, lessons, etc., while focusing mainly on the policy of détente (...)."[71] This remark "shocked" Kissinger, who "justified" himself by acknowledging the role of the non-aligned in international relations,

[67]   The Archives of Yugoslavia, Fond 803 – Presidency of the SFRY (hereinafter: AJ, 803), folder number 47, Stenografske beleške sa 79. sednice Predsedništva Socijalističke Federativne Republike Jugoslavije održane 16. maja 1977, str. 9, discussion by Miloš Minić.

[68]   AJ, 803, f. 55, Stenografske beleške sa 97. sednice Predsedništva Socijalističke Federativne Republike Jugoslavije, održane 7. aprila 1978. godine, str. 19, discussion by Miloš Minić.

[69]   AJ, KPR, I-3-a/107-215, Poseta predsednika SAD Džeralda Forda, Informacija (platforma) za predstojeću posetu Predsednika SAD Džeralda Forda Jugoslaviji. Miloš Minić, at the mentioned session of the Presidency of the SFRY in May 1977, assessed how Kissinger "applied a 'hot-cold' tactic towards Yugoslavia, maintaining external pressure aimed at calming us, pacifying us, forcing us to adapt in relation to the so-called vital interests of the USA, and turning us towards regional issues, reducing us to a smaller regional factor". At the same session, the then ambassador to the USA, Dimče Belovski, supplemented the presentation of the Yugoslav chief of diplomacy with the words: "Kissinger's preoccupation – relations with the Soviet Union and his static view of everything that does not fit into the defense of the positions of the USA, including the activity of developing countries, the activity of non-aligned countries, towards all of this, he was repulsive. He viewed Yugoslavia through the prism of relations with the Soviet Union. He was bothered by the international role and activity of Yugoslavia and was engaged in permanent pressure on Yugoslavia." AJ, 803, f. 47, Stenografske beleške sa 79. sednice Predsedništva Socijalističke Federativne Republike Jugoslavije održane 16. maja 1977. godine.

[70]   AJ, 803, f. 50, Stenografske beleške sa 87. sednice Predsedništva Socijalističke Federativne Jugosalvije održane u Beogradu 4. novembra 1977, str. 11

[71]   *Ibidem*, str. 13.

but remarking that he was "bothered" by the inclusion of states like Cuba, Vietnam, and North Korea in the movement.[72]

Yugoslavs were also displeased with Kissinger's narrow understanding of détente, which was limited to relations between the superpowers, the USA and the Soviet Union, leaving no room for smaller states like Yugoslavia. This was evident in the so-called "Sonnenfeldt Doctrine" controversy, which marked US-Yugoslav relations in the early spring of 1976. Once again, Kissinger and his immediate circle were in the spotlight. State Department advisor Helmut "Hal" Sonnenfeldt, one of Kissinger's closest associates[73], spoke at a gathering of the US ambassadors in Europe, held in London in December 1975, about how Eastern European countries should have an organic connection with the USSR. Sonnenfeldt's London speech leaked to the public in late March 1976, causing significant controversy.[74]

A part of Sonnenfeld's speech was dedicated to Yugoslavia. The American press reported that he stated that Belgrade should be less hostile towards Moscow, which the Yugoslavs interpreted as a message that Washington had placed them in the Soviet orbit.[75] This alarmed them, as they saw Sonnenfeld's words as a revival of the Yalta policy and the division of the world into spheres of influence of the great powers.[76] The reaction from the state leadership was intense, with even Josip Broz Tito, who was then on an official visit to Sweden, commenting on the doctrine at a press conference in Stockholm.[77] Despite

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[72] *Ibidem*, str. 13, 31.

[73] In the Yugoslav press, Sonnenfeldt was characterized as the first or main advisor of Kissinger, or as "his 'alter ego' as some say, or 'reflection in the mirror'", "Epizoda Sonenfeld", *Ekonomska politika*, April 5, 1976, str. 9.

[74] More details about the so-called "Sonnenfeldt Doctrine" in: Leo P. Ribuffo, "Is Poland a Soviet Satellite? Gerald Ford, the Sonnenfeldt Doctrine, and the Elections of 1976", *Diplomatic History*, vol 14, no.3, pp. 395-403; Piotr Długołęcki, "The Sonnenfeldt Doctrine: A Plan to Finlandize Eastern Europe", *The Polish Quarterly of International Affairs*, vol 25, Iss. 3 (2017), pp. 115–129; Milorad Lazić, *Unmaking détente: Yugoslavia, the United States, and the Global Cold War, 1968–1980*, op. cit., pp. 135–136.

[75] AJ, KPR, I-5-b/104-21, Informacija u vezi sa izjavom savetnika State Departmenta H. Sonenfelda na savetovanju američkih ambasadora u evropskim zemljama u Londonu sredinom decemba 1975; Milorad Lazić, *Unmaking détente: Yugoslavia, the United States, and the Global Cold War, 1968–1980*, op. cit., str.136.

[76] In that sense, the caricature "Sonenfeldova rabota" by the well-known Zuko Džumhur, published on the front page of Politika on April 4, 1976, is very illustrative. It depicts a man kneeling while a spirit emerges from his mouth with the inscription: "Duh Jalte" (The Spirit of Yalta).

[77] Josip Broz responded to a journalist's question about the doctrine by saying: "You know, European nations will decide on Europe. And when it comes to Yugoslavia, no statements, not even this Sonnenfeldt's, can intimidate us or divert us from our path, which we will continue to follow." (*Politika*, April 1, 1976, str. 2). Later, Helmut Sonnenfeldt mentioned that Tito's attack on him personally influenced other

Sonnenfeldt and Kissinger denying the existence of any new doctrine[78], the Yugoslavs remained convinced that such a doctrine existed and was related to Kissinger's narrow understanding of détente, limited to US-Soviet relations. Sending the authentic text of Sonnenfeldt's speech[79] to Belgrade didn't help either. Sonnenfeldt himself told to the new Yugoslav ambassador to the USA, Dimče Belovski, that his words were "drastically distorted," with the part about Yugoslavia being "completely incorrect and taken out of context, distorted, and wrongly linked to relations with the USSR," and that the policy towards Yugoslavia remains unchanged, with Washington respecting its independence.[80] In short, the "Sonnenfeldt Doctrine" fit into the existing belief among state officials in Belgrade that Yugoslavia was not seen by Washington as an independent actor in the international arena, but rather as an object of a bloc politics viewed through the prism of the American global relations with the Soviets. This policy was assessed negatively and as a burden on mutual relations.[81]

Yugoslav officials not to accept that it was a misunderstanding. Helmut Sonnenfeldt, "The Sonnenfeldt Doctrine Revisited", *The Washington Quarterly*, 1:2, 1978, pp. 46–47.

[78]   In his memoirs, Kissinger calls this doctrine "the doctrine that never was." (Henry Kissinger, *Years of Renewal*, op. cit., p. 864.) Also, in conversation with Minić in October 1976, Kissinger commented on the existence of the Sonnenfeldt Doctrine by saying, "If there was going to be any doctrine in my administration, it wasn't going to be called the 'Sonnenfeldt Doctrine!" (Bojan Dimitrijević, *Kisindžer u Beogradu: Henri Kisindžer, Tito i Jugoslavija u Hladnom ratu i ratovima 1990-ih*, op. cit., str. 202.), Sonnenfeldt himself repeated this comment in an interview with Charles Stuart Kennedy. The Association for Diplomatic Studies and Training, Foreign Affairs Oral History Project, Helmut Sonnenfeldt, Interviewed by: Charles Stuart Kennedy, Initial interview date: July 24, 2000, Available from: https://adst.org/OH%20TOCs/ Sonnenfeldt,%20Helmut.toc.pdf, (Accessed 10 May 2024).

[79]   The text was handed to the Yugoslav Federal Secretariat of Foreign Affairs (SSIP) by the political advisor of the US Embassy, Mark Palmer. The SSIP believed that the version delivered was "modified". (Diplomatic Archive of the Ministry of Foreign Affairs of the Republic of Serbia, Political Archive (hereinafter: DA MSP, PA), the year 1976, United States of America, folder 127, dossier 2, document number 412421, Telegram SSIP-a upućen ambasadi Vašington, April 2, 1976.) Assistant Federal Secretary for Foreign Affairs Dragan Bernardić, in a conversation with the American ambassador to Yugoslavia Laurence Silberman, stated that the Yugoslavs had read several versions of the "Sonnenfeldt Doctrine" and that they were all "directed against the interests of the SFRY". AJ, KPR, I-5-b/104-21, Iz zabeleške o razgovoru PSS Bernardića sa ambasadorom L. Silbermanom, April 27, 1976.

[80]   DA MSP, PA, 1976, USA, f. 131, d. 3, 418413, Telegram ambasade Vašington upućen Saveznom sekretarijatu za inostrane poslove SFRJ, April 1, 1976. Kissinger's Chief of Staff and Deputy Undersecretary at the State Department, Lawrence Eagleburger, claimed that Kissinger's opponents deliberately leaked Sonnenfeldt's statement to the public. AJ, KPR, I-5-b/104-21, Jugoslovensko-američki odnosi, July 9, 1976.

[81]   DA MSP, PA, 1976, SAD, f. 131, d. 2, 411911, Neki momenti u razvoju odnosa SFRJ-SAD.

Besides the controversy over the "Sonnenfeldt Doctrine," another event marked bilateral relations in 1976. It was the "Toth Case" and the actions related to it by the then-American ambassador to Yugoslavia, Laurence Silberman. Laszlo Toth was a technologist-engineer who moved from Yugoslavia to the USA in 1967 and obtained American citizenship. During a short vacation in Yugoslavia in July 1975, this dual citizen visited his old workplace at a sugar factory in Vojvodina and was caught illegally photographing production facilities. Since the sugar factory was declared an object "of special interest for national defense," the Yugoslavs considered it a criminal act of espionage and unauthorized acquisition of business secrets. Toth was arrested and, in a fast-tracked process in November of the same year, sentenced to a several years of strict imprisonment.[82] Ambassador Laurence Silberman, an old anti-communist who disagreed with his country's lenient policy towards Yugoslavia, used the case of Toth's arrest and sentencing to escalate relations with the country he was stationed in. Silberman believed that Americans had been too soft and tolerant towards Yugoslavia and that Belgrade, after the Vietnam War, viewed the USA as a declining power. Therefore, he wanted the USA to show firmness towards Tito.[83]

The Yugoslavs reacted sharply to Silberman's actions, seeing the Ambassador as an exponent of a group within the State Department around Kissinger, advocating pressure on Yugoslavia as a model of bilateral relations, and generally unfriendly towards Yugoslavia. This group, according to Belgrade, was hard to identify by name, but surely included close Kissinger associates such as Sonnenfeldt, Kissinger's chief of staff and Deputy Undersecretary in the State Department Lawrence Eagleburger, Ambassador Silberman, and others. This group used all possible resources, like the press and extreme anti-Yugoslav emigrants in the USA, in their policy towards Yugoslavia.[84] Their goal was to revise the policy in all areas of bilateral cooperation, discredit Yugoslavia, and cast doubt in its ability to function both internally and externally.[85] Yugoslavs linked the activities of the group around Kissinger to the actions of the Jewish lobby in the USA, which opposed Yugoslavia's policy of supporting Arab states in the Middle East and working to undermine its

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[82]   Besides Toth, two more Yugoslav citizens have been sentenced to prison terms on charges of being accomplices in the commission of the crime. DA MSP, PA, 1976, SAD, f. 129, d. 7, 42346, Dopis SSIP-a upućen svim Diplomatsko-konzularnim predstavništvima Jugoslavije u inostranstvu, January 16, 1976.

[83]   Milorad Lazić, *Unmaking détente: Yugoslavia, the United States, and the Global Cold War, 1968–1980*, op. cit., pp. 138–139.

[84]   DA MSP, PA, 1976, SAD, f. 130, d. 6, 450577, Sadašnji trenutak u jugoslovensko-američkim odnosima.

[85]   DA MSP, PA, 1976, SAD, f. 131, 440953, Telegram ambasade u Vašingtonu upućen Saveznom sekretarijatu za inostrane poslove SFRJ, July 26, 1976; Isto, f. 130, d. 6, 450577, Sadašnji trenutak u jugoslovensko-američkim odnosima.

positions.[86] In Belgrade, it was also believed that this group around Kissinger wanted to counter the growing positive sentiments towards cooperation with Yugoslavia in significant political circles in the USA (Congress, business circles).[87] Finally, as the Silberman affair unfolded on the eve of the Non-Aligned Movement summit in the capital of Sri Lanka, Belgrade believed that American pressure was behind it, targeting Yugoslavia's non-aligned policy.[88] The Yugoslavs were not convinced by Kissinger's denial that Silberman's actions did not have his support, believing that the Ambassador had been appointed to serve in Belgrade at the insistence of the American Secretary of State himself.[89] The perception of Kissinger as the source of negative attitudes towards Yugoslavia was mitigated after his meeting with Minić in September and his positive statements about Yugoslavia at the end of the US presidential campaign in October 1976. However, the distrust towards Kissinger marked most of the last year of Ford's administration.

After Gerald Ford's electoral defeat in November 1976 and Kissinger's departure from the State Department in January 1977, the Yugoslavs

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[86] DA MSP, PA, 1976, SAD, f. 130, d. 6, 450577, Sadašnji trenutak u jugoslovensko-američkim odnosima. An interesting discussion on this topic was held at the previously cited session of the Presidency of the SFRY in November 1977. Dragan Bernardić, assistant to federal secretary Minić, stated that Kissinger "as a Jew is with the US lobby, although he is not the head of the lobby he is above the lobby, he is a contender for something more." Kardelj followed up on Bernardić's words with the observation: "Yes, he said in conversation that he would propose a change to the Constitution to become President of the USA, albeit jokingly." AJ, 803, f. 50, Stenografske beleške sa 87. sednice Predsedništva Socijalističke Federativne Jugoslavije održane u Beogradu, November 4, 1977, str. 30.

[87] DA MSP, PA, 1976, SAD, f. 131, 440953, Telegram ambasade u Vašingtonu upućen Saveznom sekretarijatu za inostrane poslove SFRJ, July 26, 1976.

[88] Ibid. In this regard, Tito also spoke in an interview with Tanjug. On that occasion, he directly accused Ambassador Silberman of launching an anti-Yugoslav campaign, meddling in the internal affairs of this country, and attempting "to compromise our country among nonaligned nations, pending Colombo conference", as reported by leading American newspapers. Malcolm W. Browne, "Tito Attack U.S. Envoy for 'pressure Campaign''', *The New York Times*, August 1, 1976, pp. 1, 11; "Tito Accusation", *The Washington Post*, August 1, 1976, p. 15; Milorad Lazić, *Unmaking détente: Yugoslavia, the United States, and the Global Cold War, 1968–1980*, op. cit., p. 139.

[89] Silberman spoke on several occasions to Yugoslav state officials about the fact that he was appointed to Belgrade by the order of Ford and Kissinger and that he enjoys their trust. At the time of resolving the case related to Laszlo Tot, the ambassador also stated to the American press that his policy enjoyed the trust of the president and the secretary of state. This was also confirmed by State Department spokesperson Frederick Z. Brown, who conveyed Kissinger's opinion to journalists that Silberman had done "an excellent job" in the Toth case. "Accusations are Denied", *The New York Times*, July 24, 1976, p. 5; Dusko Doder, "Belgrade Envoy Charges State Lax in Prison Case", *The Washington Post*, July 24, 1976, p. 8.

concluded that Ford had been a weak president[90] and believed that Kissinger had driven the policy toward Yugoslavia during his tenure. This was concisely defined by Ambassador Belovski in a report sent to the *Federal Secretariat of Foreign Affairs* in February 1978, more than a year after Kissinger left the office, with the words: „To Kissinger, we were an irritating element and champions of anti-Americanism. His preoccupation with bloc relations influenced his stance towards Yugoslavia: our independence was recognized and supported primarily to 'save us from the USSR,' while at the same time trying to limit our international activities. Silberman degraded this approach further by simultaneously expressing dissatisfaction with Yugoslavia's internal system."[91]

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Based on American diplomatic sources, testimonies from individuals in his immediate circle, and his memoirs, Kissinger's interest in the Yugoslav state was minimal. For instance, while he was a National Security Advisor, the National Security Council produced only one memorandum on Yugoslavia, in 1971 before Tito's visit to Washington.[92] Moreover, Kissinger's speechwriter between 1973 and 1975, Mark Palmer, testified that Kissinger hardly ever considered the issue of Yugoslavia, adding, "I don't ever remember him talking about it."[93] Finally, in the third and final volume of his memoirs titled "Years of Renewal," which covers the Ford administration over more than a thousand pages, Kissinger devoted little space to Tito and Yugoslavia.[94] It seems that in shaping policy towards Yugoslavia, the White House and Kissinger largely relied on the advice and recommendations of some colleagues from the National Security Council and especially the State Department, as well as assessments coming from the Embassy in Belgrade.[95]

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[90] The assessment that Gerald Ford was a weak president could be read in the information (platforms) prepared by SSIP. See, for example: AJ, 803, f. 47, Informacija (platforma) za posetu potpredsednika Sjedinjenih Američkih Država Voltera Mondejla Jugoslaviji.

[91] AJ, KPR, I-2/73-1, Put J. B. Tita u SAD, 6-9. mart 1978. Telegram ambasadora Belovskog uoči posete druga predsednika Americi.

[92] Luka Orešković, "US-Yugoslav Relations under Kissinger", *Croatian Political Science Review*, vol 50, no. 5, 2013, p. 81.

[93] The Association for Diplomatic Studies and Training, Foreign Affairs Oral History Project, Ambassador Mark Palmer, Interviewed by: Charles Stuart Kennedy, Initial interview date: October 30, 1997, Available from: https://adst.org/OH%20TOCs/Palmer,%20Mark.toc.pdf (Accessed 12 May 2024).

[94] Kissinger, in his memoirs, for example, describing his and Ford's visit to Yugoslavia and Romania in August 1975, dedicated all space to the conversation with Romanian leader Nicolae Ceaușescu and nothing to Tito and Yugoslavia . Henry Kissinger, *Years of Renewal*, op. cit., pp. 666–669.

[95] Luka Orešković, "US-Yugoslav Relations under Kissinger" op. cit., pp. 83–86.

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Protecting and Promoting National Interests through Domestic Implementation Measures**

ABSTRACT

International humanitarian law (IHL), also known as the law of war or the law of armed conflict, has been developed as a body of rules that seek to limit the effects of armed conflict. It covers a broad range of subjects such as the medical and legal protection of victims, civil objects, cultural properties, criminal law, and so on. Adherence to that set of international rules is only the first step toward their realization. To accomplish their *effect utile* many concrete measures need to be taken at the domestic level, certain of them in peacetime. More than once the officials of the Republic of Serbia confirm that the true respect of IHL is essential for the protection and promotion of national interests. In this article, we'll explore national measures – legal, administrative, and institutional – taken by the Serbian government that aimed at the IHL implementation. We'll look at those measures from the lens of applicable international rules and standards and offer some recommendations for the complete and more efficient implementation of IHL.

KEYWORDS: *international humanitarian law, sources of IHL, IHL protective function, domestic implementation, emblems*

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INTRODUCTION: SETTING THE SCENE

At least since the creation of the ad hoc international criminal tribunals for the former Yugoslavia and Rwanda in the first half of the 1990s, followed by the establishment of the International Criminal Tribunal; of internalized courts and tribunals and an increase in domestic criminal proceedings the repressive compliance mechanisms of the international humanitarian law (IHL), also referred to as the law of war or the law of armed conflict, are put at the focus of attention of scientific and political discussions.[1] It is done on the expanse of preventive compliance mechanisms, including domestic implementing measures.[2] The fascinating expansion of international criminal law somehow blurred the importance of IHL's purpose to protect the victims of armed conflict, i.e. the sick, wounded, and shipwrecked, those who deliver health-care services, prisoners of war, and other people deprived of their liberty, all civilians and civilian objects, including cultural property, places of worship, objects indispensable to the survival of the civilian population, works and installations containing dangerous forces, natural environment, to mention just a few. [3]

A significant imbalance between repressive and preventive compliance mechanisms has been fostered by another discernable tendency that might be considered part and parcel of the previous one, the tendency to shift from the collective nature of efforts to provide for compliance with internationally accepted norms toward individual responsibility for the breach of the international humanitarian norms. But the whole fabric of IHL rests upon the

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[1] For the analysis and critical evaluation of how courts and tribunals have contributed to the interpretation and development of IHL see e.g. Shane Darcy, In: *Judges, Law and War: The Judicial Development of International Humanitarian Law*, Cambridge Studies in International and Comparative Law. Cambridge University Press; 2014; Shane Darcy, "A subtle yet significant influence: Judicial decisions and the development of international humanitarian law", 141–149, in Heike Krieger and Jonas ed., *Law-Making and Legitimacy in International Humanitarian Law*, Elgar, 2021; Martin Faix, Ondřej Svaček ed, *ICC Jurisprudence and the Development of International Humanitarian Law*, Palgrave Macmillan, 2024. For a more general approach see e.g. Henry Lovat, *International Criminal Tribunal Backlash*, pp. 601–625, Sergey Vasiliev, *The Crises and Critiques of International Criminal Justice*, pp. 626–651 in Kevin Heller, and others (eds), *The Oxford Handbook of International Criminal Law*, Oxford Handbooks, 2020.

[2] For the lack of an effort to theorize IHL's protective functions see Jann K. Kleffner, A Bird's-Eye View on Compliance with Law of Armed Conflict, *Yearbook of International Humanitarian Law*, 2019, 108–121.

[3] On the IHL protective capacities see Marco Sassòli, *International Humanitarian Law Rules, Controversies, and Solutions To Problems Arising in Warfare*, 2nd ed. Edward Elgar Publishing, 2024, pp. 255-457. For the concept of protected persons in IHL see Heike Krieger, *Protected Persons*, Max Planck Encyclopedias of International Law, available from: https://opil-ouplaw-com.peacepalace.idm.oclc.org/display/10.1093/law:epil/9780199231690/law-9780199231690-e979?rskey=fAaDDF&result=1&prd=MPIL (Accessed 23 April 2024).

principle that the primary responsibility for compliance with IHL is upon the parties to the armed conflict – i.e. States in international armed conflict and States and non-state entities involved in a non-international armed conflict. – and that responsibility for ensuring its full implementation primarily rests with States. Article 1 common to the four Geneva Conventions[4] and Article 1(1) of Additional Protocol I of 8 June 1977, leave no doubt in that respect: it is provided that High Contracting Parties are bound to "respect and to ensure respect" for their provisions "in all circumstances".[5]

This article is intended to relax these imbalances.

The oversight of national implementing measures is predicated on three basic misconceptions. Firstly, there is the misguided belief that IHL's provisions become applicable only upon the commencement of armed conflict. Second, IHL norms concern the members of the armed forces alone. Third, the mere act of signing, ratifying, or formally accepting international obligations suffices to realize the full potential of international norms.

No doubt that most IHL rules only apply during armed conflict, international or non-international.[6] But to work in such exceptional situations the measures to enable their respect need to be taken in peacetime. Mere adherence to these international rules is only the initial towards their effective implementation. A series of specific, tangible measures must be adopted at the national level to actualize their intended benefits – referred to as 'effect utile' in legal parlance. Moreover, the obligation to undertake domestic

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[4] Geneva Convention (I) on Wounded and Sick in Armed Forces in the Field,1949; Geneva Convention (II) on Wounded, Sick and Shipwrecked of Armed Forces at Sea, 1949; Geneva Convention (III) on Prisoners of War, 1949; Geneva Convention (IV) on Civilians, 1949. The texts and commentaries available at https://ihl-databases. icrc.org/en/ihl-treaties/geneva-conventions-1949additional-protocols-and-their-commentaries (Accessed 23 April 2024).

[5] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977. Apart from it, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977, as well as Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III), 8 December 2005 has been adopted. Available from: https://ihl-databases.icrc.org/en/ihl-treaties/geneva-conventions-1949additional-protocols-and-their-commentaries (Accessed 23 April 2024). The same obligation counts for the armed conflict not of an international character. Rule 139 of Customary Law Study spelled out that: "Each party to the conflict must respect and ensure respect for international humanitarian law by its armed forces and other persons or groups acting in fact on its instructions, or under its direction or control." Available from https://ihl-databases.icrc.org/en/customary-ihl/v1/rule139 (Accessed 23 April 2024).

[6] From the voluminous literature on the IHL scope of application see e.g. Jonn K. Kleffner, *Scope of Application of International Humanitarian Law*, in The Handbook of International Humanitarian Law (3rd Edition), ed. Dieter Fleck ed., pp. 50–80, 2021.

implementational measures becomes effective as soon as the international instruments are accepted notwithstanding the existence of armed conflict or not. As provided in Article 80 of Protocol I: "The High Contracting Parties and the Parties to the conflict shall without delay take all necessary measures for the execution of their obligations under the Conventions and this Protocol."

It is for sure that armed forces, the most traditional and indeed important addressees, must be properly instructed and trained on the rules of IHL. But, having in mind the purpose and domain of IHL, the stakeholders are much more numerous. Actually, the whole population must be educated so they have a basic understanding of IHL. Education is essential to ensure that decision-makers who implement IHL, such as the police forces, civil servants, politicians, diplomats, judges, lawyers and journalists, and students who will have those roles in the future as well as the public at large know the limits constraining everyone's actions in armed conflicts.

IHL does not explicitly prescribe the obligation to adopt specific implementing measures on the national level. It is only provided that such measures must be communicated to the other States parties, which might imply that they must be adopted. [7] The only explicitly mentioned legislative measures are required in two fields: criminal repression and the use of the emblem of the red cross, the red crescent, or the red crystal (emblems). Having in mind that this research is devoted primarily to the protective aspect of IHL and the limited space at our disposal on this occasion, this research will be focused on the issue of the use of emblems.

The responsibility to respect and to ensure respect for IHL norms covers a broad range of issues including national laws, regulations, and policy directives for the incorporation of IHL, measures to ensure that the national stakeholders understand and respect the rules, establishment of mechanisms that will ensure respect for the law and appropriate handling of violations when they occur.

IHL has evolved into a comprehensive body of norms, both contractual and customary, affecting nearly every aspect of societal organization. These norms facilitate the protection of individuals affected by armed conflicts, regulate the use and proliferation of certain classes of weapons, inform criminal and customs law, guide sanctions enforcement, and contribute to environmental protection efforts. Collectively, these norms intersect with an array of public policy domains, including but not limited to human rights, healthcare, defense, and the judiciary. Thus, adequate implementation of the obligations arising from the IHL, necessitates not only appropriate measures in each respective area but also sustained and close interdepartmental cooperation, along with coordinated actions among the legislative, executive, and judicial branches. To ensure adherence to these norms in times of armed

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[7]   *Geneva Conventions*, Common Arts. 48/49/128/145; Protocol Additional I, Art. 84.

conflicts sophisticated and all-encompassing legal and institutional apparatus must be established during peacetime.

Therefore, the fundamental question is whether the Republic of Serbia has an adequate institutional and legal system necessary for fulfilling undertaken obligations, which is what this research seeks to answer.

This research is organized according to the following analytical framework:

a.   Applicable international rules and standards;
b.   National rules and institutions;
c.   Conclusions.

As preliminary, the relationship between public international law and internal law of the Republic of Serbia in general, and IHL in particular will be considered.

THE RELATIONSHIP BETWEEN INTERNATIONAL LAW AND LAW OF THE REPUBLIC OF SERBIA

The basic principles that shape the relationship between international and national law in Serbia are defined by the Constitution of the Republic of Serbia.[8] However, the corpus of relevant legal norms is much broader and includes provisions from the Law on the Conclusion and Execution of International Treaties[9], the Law on Foreign Affairs[10], the Law on National Assembly[11], the Law on Ministries[12] and the Law on Government.[13]

The Constitution adopts the monist method as an approach to establishing relations between international and national law.[14] The key provision is found in Article 16, paragraph 2, which reads as follows: "Generally accepted rules of international law and ratified international treaties are an integral part of the legal order of the Republic of Serbia and are directly applicable". From the wording quoted, it is clear that the provisions of an international agreement

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[8]   *Official Gazette of the Republic of Serbia*, nos. 98/2006, 115/2021.

[9]   *Official Gazette of the Republic of Serbia*, no. 32/2013.

[10]   *Official Gazette of the Republic of Serbia*, nos. 116/2007, 126/2007, 41/2009.

[11]   *Official Gazette of the Republic of Serbia*, no. 9/2010.

[12]   *Official Gazette of the Republic of Serbia*, nos. 16/2011, 128/2020, 116/2022.

[13]   *Official Gazette of the Republic of Serbia*, nos. 55/2005, 108/2012, 72/2012, 71/2014, 30/2018.

[14]   For a more general consideration see e.g. Davíd Thór Björgvinsson, *The intersection of international law and domestic law: a theoretical and practical analysis*, Edward Elgar Publishing, 2015.

become binding under national law as soon as the competent institution consents to be bound by it and once it is duly published.

According to Article 99, paragraph 1, of the fifth part of the Constitution, only the National Assembly has the authority to "ratify international treaties when the law prescribes the obligation of their ratification". The detailed rules are outlined in the Rules of Procedure of the National Assembly.[15]

The majority of rules applicable to the conclusion and implementation of international agreements are detailed in the Law on Conclusion and Execution of International Treaties. According to Article 2, an international treaty is defined as a written contract between the Republic of Serbia and one or more states or international organizations, governed by international law, irrespective of whether it is contained in a single document or multiple related instruments and regardless of its formal designation. Protocols, minutes, and other international legal acts that are created or adopted by authorities authorized by international treaties to execute said treaties, and which do not entail new obligations, are not considered international treaties under this Law.

The procedure to negotiate and conclude an international treaty is initiated by the Government, either on its own initiative or upon the proposal of the state administration bodies whose remit primarily covers the issues governed by the treaty (Article 3.1). Other state bodies, business entities, or associations can also propose the initiation of negotiations for an international treaty through the relevant state administration bodies. If a state administration body, which predominantly deals with issues within the scope of the treaty, deems the initiative valid, it will propose to the Government to commence the negotiation and treaty conclusion process. Conversely, if the initiative is considered unsuitable, the state administration body will inform both the Government and the proposer, explaining the rejection (Article 4).

The second sentence of paragraph 2 of Article 16 of The Constitution stipulates that: "Ratified international treaties must be in accordance with the Constitution."

It is important to note that the constituents allowed themselves a legislatorial oversight. Article 194(4) states that "Ratified international treaties must not be in contradiction with the Constitution." The Constitutional Court has so far had the opportunity to give its judgment on this matter. They accepted, in 2009, the position that ratified international treaties must not be contrary to the Constitution.[16]

Paragraph 5 of Article 194 of the Constitution provides for the primacy of international agreements: "Laws and other general acts adopted in the Republic of Serbia must not be in contradiction to ratified international treaties and generally accepted rules of international law".

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[15] "Пословник Народне скупштине (пречишћени текст)," *Народна скупштина*, Available from: http://www.parlament.rs/народна-скупштина/важна-документа/пословник/цео-пословник.1422.html, (Accessed 23 April 2024).

[16] *Constitutional Court of Serbia*, Decision No. 159 2008, July 16, 2009.

The practice of the Constitutional Court affirms its adherence to the primacy of international agreements. In the decision mentioned above, for instance, the Court clarifies that a ratified international agreement, in terms of its legal force, ranks immediately below the Constitution. This implies that domestic legislation must not conflict with ratified international agreements.

The Constitution of the Republic of Serbia mandates the direct application of duly adopted international agreements. This provision obligates national institutions, particularly the courts of the Republic of Serbia, to enforce clear, precise, and unconditional norms derived from these agreements without the need for additional national implementation measures, even when these norms are at odds with domestic legislation.

In Serbia, generally recognized rules of international law form part of the domestic legal framework. However, the precise meaning of this formulation remains somewhat uncertain. It is debatable whether the phrase 'generally accepted rules' includes the general principles recognized by civilized nations as articulated in Article 38 of the Statute of the International Court of Justice.[17] Nonetheless, it is a plausible argument that customary international law falls under this category.[18] To date, the practice of Serbian institutions responsible for implementing international obligations has not clarified this matter. Setting aside the issue of defining this term, the practical application of these generally recognized rules as a component of domestic law presents a significant challenge for these institutions, particularly the courts. Serbian courts traditionally apply codified rules, whether they be national or international. Judges lack specific training in discerning and applying uncodified legal norms, which often require analyzing legal practices within the international community. The challenge intensifies with the constitutional mandate for the direct application of these generally accepted rules, marking a departure from the traditional jurisprudence of Serbian courts.

In addition to the rules derived from the universally recognized sources of international law, soft law also plays a significant role in the interpretation, application, and development of international norms.[19] Soft law encompasses rules formulated by legal experts or representatives from learned societies who interpret existing laws, identify established norms, and pioneer new ones. These norms are adopted by states through an informal process rather than

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[17]   For a general consideration see e.g. Imogen Saunder, *General principles as a source of international law: Art 38(1)(c) of the Statute of the International Court of Justice*, Hart, 2021.

[18]   From extensive literature on the customary law see e.g. a work composed entirely of selected articles ed. by Pierre-Marie Dupuy, *Customary International Law*, Edward Elgar Publishing, 2021. For the practice of Serbian Constitutional court Decision No. 43/2009, July 9, 2009.

[19]   For a scholarly, state-of-the-art overview of soft law see *Research Handbook on Soft Law*, Mariolina Eliantonio, Emilia Korkea-aho, and Ulrika Mörth, Edward Elgar Publishing, 2023.

formal treaties. One of the most notable examples of expert contribution is the Tallinn Manual, which addresses the application of law to cyber operations in armed conflict and was first published in 2013.[20] Another notable document within the same category of soft law is the 'Manual on International Law Applicable to Air and Missile Warfare', published in 2009.[21] The Montreux Document, which addresses relevant international legal obligations and good practices for private military and security companies during armed conflicts, was created in 2008 through the cooperative efforts of state representatives in an informal process.[22] The Copenhagen process, which focused on the treatment of persons deprived of liberty in international military operations, involved not only a select group of states but also some international organizations. In 2012, this collaborative effort resulted in the establishment of principles and guidelines.[23]

Equally important are the resolutions passed by international organizations, notably those of the United Nations and the International Red Cross and Red Crescent Conferences. Additionally, documents produced under the auspices of the International Committee of the Red Cross (ICRC) play a crucial role. Noteworthy among these is the 2005 Study on Customary International Humanitarian Law[24] and the Updated Commentaries on the Geneva Conventions.[25]

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[20] Michael N. Schmitt (ed), *Tallinn Manual on the International Law Applicable to Cyber Warfare*, Cambridge University Press, 2013, Available from: https://assets.cambridge.org/97811070/24434/frontmatter/9781107024434_frontmatter.pdf, (Accessed 23 April 2024).

[21] "HPCR Manual on International Law Applicable to Air and Missile Warfare," *Cambridge University Press*, 2013, Available from: https://assets.cambridge.org/97811070/34198/frontmatter/9781107034198_frontmatter.pdf, (Accessed 23 April 2024).

[22] "The Montreux Document on Pertinent International Legal Obligations and Good Practices for States Related to Operations of Private Military and Security Companies During Armed Conflict," *Montreux*, 2008, International Committee of the Red Cross, Available from: https://www.montreuxdocument.org/pdf/document/en.pdf, (Accessed 23 April 2024).

[23] "The Copenhagen Process on the Handling of Detainees in International Military Operations: Principles and Guidelines," Available from: https://www.onlinelibrary.iihl.org/wp-content/uploads/2021/05/Copenhagen-Process-Principles-and-Guidelines-EN.pdf, (Accessed 23 April 2024).

[24] Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law*, Vol I, International Committee of the Red Cross and Cambridge University Press, 2005. Available from: https://www.icrc.org/en/doc/assets/files/other/customary-international-humanitarian-law-i-icrc-eng.pdf (Accessed 23 April 2024).

[25] The updated commentaries on the First and Second Geneva Conventions were published in 2016, and the commentary on the Third Geneva Convention was published in 2020. Available from: https://ihl-databases.icrc.org/en/ihl-treaties/

On this occasion, the international obligation stemming from treaty law will be our focus. The customary law and soft law will be consulted when appropriate.

IHL is considered to be one of the most codified branches of public international law. The list of IHL treaties are more than impressive.[26] The Geneva Conventions and their Additional Protocols contain the core of international humanitarian law. These treaties enjoy almost universal acceptance.196 States are party to the Geneva Conventions, 174 States are party to Additional Protocol I, 169 States are party to Additional Protocol II, and 79 States are parties to Protocol III. The Republic of Serbia is a Party to all Geneva Conventions and all their Additional Protocols, as well as to the dominant majority of international treaties in the field of humanitarian law.[27].The relevance of a few international treaties that the RS has not yet joined is also significant. These instruments should be thoroughly analyzed to assess their content and importance for Serbia, followed by a well-founded proposal to the authorities regarding potential accession to these agreements.[28]

The Convention on Cluster Munitions originated from the 'Oslo Process', initiated by Norway in 2006. The primary goal was to protect civilians from the extensive harm caused by cluster munitions, which, due to their indiscriminate nature and the danger posed by unexploded ordnance, inflict unnecessary suffering on civilian populations. The concluding conference in Dublin saw participation from 107 countries.[29] The Convention prohibits the use, development, production, acquisition, stockpiling, retention, and transfer of cluster munitions, as well as aiding, abetting, or otherwise encouraging any of

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geneva-conventions-1949additional-protocols-and-their-commentaries (Accessed 23 April 2024).

[26] For the comprehensive list of IHL see: "Treaties and State Parties" International Humanitarian Law Databases, *International Committee of the Red Cross*, Available from: https://ihl-databases.icrc.org/en/ihl-treaties/treaties-and-states-parties (Accessed 23 April 2024).

[27] For the comprehensive list of treaties accepted by the Republic of Serbia see "Serbia, Treaties and State Parties" International Humanitarian Law Databases, *International Committee of the Red Cross*, Available from: https://ihl-databases.icrc.org/en/ihl-treaties/treaties-and-states-parties?title=&topic=&state=RS&from=&to=&sort=state&order=ASC (Accessed 23 April 2024).

[28] Apart from the commented treaties, Serbia did not accept the Convention on the prohibition of military or any other hostile use of environmental modification techniques. New York, 10 December 1976, Protocol on Explosive Remnants of War (Protocol V). Geneva, 28 November 2003 to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects. Geneva, 10 October 1980.

[29] See John Borrie, *Unacceptable harm: a history of how the treaty to ban cluster munitions was won*, New York, United Nations, 2009.

these acts. Parties to the Convention are obligated to destroy existing stockpiles of cluster munitions and the agreement establishes an international assistance mechanism for States that are unable to do so on their own. Additionally, States commit to clearing areas contaminated by cluster munitions and to providing appropriate assistance to victims affected by their use.[30]

The Republic of Serbia was among the 24 countries that proposed the adoption of the Cluster Munitions Declaration in 2006. Serbia also hosted a conference in 2007 as part of the Oslo Process, and in 2008, it participated in the conference held in Dublin where the Convention was adopted. Despite this involvement, Serbia has neither signed nor acceded to this Convention. The Ministry of Defense of the Republic of Serbia has expressed the view that Serbia should not join the Convention, citing the significant role of cluster munitions in the nation's military arsenal and the difficulty of replacing them. Nonetheless, there have been notable changes since then which, along with the Convention's humanitarian and innovative approach, suggest a need to reconsider the stance of the Ministry of Defense and other relevant Serbian authorities.

Specifically, according to data from the *Cluster Munition Monitor*, the Republic of Serbia does not produce cluster munitions, but it does maintain stockpiles.[31] Perhaps of even greater importance is the information provided by the same source indicating that remnants of cluster munitions are still found across three municipalities in the territory of the Republic of Serbia, covering an area of 0.99 square kilometers. In Kosovo, such remnants are spread over 44 locations, encompassing an area of 11.37 square kilometers.[32] As of 2021, it is estimated that the number of victims from the use of cluster munitions in the Republic of Serbia, as well as in Kosovo, ranges between 100 and 1000.[33] During the 1999 bombing, it was confirmed that NATO forces used cluster bombs in several hundred locations across 16 municipalities in Serbia, excluding the municipalities in Kosovo and Metohija. These municipalities included the City of Niš (specifically the Mediana and Crveni Krst municipalities), Kraljevo, Brus, Presevo, Bujanovac, Kuršumlija, Raška, Gadžin Han, Tutin, Sjenica, Čačak, Vladimirci, Knić, Stara Pazova, and Sopot. Dutch, British, and US forces were identified as having utilized cluster munitions.[34]

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[30] See Gro Nystuen, Stuart Casey-Maslen ed., The Convention on Cluster Munitions: a commentary, Oxford University Press, 2010.

[31] Cluster Munition Monitor. (2022). 13th Annual Report, pp. 30, 33. Available from http://www.the-monitor.org/en-gb/reports/2022/cluster-munition-monitor-2022.aspx (Accessed 23 April 2024).

[32] *Ibidem*, p. 46.

[33] *Ibidem*, p. 49.

[34] See "Mine Situation, March 2024," *Mine Action Centre of the Republic of Serbia*, Available from: https://czrs.gov.rs/en/mine-situation/ (Accessed 23 April 2024).

The reconsideration of the Republic of Serbia's stance on the Convention may be influenced by the fact that the country already has an established authority capable of fulfilling some of the Convention's obligations. In 2002, the Mine Action Centre (SMAC) was established as an independent state body tasked with coordinating activities related to humanitarian demining in Serbia. At the time of the SMAC's creation, representatives from relevant international organizations advocated for the Mine Action Centre in Serbia, as with other regional countries, to be established as an independent entity, separate from the so-called 'ministries of power' such as the Ministry of Internal Affairs and the Ministry of Defense. They emphasized that the Centre would be eligible for support from international organizations and donors only if it functioned as a civilian body, independent of the mentioned ministries. In line with international standards, the SMAC has successfully cleared cluster munitions from an area measuring 12,890,663 square meters to date, with funding sourced from both domestic and international contributors.

As of 1 August 2022, the Convention has been widely accepted, with 110 Contracting Parties having joined. This includes all states in the region apart from the Republic of Serbia. In addition to humanitarian organizations such as the ICRC and the International Red Cross and Red Crescent Movement, the United Nations also advocates for its wider acceptance.[35] The issue of cluster munitions has also come to the forefront during the war in Ukraine. In response to the alleged deployment of cluster munitions by the Russian Federation – which, incidentally, is not a Party to the Convention – Ukraine requested cluster munitions from the United States. Although the United States is not a signatory to the Convention, it has expressed serious concerns regarding the consequences of using cluster munitions. Nevertheless, cluster munition has been put at Ukraine's disposal.[36]

The Treaty on the Prohibition of Nuclear Weapons emerged from a process initiated by a series of conferences examining the humanitarian impact of nuclear weapons, held in 2013 and 2014. The discussions and conclusions from these conferences led the United Nations General Assembly to establish an Open Working Group charged with exploring ways to advance nuclear disarmament. In its final report in 2017, the group recommended that the General Assembly convene a conference open to all states to draft a legally binding instrument prohibiting nuclear weapons. This conference took place in March, June, and July of the same year. The treaty was adopted

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[35] For instance, see 'Implementation of the Convention on Cluster Munitions,' *UNGA Resolution 76/47*, dated 6 December 2021, www.undocs.org/en/A/RES/76/47 where 147 states voted in favor of the resolution, while 37 abstained, including the Republic of Serbia.

[36] See Sean M. Zeigler, *Why Biden Was Justified to Send Cluster Munitions to Ukraine*, Commentary, Rand, August 14, 2023, Available from: https://www.rand.org/pubs/commentary/2023/08/why-biden-was-justified-to-send-cluster-munitions-to.html, (Accessed 23 April 2024).

with the support of 122 countries, with the Netherlands voting against it and one country abstaining. The Treaty enacts a comprehensive ban on nuclear weapons, including prohibitions on their development, testing, production, acquisition, sale, transfer, possession, storage, and stationing within the territories of States Parties. It also prohibits aiding, encouraging, or inducing anyone to engage in any of these activities. Furthermore, the Treaty requires Member States to provide aid to victims of nuclear weapon use and testing, and mandates that they undertake measures necessary for the remediation of contaminated environments.[37]

The Republic of Serbia did not take part in the 'Humanitarian Initiative,' which culminated in the signing of the Treaty on the Prohibition of Nuclear Weapons. Serbia has neither signed the treaty nor indicated an intention to be bound by its provisions. There are legal concerns regarding the treaty, such as the lack of a definitive description of nuclear weapons, an unspecified control mechanism, and a resolution of disputes mechanism that is seen as largely political. Beyond legal considerations, there are significant extralegal factors. Notably, the drafting and adoption process of the treaty did not include the major nuclear powers, who have declared that the treaty does not impose any international obligations upon them. No countries in the Western Balkans have accepted the treaty. Nevertheless, according to the ICRC database, the treaty has garnered 68 ratifications and 91 signatures. It also receives strong support from humanitarian organizations, including the ICRC and the Red Cross and Red Crescent Movement. Multiple countries have been encouraged by these organizations to join the treaty. The Red Cross of Serbia has made such an appeal, but to date, there has been no official response.

NATIONAL STRUCTURES FOR THE APPLICATION OF INTERNATIONAL HUMANITARIAN LAW (IHL)

Recognizing the need for tight coordination among various ministries, departments, agencies, and other governmental entities, as well as the crucial contributions of other organizations and institutions such as national societies, universities, and legal associations in the IHL's implementation process, a significant number of states (119 to be exact) have chosen to establish specialized national bodies to unify these diverse actors. This cohort of countries includes some of the most developed states such as Great Britain, Germany, Norway, and Switzerland, but neighboring countries and those with shared historical ties, such as Bulgaria, Croatia, Hungary, North Macedonia, Romania, and Slovenia.

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[37]   See Stuart Casey-Maslen, *The Treaty on the Prohibition of Nuclear Weapons: a commentary*, Oxford University Press, 2019.

These national entities, known variously as commissions or committees, foster intensive collaboration among the various branches of government, executive authorities, and key stakeholders in the implementation of IHL. Although their specific roles may vary, their primary competencies typically include reviewing and issuing recommendations for IHL implementation, as well as promoting, consulting on, and coordinating the application, adherence to, and advancement of international humanitarian law. [38]

Regular meetings are essential to maintain continuity in their duties and to ensure that IHL remains a priority on the state's agenda. Providing recommendations to the government, issuing regular reports on activities, and disseminating the findings and decisions are key to promoting the application of IHL within the country.[39]

The creation of national entities dedicated to the implementation of IHL is not only recommended but also endorsed by the ICRC. Since 1995, the initiative has garnered support from the International Red Cross and Red Crescent Movement at its conferences. Drawing on these endorsements, the shared experiences of other countries, and aiming to optimize the use of resources, the Government of the Republic of Serbia resolved in 2010 to establish the Commission for International Humanitarian Law as an official entity.[40] The Commission was established for a five-year term with the following mandates:

a) Monitor the evolution of international humanitarian law and address issues concerning the adoption of new treaties and related documents.

b) Recommend measures for the implementation of international humanitarian law treaties and documents to state administrative bodies.

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[38] For the table containing information on all existing national committees and other national bodies on International Humanitarian Law see "Table of National Committees and Other National Bodies on International Humanitarian Law," *International Committee of the Red Cross*, Advisory Service on International Humanitarian Law, 10 May 2023. Available from: https://www.icrc.org/en/document/table-national-committees-and-other-national-bodies-international-humanitarian-law (Accessed 23 April 2024).

[39] For a detailed analysis and recommendations, see "National Committees and Similar Entities on International Humanitarian Law: Guidelines for Success, Towards Respecting and Implementing International Humanitarian Law," *International Committee of the Red Cross*, June 15, 2020. Available from: https://www.icrc.org/en/publication/national-committees-and-similar-entities-international-humanitarian-law-guidelines (Accessed 23 April 2024).

[40] The Decision on the establishment of the Commission on International Humanitarian Law was officially promulgated in the Official Gazette No. 30 on 7 May 2010, page 174. Concurrent with the enactment of this Decision, the previous Decision on the establishment of the Commission on International Humanitarian Law of Serbia and Montenegro was rendered invalid, as noted in the Official Gazette of the State Union of Serbia and Montenegro (SCG), No. 43/04.

c) Offer advisory opinions to state administrative bodies, when necessary, regarding the Republic of Serbia's fulfillment of obligations stipulated in international treaties and other international humanitarian law documents.

d) Evaluate and suggest actions taken in the Republic of Serbia to promote awareness of international humanitarian law, including proposing educational initiatives for organizations and institutions that enforce international humanitarian law.

e) Participate in dialogues on matters of international cooperation with other national commissions for international humanitarian law, the ICRC, and various national and international organizations engaged in international humanitarian law, aiming to share experiences and best practices.

Members of the Commission are appointed by the Government and include representatives from the Ministries of Defense, Internal Affairs, Justice, Health, Labor and Social Policy, Education, as well as the National Society of the Red Cross, the International Law associations, and the Ministry of Foreign Affairs. A representative from the Ministry of Foreign Affairs served as the chair of the Commission. In addition to these members, other experts in the field of international humanitarian law are invited to contribute to the Commission's work. The Ministry of Foreign Affairs was responsible for performing the professional, administrative, and technical tasks required by the Commission. Furthermore, the Commission was authorized to establish its own rules of procedure. It was mandated to submit a report on its activities to the appropriate government committee at least every 60 days and to the government every 90 days.

The inaugural meeting of the Commission was held on June 2, 2010, during which the Rules of Procedure were adopted. In this initial meeting, as well as in subsequent gatherings, the Commission addressed a multitude of issues relevant to the implementation and dissemination of international humanitarian law within Serbia. The Commission paid particular attention to the prospective adoption of international treaties not yet ratified by Serbia, including Protocol V on Explosive Remnants of War and the Convention on Cluster Munitions. Following thorough deliberation, the Commission formed specific conclusions and submitted its recommendations to the pertinent state authorities.

A significant focus for the Commission pertained to the translation of international humanitarian law instruments. In particular, the Commission reviewed the translation of the Statute of the International Criminal Court, which had been ratified by the Assembly of the State Union of Serbia and Montenegro. The Commission uncovered discrepancies between the ratified text and the original document, prompting a meticulous review process. Following this, the Commission submitted a revised translation to the Ministry of Justice.

The Commission also became a pivotal platform for disseminating information about international humanitarian law through a variety of channels, including seminars, training sessions, educational programs, competitions, and advanced studies, and it played a key role in fostering international cooperation. The Commission not only acted as a hub for information but also took an active stance in encouraging dissemination initiatives and recommended the engagement of practitioners involved in implementation and educational efforts. Expert contributions from outside the Commission were likewise a vital component of its endeavors.

However, when its designated term concluded, the Commission was disbanded, and the Government of the Republic of Serbia has not yet established a successor with equivalent authority and responsibilities.

Within the Republic of Serbia's institutional and legal framework, various entities are tasked with overseeing and implementing certain aspects of the IHL. These include the Commission of the Republic of Serbia for the Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons, the Commission on Missing Persons, and the National Coordination Body for Combating the Proliferation of Weapons of Mass Destruction Although these entities make important contributions, their influence is limited to their respective areas of focus. This highlights the continued need for improved coordination and communication among the diverse parties involved in the monitoring and promotion of IHL implementation. Considering the experiences gained during its operation and those of other countries with similar coordination mechanisms in IHL implementation, along with recommendations from competent international and national organizations, it is evident that establishing such a commission permanently is crucial for the fulfillment of IHL obligations.

THE USE AND PROTECTION OF EMBLEMS

Given their crucial role in protecting victims of armed conflicts and those providing assistance, the emblems of the Red Cross and Red Crescent, as well as Red Cristal [41] must be universally recognized and respected at all times. The legal regime governing the use and protection of these emblems is established in the 1949 Geneva Conventions, together with the 1977 Additional

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[41] The Geneva Conventions acknowledge the emblem of the red lion and sun on a white background. However, this emblem is not currently used in practice, as Iran, the country associated with it, has ceased to use this sign. Additionally, the term 'red crystal' is officially recognized. It refers to the emblem introduced by Protocol III, which is supplementary to the Geneva Conventions. This new emblem was adopted by the International Conference of the Red Cross and Red Crescent during its 29th session held in 2006 in Geneva.

Protocols I and II, and 2006 Additional Protocol III.[42] These provisions cover the emblem's protective function during armed conflicts and its indicative function as a sign of affiliation and identification.[43] The body of international rules that govern the protection of the Red Cross emblem and the name complements the documents issued by the International Conference of the Red Cross and Red Crescent. One key document is the resolution that adopted the Regulation on the use of the Red Cross and Red Crescent by the National Societies, approved at the 20th International Conference of the Red Cross and Red Crescent in Vienna in 1965 and revised during the Council of Delegates session in Budapest in 1991.[44]

The conditions for the use, the manner of usage, and the protection of the Red Cross emblem and name within the Republic of Serbia are governed by the Law on use and protection of the emblem and name of the Red Cross (hereinafter the Law) which was enacted in 1996.[45] The law mandates that the Red Cross of Serbia holds the exclusive right to use the name 'Red Cross'.[46]

The Emblem of the Red Cross may be utilized as a sign of designation, a sign of belonging, and a sign of protection, in line with the provisions of the Geneva Conventions, the Additional Protocols, and under the specific conditions established by these laws. Its use as a marking and a sign of

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[42]   For a brief history of protective emblems see François Bugnion, *The red cross and red crescent emblems*, International Review of the Red Cross, No. 272 October 1989, pp. 408-419.

[43]   For comprehensive elaboration of relevant legal rules see "Study on the Use of the Emblem – Operational, Commercial, and Other Non-Operational Functions," *International Committee of the Red Cross*, 2007. Available from: https://www.icrc.org/en/doc/assets/files/publications/icrc-001-4057.pdf (Accessed 23 April 2024).

[44]   "Regulations on the use of the emblem of the red cross or the red crescent by the National Societies," *International Review of the Red Cross* (*IRRC*), No. 289, August 1992, pp. 339-362. Available from: https://international-review.icrc.org/articles/regulations-use-emblem-red-cross-or-red-crescent-national-societies-adopted-20th (Accessed 23 April 2024).

[45]   Law on use and protection of the emblem and name of the Red Cross, as published in the Official Gazette of the Federal Republic of Yugoslavia (FRY), stipulates in Article 2 that the Red Cross emblem consists of a red cross with four equal arms on a white field. Furthermore, the Law on the Red Cross specifies in Article 5, paragraph 1, that the emblem of the Red Cross of Serbia is made up of a red cross with five equal squares, set on a white field, and encircled by the inscription 'Red Cross of Serbia.'

[46]   Article 3 of the Law was originally enacted in the Federal Republic of Yugoslavia. Its validity was sustained following the formation of the State Union of Serbia and Montenegro, under Article 64 of the Constitutional Charter of Serbia and Montenegro. Subsequently, the law remained in effect in the Republic of Serbia. Consequently, the right to the name of the Red Cross transitioned from the Yugoslav Red Cross to the Red Cross of Serbia and Montenegro, and ultimately to the Red Cross of Serbia.

protection is strictly regulated.[47] During peacetime, the emblem may be displayed on buildings, equipment, medical supplies, and means of transportation belonging to health and social care institutions, organizations, and companies that provide continuous medical care to individuals – referred to in the law as health organizations. Additionally, with the approval of the Red Cross of Serbia, the emblem may mark vehicles and transportation used by other entities for conveying the wounded and sick. It may also be used to identify locations designated for offering immediate medical assistance in communities, along roads, within enterprises, and by other institutions and organizations, as well as sites storing medical supplies and equipment for emergency medical care.[48]

The Red Cross emblem, when used as a sign of affiliation, may be displayed on the employees, buildings, assets, and materials of the Red Cross. It may also mark the employees, assets, and materials of foreign Red Cross and Red Crescent Organizations while they conduct humanitarian activities within the Republic of Serbia. However, during a state of war, an imminent threat of war, or a state of emergency, the emblem used as a sign of affiliation must be smaller than the emblem used as a sign of protection. It should not be affixed to armbands or displayed on the roofs of buildings.[49] The Red Cross emblem, serving as a sign of marking and protection, may be displayed on individuals, medical units and institutions, buildings, equipment, medical supplies, and transportation and communication vehicles (whether land-based, maritime, or airborne) that belong to the medical service of the Armed Forces of the Republic of Serbia. Additionally, it can be used to mark the medical services of the armed forces of other countries while they are engaged in medical activities on the territory of the Republic of Serbia.[50]

During a state of war, an imminent threat of war, or a state of emergency, the Red Cross emblem serves as a protective sign for the following:
- Buildings, devices, medical supplies, transport and transmission devices, and personnel of health organizations.
- Assets and personnel of the Red Cross of Serbia tasked with rescue, collection, transport, and care of the wounded and sick, or disease prevention.
- Civil protection units providing initial medical assistance and tending to the wounded and sick.
- Hospital ships, under the provisions Geneva Convention on the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea.

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[47] Article 4 of the Law.

[48] Article 5 of the Law.

[49] Article 6 of the Law.

[50] Article 7 of the Law.

- Teams providing first aid, organized by health institutions, companies, other legal entities, and the Red Cross of Serbia, while engaged in these activities.
- Vehicles for land, water, and air transport used for the conveyance of shipwrecked, wounded, sick, and medical supplies, known as medical transport.

However, defense interests may necessitate legally prescribed restrictions on the use or display of the Red Cross emblem for certain facilities, equipment, vehicles, and personnel. Additionally, during times of war, imminent threat, or emergency, the emblem may be utilized by personnel and facilities of foreign Red Cross and Red Crescent organizations, as well as other foreign voluntary relief societies performing medical tasks on Serbian territory.[51]

During a state of war, an imminent threat of war, or a state of emergency, the Red Cross emblem may be employed both as a sign of identification and as a symbol of protection within designated sanctity zones and areas established for the safeguarding of the wounded and sick. Furthermore, it may mark the individuals who are providing care within these zones and areas to the wounded and patients housed therein.[52]

Individuals authorized to display the Red Cross emblem are required to carry the prescribed identification during a state of war, an imminent threat of war, or a state of emergency.[53]

Enforcement of this Law is overseen by the designated central authority, which is responsible for ensuring adherence to the legal conditions for the use and display of the Red Cross emblem. This authority has the power to mandate the removal of the emblem if it is used or displayed in violation of the stipulations set forth by this Law and the regulations established for its implementation.

The law includes provisions for sanctions for using the red cross emblem without entitlement or by using the emblem as a sign of indication, affiliation, or protection in a manner contrary to the provisions of this Law.[54] Additionally, an individual will be subject to a fine for a misdemeanor if, during a state of war, an imminent threat of war, or a state of emergency, they carry or use the Red Cross emblem as a sign of protection without meeting the criteria established by this law; if they fail to carry the prescribed ID while on duty; if they do not wear the armband bearing the Red Cross emblem on their left arm during duty; or if they fail to return their identification card to the issuing authority upon losing the status that authorizes them to possess it.[55]

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[51]   Article 8 of the Law.

[52]   Article 9 of the Law.

[53]   Article 19 of the Law.

[54]   Article 12 of the Law.

[55]   Article 13 of the Law.

The misuse of international emblems or their unauthorized wearing "for protection from military operations or commanding such acts to be done" is criminalized as a specific criminal offense under Article 385 of the Criminal Code of the Republic of Serbia. The basic form of the criminal offense is punishable by imprisonment for up to three years, while a more severe form is punishable by a sentence ranging from six months to five years. An aggravating circumstance that makes the offense more serious is when it is committed in a war operations zone. Although the Code does not explicitly address the question of which use of the emblem is being referred to and under what conditions, the prevailing understanding is that it concerns the protective use of the emblem in situations of armed conflict.[56]

As previously mentioned, Serbian law grants exclusive rights to the Red Cross of Serbia for the use of the Red Cross name and outlines the legal framework for the use of the emblem. Implicitly, this creates a legal basis within the national legal order for further regulation by the Red Cross of Serbia's acts, primarily its Statute.

The existing legislative framework for the protection of the red cross and red crescent emblem, as encapsulated in the Law falls short of providing an adequate foundation for Serbia to fulfill its international legal obligations. A notable issue, though not the only one, is that the law was enacted in the 1990s, a period marked by a vastly different political, legal, economic, and technical context both nationally and internationally. These changes have led to persistent and emerging challenges in the use and protection of the emblem, particularly in its protective and indicative functions.

Regarding the emblem's protective function, the law significantly deviates from its material scope of application. The Geneva Conventions and their Additional Protocols safeguard the emblem's protective function solely during armed conflict. In contrast, Serbian law extends this protection to periods of imminent threat of war and states of emergency, leading to a blurred distinction between the emblem's protective and indicative functions.

Moreover, the law addresses only the protection of the red cross emblem, omitting other protective symbols recognized in international humanitarian law, such as the red crystal, which Serbia has acknowledged by ratifying Additional Protocol III.

In terms of personal scope, the law includes the protection of military chaplains, as generally guaranteed by the Geneva Conventions. However, it fails to differentiate between various categories of individuals, units, and transport, specifically regarding the conditions under which they are permitted to bear the protective emblem. Crucially, the law does not identify the competent authorities responsible for its enforcement, which is essential

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56   See Stojanovic, Z. (2020). *Commentary on the Criminal Code* (10th amended ed.), p. 1141.

for the effective application of provisions concerning both protective and indicative functions.

In the context of the emblem's indicative function, there are elements within the current law that necessitate significant refinement. The law fails to facilitate the implementation of regulations derived from the resolutions of the International Conferences of the Red Cross and Red Crescent. These resolutions are binding on member states and are crucial for the appropriate use and protection of the emblem. Moreover, the law lacks clear provisions authorizing the indicative use of the emblem by the ICRC and the International Federation of Red Cross and Red Crescent Societies. Additionally, the procedure by which the national society may grant third parties the right to use the emblem for indicative purposes is not aligned with the stringent criteria outlined in Geneva law.

The enforcement mechanism is also problematic, in part due to the absence of a designated state administrative body responsible for oversight, as well as a lack of defined mechanisms for such monitoring within the law. There is an unresolved issue regarding the compatibility of the law's criminal provisions with Article 385 of the Criminal Code of the Republic of Serbia.

It is important to acknowledge that these identified shortcomings in the law cannot be remedied simply by the direct application of the Geneva Conventions and their Additional Protocols. This is because not all pertinent norms of Geneva law are sufficiently clear, precise, and unconditional, nor do they operate without the necessity for state implementation measures.

CONCLUSION

According to the Upsala Conflict Data Program, 2022 year was the deadliest since the Ruanda Genocide in 1994 with 237 000 fatalities. [57] The increased number of conflicts reached number 55 and it is expected to be even higher in 2023 and 2024. The same goes for the number of victims. However, the consequences of armed conflict are not limited to the territories and population of warring parties. They are felt far beyond the zone of military operations and produce harmful effects on a larger scale. Against that background, the protective capacities of IHL offer an indispensable tool to minimize the harm caused by armed conflict. To ensure that, national implementing measures are needed. The role of the state in that respect is crucial.

Serbian officials have repeatedly acknowledged that genuine respect for IHL is critical for safeguarding and advancing national interests. In this article, we identified some shortcomings or gray zones and gave some

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[57]   See "Uppsala Conflict Data Program," *UCDP*, Available from: https://ucdp.uu.se/year/2022, (Accessed 23 April 2024).

recommendations that would support the endeavors of the Republic of Serbia to meet its obligation under IHL.

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The Legal Nature of Agreements Concluded During Belgrade-Priština Negotiations: Pursuing National Interests Through International Law Mechanisms***

ABSTRACT

Serbia's national interest, particularly concerning Kosovo, is shaped by political context and actors' beliefs, publicly insisting on the territorial integrity and opposing Kosovo's independence. Serbia employs various strategies, including international law mechanisms, to pursue its interests without recognition of Kosovo. Specifically, it engages in agreements aimed at normalizing relations, deliberately focusing on political agreements rather than treaties to avoid recognition of Kosovo. Our analysis indicates that none of the agreements establish legal obligations under international law. While they may have implications in the EU accession process, they do not entail recognition of Kosovo by Serbia. Therefore, Serbia's commitment to these agreements does not constitute a legally binding act regarding recognition under international law.

KEYWORDS: *Serbia, Kosovo, political agreements, treaty, recognition, international law*

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INTRODUCTION

The President of the Republic of Serbia started his latest speech before the UN Security Council with a reminder that the 19th of April 2024 was the 11th anniversary of the signing of "the most important agreement"[1] in the process of negotiations between Belgrade and Priština[2] regarding the "normalization of their relations".[3] After the Brussels Agreement,[4] Serbia and Kosovo were involved in two more complex processes that resulted in adopting the Washington[5] and the Brussles-Ohrid Agreements.[6]

Negotiations about the adoption of these agreements and their implementation, or the absence thereof, sparked fierce debates in Serbia about their legal nature and their complementarity with the identified and publicly stated national interests of Serbia. In this context, a question arose whether acceptance of these agreements implied recognition of Kosovo by Serbia.

Our main goal in this paper is to critically assess how Serbia's political leadership used or avoided the use of the mechanisms of international law to protect the national interests of Serbia, as perceived by them. More concretely, the main object of our research is the legal nature of these agreements and their role in the alleged contribution to Serbia's recognition of Kosovo in the broader context of the proclaimed national interests of Serbia.

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[1] *The speech of the President of Serbia before the UN Security Council on April 22nd 2024*, available at: https://www.instagram.com/reel/C6FFpiBstqh/. (Accessed April 21st 2024)

[2] Disagreement regarding the legal status of Kosovo is illustrated by the battle about its name: Kosovo, Kosova or Kosovo and Metohija (the official name of Kosovo in Serbia's Constitution). See, for example the debate on the use of this term on the website of Kossev online portal available at: https://kossev.info/nomen-est-omen/ (Accessed April 21st 2024). We are using the term "Kosovo" throughout the paper for the stake of the convenience, not to suggest its legal status.

[3] The term "normalization of relations" is another example of the use of constructive ambiguity in the negotiations between Serbia's and Kosovo's authorities.

[4] First Agreement of Principles Governing the Normalization of Relations, Available from: https://www.srbija.gov.rs/specijal/en/120394, (Accessed April 21st 2024)

[5] Agreement on normalisation of economic relations, available from from: https://normalizacija.rs/wp-content/uploads/2021/04/Fotografije-originalnog-dokumenta-Srbija.pdf and https://normalizacija.rs/wp-content/uploads/2021/04/Fotografije-oruginalnog-dokumenta-Kosovo.pdf, (Accessed April 21st 2024)

[6] Agreement on the path to normalisation between Kosovo and Serbia and Implementation Annex to the Agreement, Available from: https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-agreement-path-normalisation-between-kosovo-and-serbia_en; https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-implementation-annex-agreement-path-normalisation-relations-between_en, (Accessed April 21st 2024)

Our main argument in this paper is twofold: firstly, the format of negotiations between Serbia's and Kosovo's authorities and the agreements in Brussels, Washington, and Ohrid are the direct consequence of the manner in which the political leadership in Serbia perceived complex nature of Serbia's national interests; at the same time, these agreements are not legally binding treaties between Serbia and Kosovo in the sense of international law, and, therefore, they cannot, by themself, represent the recognition of Kosovo. Therefore, by using the political agreements instead of international treaties political leadership in Serbia strived not to recognize Kosovo as an independent state, but at the same time to accomplish other national interests which include the protection of the Serbian population in Kosovo, economic well-being, and EU membership.

Having in mind the complexity of the subject, it is important to stress the limitations of this paper. Namely, we are dealing exclusively with the issue of whether the above-mentioned agreements, *by themselves*, imply recognition of Kosovo by Serbia. We are not dealing with the issue of whether certain acts in the course of the implementation of those agreements can be interpreted as the recognition of Kosovo.[7] In addition, we are not critically assessing the success or the failure of Serbia's (foreign) policy regarding Kosovo. This is important to grasp since it could be possible to argue simultaneously that Serbia didn't recognize Kosovo as an independent state by accepting political agreements in the process of normalization of their relations and that Serbia's politics regarding the legal status of Kosovo is a failure compared to the publicly proclaimed national interest of preservation of the territorial integrity. However, the latter statement is based on a political assessment which is beyond the scope of this paper.

The structure of the paper is the following: after the introduction, we deal with the concepts of national interests of Serbia and the recognition in international law; in section 3 we present the theoretical framework regarding the concept of treaty in international law; section 4 is dedicated to the implementation of our previous conclusions from sections 2 and 3 to the issue of the agreements in Brussels, Washington, and Brussels-Ohrid; concluding remarks are at the end of the paper.

THE NATIONAL INTERESTS OF SERBIA AND THE LEGAL STATUS OF KOSOVO

The Concept of National Interest

Some authors rightly claim that "despite its central place in foreign policy discourse, national interest is arguably one of the most inexplicable and

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[7]   Political agreements can be implemented, as well as treaties can be violated.

controversial concepts in the science of international relations".[8] It is, therefore, necessary to explain how we understand the concept of national interest in this study. We are not in line with the realist standpoint underlined by H. Morgenthau who argues that national interest is not "defined by the whim of a man or the partisanship of party, but imposes itself as an objective datum upon all men applying their rational faculties to the conduct of foreign policy"[9] and "a fact to be discovered rather than a matter of contingent and constructed preferences".[10] It is not easy to grasp the substance of national interest if one defines it like Morgenthau. It seems that most constructivists are right when they insist that even Morgenthau made an important amendment to his statement on the concept of national interest by stating that national interest is also determined by the political and cultural context in which foreign policy is formulated.[11] Constructivists claim that shared ideas, beliefs, and values significantly influence social and political action.[12] These factors shape social identities of political actors and, in turn, the interests they express. Interests and identities are constantly being molded and remolded through socialization. National identity, and therefore national interests, do change over time.[13]

But, even if one agrees with realists, including Morgenthau, that there exists the essence of the concept of national interest that is not contingent and constructed (for example survival of the state or four national interests mentioned by Alexander Wendt – survival, autonomy, economic well-being, and collective self-esteem[14]) it is extremely difficult to operationalize it in concrete foreign policy goals and decisions. The goals of state survival or increase of state power tell us next to nothing about *how* to accomplish them in the extremely complex international arena. In addition, there are usually several national interests, and their accomplishment could be mutually opposed so policy decision-makers need to choose the ways to

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8   Vesna Danilović, "National Interests", in: M. Griffits, *Encyclopedia of International Relations and Global Politics*, Routledge, 2011.

9   Hans J. Morgenthau, "Comment", *The New Republic*, 1977. On the analysis of realist theory of national interest see, for example: Dragan Živojinović, „Razumevanje pojma nacionalni interes u realističkim teorijama", in: Dejan Jović, *Teorije međunarodnih odnosa: realizam*, Politička kultura, 2013.

10   *Ibidem.*

11   For constructivism and the concept of national interest see: Scott Burchill, *The National Interest in in International Relations Theory*, Palgrave MacMillan, 2005, pp. 185–206.

12   *Ibidem*, p. 195.

13   *Ibidem.*

14   Alexander Wendt, *Social Theory of International Politics*, Cambridge University Press, 1999, p. 199.

accommodate them. Therefore, some authors even try to make a hierarchy between competing national interests making the classification of vital, very important, and important national interests.[15]

Having all this in mind, we cocnlude that even if one insists on the objective essence of the concept of national interest, there is a huge space for key foreign policy decision-makers to operationalize it in line with their particular interest or their subjective perception of collective interest. Of course, these decision-makers usually present their choices as "objective" national interests in order to legitimize them.

Identification of National Interests of Serbia Regarding the Legal Status of Kosovo

Not with standing certain controversies regarding the issue of identification and operationalization of the concept of national interests, there is a consensus that territorial integrity of the state is one of state's national interests (sometimes perceived as part of the ultimate interest of the survival of the state, even though the state could survive in the case of partial lost of the territory).

The 2019 Strategy of National Security of the Republic of Serbia is "the highest strategic document" of the country that defines the "national values and interests of the Republic of Serbia".[16] The Strategy starts with the identification of the following national interests: "*preservation of sovereignty, independence, and territorial integrity*; preservation of internal stability and security; preserving the existence and protection of the Serbian people wherever they live, as well as national minorities and their cultural, religious and historical identity; preservation of peace and stability in the region and the world; European integration and membership in the European Union; economic development and overall prosperity and preservation of the environment and resources of the Republic of Serbia".[17] But, even more strongly and directly the Strategy underlines that "preservation of sovereignty, independence, and territorial integrity is *a condition for the survival* of the Republic of Serbia as a state"[18] and that "the attempt to secede the territory of the Autonomous Province of Kosovo and Metohija threatens the national interests of the Republic of Serbia".[19]

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[15] R. J. Art, *A Grand Strategy from America*, Cornell University Press, 2003, p. 46. Quoted from: Dragan Živojinović, op. cit.

[16] *Strategija nacionalne bezbednosti Republike Srbije*, p. 30. Available at: http://www. parlament.gov.rs/upload/archive/files/lat/pdf/akta_procedura/2019/2206-19%20 -%20Lat..pdf. (Accessed April 21st 2024)

[17] *Ibidem*. p. 12.

[18] *Ibidem*, p. 6.

[19] *Ibidem*.

Strategic documents usually do not provide details on concrete steps for implementing national interests. The Strategy of Serbia is not an exemption, but it does mention that Serbia is

> "determined to protect its interests... *through dialogue*. Acting in accordance with Resolution 1244 of the United Nations Security Council and the basic norms of international law, it will continue to protect its sovereignty and territorial integrity, using all available diplomatic and legal means. *The Republic of Serbia will not recognize the unilaterally proclaimed independence of its southern province*, but ... it will continue the dialogue with the temporary institutions of self-government in Pristina with the mediation of the European Union until a long-term sustainable and mutually acceptable agreement is reached. ... Active work in international organizations and bilateral cooperation *will aim to prevent the membership and affirmation of the unilaterally declared independence of the territory administratively included by the Autonomous Province of Kosovo and Metohija in international organizations, especially within the United Nations system*".[20]

The position that preservation of the Kosovo should be achieved through the dialogue with Priština institutions, but without Kosovo's recognition and its membership in the United Nations is confirmed in statements of the highest political leadership of Serbia including the President of the Republic of Serbia, Aleksandar Vučić, as arguably the most powerful politician in Serbia.[21]

The Strategy, however, stipulates at the same time that "national security policy is implemented by undertaking comprehensive and *coordinated measures in various areas of social life*".[22] As previously mentioned, the Strategy mentions not only the territorial integrity of Serbia as a national interest but also some other interests such as economic well-being and EU membership.[23] In addition, the legal and political position of Serbs in Kosovo is also mentioned in the Strategy. This confirms our previous conclusion that there are many and not a single national interest and that they need mutual accommodation. Having in mind that the economic well-being, EU membership, and security of Serbs in Kosovo depend on Serbia's relations with Western countries[24] (at least in the short and medium term), the decision has been made to continue the dialogue with Priština authorities under the EU mediation with the goal of

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[20]   *Ibidem*, p. 13. (emphasis added)

[21]   See, for example: https://www.slobodnaevropa.org/a/vucic-skupstina-kosovo-dijalog/32031220.html (Accessed April 21st 2024).

[22]   *Strategija nacionalne bezbednosti*, op. cit. p. 12.

[23]   *Strategija za pristupanje SCG EU*, Available at: https://www.mei.gov.rs/upload/documents/nacionalna_dokumenta/nacionalna_strategija_srbije_za_pristupanje_ccg_eu.pdf. (Accessed April 21st 2024)

[24]   For economic development see, for example: https://europa.rs/trade/?lang=en.

"normalization of relations" between Kosovo and Serbia. In practice, this has meant that certain agreements should be made in this process of negotiations with Priština authorities, but without recognition of Kosovo by Serbia and without Kosovo's UN membership[25] since that would mean the end of the legal and political battle regarding Kosovo's statehood.[26] This "formula" for the accomplishment of different, albeit mutually dependent national interests was established long ago, and it has survived till today.

Recognition of States and the Conclusion of Agreements

As previously stated, the main political and legal position of Serbia concerning the protection of its national interests regarding Kosovo included negotiations and "normalization of relations" through agreements, but without recognition of Kosovo's independence and its UN membership. To fulfill the national interest formulated in this way, Serbia needed to act carefully in order not to recognize Kosovo explicitly. Of course, the state will not accidentally recognize some entity as a state, but as will be shown in this section, the recognition of states could be an implicit one.

Recognition of states[27] compromises two main elements: cognizance and acceptance.[28] That means that "in the first instance, the granter of recognition takes cognizance of the fact that a new state has come into existence", but "when State A recognizes State B, it does not only take note of the fact that B is actually state, but also *accepts* to treat is as such".[29] There are various types of recognitions of states even though throughout history, recognition has usually taken the form of formal declaration issued by an existing state to a

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[25] In Political platform for dialogue with the representatives of the Provisional Institutions of Self-Government in Priština that the Government of the Republic of Serbia adopted as well as in the Resolution of the National Assembly of the Republic of Serbia on basic principles for political dialogue with the Provisional Institutions of Self-Government in Kosovo and Metohija that was adopted in January 2013 (Official Gazette, 04/2013) it is proclaimed that "The Republic of Serbia, in accordance with international law, Constitution and the will of its citizens, does not recognize and will never recognize the unilaterally proclaimed independence of Kosovo" (1 (a)). The following parts of the Article 1 enumerate other principles that are in accordance with the proclaimed national interests later defined in the 2019 Strategy.

[26] In the cases of the contested statehood in international relations, the UN membership is usually seen as the "birth certificate" of the statehood.

[27] There are various recognitions in interational law, but having in mind the topic of this paper, we are focused here on the recognition of states.

[28] See, for example: Pavle Kilibarda, *Recognition of States in International Law*, PhD Disseration, University of Geneva, 2023, p. 16.

[29] Ibid, pp. 18–19. Similar to that Gleider Hernandez, *International Law*, Oxford University Press, 2019, p. 119.

new one.[30] Recognition, however, could be also *implicit* if it may be deduced from conclusive facts that precondition the acceptance of a legal situation: "Even though States may, and do, engage with certain entities without recognizing them as States... certain acts, conduct, and statements may imply that the statehood of said entity has indeed been accepted even in the absence of an act expressly stipulating recognition".[31]

One of the ways to implicitly recognize the entity as a state is to conclude a bilateral legally binding treaty with it. Nevertheless, it is important to stress that the fact of concluding a treaty is not *by itself*, undisputable proof of recognition of states since "States may negotiate and accept as legally binding a bilateral treaty with an entity whose statehood they deny. Such relations cannot be understood as implied recognition *unless the desire to recognize is made apparent by the relevant party*".[32] Moreover, between State A which does not recognize entity B, and entity B, there can exist an understanding of the need for the regulation of their relations beyond recognition.[33] In such case, State A and entity B will opt for the conclusion of the so-called political agreements which are not legally binding.

It is, therefore, obvious that the answer to the issue of whether agreements between states and previously non-recognized entities imply recognition must be based on a case-by-case analysis. This analysis must be based on the concrete terms of the particular agreement and the assessment of its legal nature. If a State A claims that making an agreement with an entity B *does not mean* its recognition, there must be conclusive evidence in the terms of the agreement to claim contrary to that statement.

INTERNATIONAL TREATIES AND POLITICAL AGREEMENTS

The Concept of International Treaty in International Law

The starting point of this part of the analysis is the definition of international treaty from Viena Convention on the law of treaties (VCLT) Article 2 (1) (a) which defines the treaty as: an international agreement concluded between States in written form and governed by international law, whether embodied

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[30]   P. Kilibarda, *Recognition of States in International Law*, op. cit., p. 25.

[31]   *Ibidem*, p. 33.

[32]   *Ibidem*, p. 37. (emphasis added)

[33]   Enicco Canizzaro, *The Law of Treaties Beyond the Vienna Convention*, Oxford University Press, 2011, p. 3.

in a single instrument or in two or more related instruments and whatever its particular designation.[34]

This definition contains several elements, some of which are essential (international agreement, concluded between states in written form and governed by international law) while others are not (the form and the name of the document). Another essential element, while not explicit in the definition is a *sine qua non* for the existence of the treaty – the intent of the parties to create legal rights and obligations and to establish relations governed by international law.

The intent, as the essential treaty element is subsumed under the wording "governed by international law".[35] *Travaux préparatoires* of the VCLT testify to that; International Law Commission was of stance that the phrase "governed by international law" embraces the intent relating thereto.[36] Scholars' views support the finding. Villiger explains that "the requirement that an agreement is governed by international law embraces the intention of the parties to create international legal obligations rather than non-legally binding statements of policy".[37]

While there is understanding that the intent of the parties is the decisive element of the treaty,[38] there is no consensus on how to determine whether the intent is present. Authors provide different indicators, none of them being without limitations. Aust points out to terminology of the treaty including the express provisions as to the status of the instrument as the relevant

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[34] While the VCLT is applicable to treaties between state, the definition of the treaty is of customary nature, therefore it is adequate to be used in this paper. See ICJ, Maritime Delimitation in the Indian Ocean (Somalia v Kenya), *Judgment*, ICJ Reports 2017, p. 21; ICJ, Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea intervening), *Judgment ICJ Reports 2002*, p. 429, para. 263.

[35] See the position of Philippe Gautier that this element also means the distinction "between treaties governed by international law and contracts concluded between States under municipal law". Philippe Gautier, "Article 2. 1969 Vienna Convention" in: O. Corten, P. Klein (eds.), *The Vienna Conventions on the Law of Treaties: A Commentary*, OUP, 2011, p. 40–43.

[36] Kirsten Schmalenbach, 'Article 2' in: Oliver Dörr, Kirsten Schmalenach (eds.), *Vienna Convention on the Law of Treaties*, A Commentary, Springer, 2012, para. 2; Duncan Hollis, "Defining Treaties" in: Duncan Hollis (ed), *The Oxford Guide to Treaties*, OUP, 2020, p. 26.

[37] Mark E. Villiger, *Commentary on the 1969 Vienna Convention on the Law of Treaties*, Martinus Nijhoff Publishers, 2009, Article 2, para 19 (Footnote omitted); Anthony Aust, M*odern Treaty Law and Practice*, CUP, 2012, p. 48; Duncan Hollis, "Defining Treaties", op. cit., p. 26; Philippe Gautier, "Non-binding Agreements", *Max Planck Encyclopedias of International Law*, 2022, para. 16.

[38] Klabbers believes that the intent is important but cannot always be decisive. Jan Klabbers, *The Concept of Treaty in International Law*, Kluwer Law International, 1998, Chapter III.

indicators. As a subsidiary indicator, he lists the "evidence of the practice of the States, the circumstances in which the instrument was drawn up, and the subsequent acts of the States, such as registration or non-registration."[39] Aust explains that the content of the document is not a relevant indicator of the intent because the same subject matter can be regulated both in instruments clearly regarded as treaties, and in those which are not.[40] Klabbers rejects the practical relevance of indicators of the intent that are usually relied upon: expression of consent to the bound; entry into force; inclusion of compulsory judicial settlement of disputes; international registration and publication; consideration (*quid pro quo*) and surrounding statements.[41]

The matter of parties' intent is not resolved in the practice of international judicial institutions either. The current judicial practice is not completely coherent, both in the ambit of a single judicial institution and when comparing across different institutions.[42] The initial formula regarding indicators for the establishment of intent of the parties is found in the International Court of Justice 1977 Aegean Sea (Greece v Turkey) case.[43] The Court stated that in order to determine the legal nature of a document in question it "must have regard above all to its actual terms and to particular circumstances in which it was drawn up".[44] This dictum has been invoked in subsequent ICJ cases,[45] as well as in other judicial institutions.[46] However, the way it was applied and

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[39] He does admit that registration is of limited use as non-registration does not necessarily mean that the document is not a treaty and the lack of protest of the parties upon registration does not necessarily mean that the document is a treaty. See: Anthony Aust, op. cit., p. 29.

[40] Anthony Aust, op. cit., pp. 27–28.

[41] To the extent the states have the choice between binding and non-binding agreement and to the extent the intent is a relevant factor in the treaty formation, Klabbers explains that the surrounding statements of the parties are relevant if they are timely and issued jointly by the parties and if they are not statements that recognize obligations. See: Jan Klabbers, op. cit., p. 88.

[42] Malgrosia Fitzmaurice, "Concept of a Treaty in Decisions of International Courts and Tribunals", *International Community Law Review*, vol. 20, pp. 137–168; Philippe Gautier, "Non-binding Agreements", op. cit., esp. paras. 11-15.

[43] ICJ, *Aegean Sea Continental Shelf* (*Greece v Turkey*), Judgment, ICJ Reports 1978, p. 3.

[44] *Ibidem*, para. 96.

[45] ICJ, *Maritime Delimitation and Territorial Questions between Qatar and Bahrain* (*Qatar v Bahrain*), Judgment, Jurisdiction und Admissibility, Judgment, ICJ Reports 1994, p. 112; ICJ, *Land and Maritime Boundary between Cameroon and Nigeria Case* (*Cameroon v Nigeria*), Judgment, ICJ Reports 1998, p. 275; ICJ, *Maritime Delimitation in the Indian Ocean* (*Somalia v Kenya*), Preliminary Objections, Judgment, ICJ Reports 2017, p. 3.

[46] ITLOS, *Delimitation of the Maritime Boundary between Bangladesh and Myanmar in the Bay of Bengal* (*Bangladesh v Myanmar*), Judgement, ITLOS Reports 2012, p. 4; Arbitral Tribunal, *The South China Sea Arbitration* (*The Republic of Philippines v. The*

interpreted in every particular case resulted in varied outcomes. Moreover, the stated principle is not devoid of ambiguities. One issue regards the indistinct relation between the terms and circumstances; the other regards the question of which circumstances are to be taken into consideration in assessing the intent of the parties.

The practice of ICJ tends to prioritize the terms of the document over the circumstances. Other courts were more inclined to rely on circumstances. International Tribunal for the Law of the Sea (ITLOS) in the Bangladesh v Myanmar case analyzed the intention of Myanmar as part of the circumstances.[47] Arbitral Tribunal in South China Sea Arbitration (Republic of the Philippines v People's Republic of China) added the element of "subsequent conduct of the parties" as relevant in determining the nature of the document. This subsequent conduct of the parties included relevant behavior of parties regarding the treaty (registration and publication) (analysed but disregarded by ICJ in Quatar v Bahrein (see para. 29 of the Judgment) and this is in accordance with Aust's position presented previously), and it also included subjective stances of the parties, citing the statements of party officials (matching Klabbers's surrounding statements).[48]

Various positions in literature and in judicial practice can be summarized under two approaches regarding the establishment of the intent: the objective and subjective approach.[49] The objective approach, epitomized in the ICJ Quatar v Bahrein case, insists on terms of the treaty as the primary indicator and circumstances (in narrower sense) as the secondary one. The subjective approach considers on equal footing the terms and circumstances. Circumstances are understood in a broader sense which includes both parties' behavior regarding the treaty and their subjective positions regarding the intent. This approach is epitomized by the ITLOS and the Arbitral Tribunal.

In practice it is important to establish whether the intent to create legal obligations is present, as only such intent leads to creation of international treaty. However, there may be cases in which parties do express intent to regulate their relations in international setting but not in a legal framework;

People's Republic of China), Award on Jurisdiction and Admissibility, 2015, PCA case no 2013–19.

[47] "The Tribunal notes that the circumstances in which the 1974 Agreed Minutes were adopted do not suggest that they were intended to create legal obligations or embodied commitments of a binding nature. From the beginning of the discussions Myanmar made it clear that it did not intend to enter into a separate agreement on the delimitation of territorial sea and that it wanted a comprehensive agreement covering the territorial sea, the exclusive economic zone and the continental shelf". See ITLOS, op. cit., para 93 and 94.

[48] "The Tribunal also observes that in recent years, at least before the arbitration commenced, several Chinese officials described the DOC as a 'political' document." See Arbitral Tribunal, op. cit., para 218.

[49] Hollis makes the similar dichotomy. See: Duncan Hollis, op. cit., p. 27.

the parties rather establish commitments pertaining to other normative systems – political or moral.[50] This is not a rare occurrence and it gives rise to the pressing need to discuss in more detail the nature of non-legally binding agreements or political agreements.[51]

The Concept of Political Agreement in International Law

According to Bradley, Goldsmith, and Hathaway: "A nonbinding international agreement *is* an agreement between nations that is *not* governed by international law."[52] This definition is juxtaposed to the VCTL definition of a treaty, whereby the *diferentia specifica* of the political agreement in regards to international treaty is the lack of the intent to create international legal obligations, expressed in the terms "not governed by international law".[53]

While it is hard to attach any legal effect to political agreements, as their definition is based on the rejection of normativity in legal terms and the lack of intention of the parties to produce legal effects, they "are not indifferent in legal terms ... their political function resembles that of treaties: non-treaty agreements, too, provide the parties to international arrangements with the power 'to justify and persuade'."[54] Political agreements are "aimed at influencing future behavior, but are deliberately left outside the realm of law."[55] Political agreements resemble treaties – they "involve mutuality and a shared expectation of commitment"[56] and can create indirect legal commitments.[57] However, they do not create direct legal obligations and no

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[50] Jan Klabbers, op. cit., p. 19: "The parties to those instruments did intend to become bound, but did not intend to become bound as a matter of law. Instead, they desired to become bound in a normative order other than law, the orders most often mentioned being 'polities' and 'morality'"; Duncan Hollis, op. cit., p. 35.

[51] Curtis Bradley, Jack Goldsmith, Oona Hathaway, "The Rise of Nonbinding International Agreements: An Empirical, Comparative, and Normative Analysis", *The University of Chicago Law Review*, Vol. 90, No. 5, p. 1283. In literature they are also termed: memoranda of understanding (MoU), de facto agreements, non-legal agreements. See: Philippe Gautier, "Non-binding Agreements", op. cit., para. 1.

[52] Curtis Bradley, Jack Goldsmith, Oona Hathaway, "The Rise of Nonbinding International Agreements: An Empirical, Comparative, and Normative Analysis", op. cit., p. 1290. (first emphasis added)

[53] Political commitments "are most often differentiated from treaties based on the authors' intentions" (Duncan Hollis, op. cit., p. 35).

[54] Hartmut Hillgenberg, "A Fresh Look at Soft Law", *European Journal of International Law*, Vol. 10, No. 3, p. 515.

[55] Jan Klabbers, op. cit., p. 19.

[56] Duncan Hollis, op. cit., p. 35.

[57] If they relate to an international agreement they can act as interpretations, clarification or expansion of binding obligations; they can act as the precursor of

legal consequences ensue from their breach – *pacta sunt servanda* principle is not applicable[58] and no legal responsibility or legal remedies for violations are available.[59]

Another matter of importance in practice is the (legal) significance of political agreements in international relations. In general terms Klabbers notes that states will opt for less formal agreements in order to retain flexibility in dealing with each other.[60] Zimmermann and Jauer conclude that "states use legally non-binding agreements as a means of avoiding international legal obligations."[61] The decision to use political agreement instead of a legal treaty in the words of Raustiala is a distinction between the use of law and the avoidance of law.[62] This avoidance is purposive and indicative.[63] Hillgenberg explains that "non-treaty agreements are not regarded by states as substitutes for treaties, but as an independent tool which can be used to regulate their behavior in cases where, for various reasons, a treaty is not an option."[64] Therefore, the usage of political agreements does not come by chance – states and entities intentionally choose to regulate their relations in such terms. Therefore, the intent to create legal obligations should only be presumed in exceptional circumstances.

In a more concrete case of two entities of which one does not recognize the other, the usage of political agreements is both legally and politically relevant.[65] In legal terms the non-recognizing party is certain that it will not

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the binding agreement or be incorporated in the agreement or they can influence the development of customary international law; Curtis Bradley, Jack Goldsmith, Oona Hathaway, "The Rise of Nonbinding International Agreements: An Empirical, Comparative, and Normative Analysis", op. cit., p. 1290–1291.

[58] Hartmut Hillgenberg, "A Fresh Look at Soft Law", op. cit., p. 515.

[59] Anthony Aust, op. cit., p. 807: " ... a State cannot take the matter to any international court or tribunal or impose the counter-measures it might be entitled to take in the case of breach of a treaty." It is relevant to note that it is not always the case that binding treaties contain a possibility for the judicial settlement of disputes, therefore blurring the difference between political agreements and treaties even more.

[60] Jan Klabbers, op. cit., p. 27.

[61] Andreas Zimmermann, Nora Jauer, "Possible indirect legal effects under international law of non-legally binding documents", op. cit., p. 7.

[62] Kal Raustiala, "Form and Substance in International Agreements", op. cit., 586.

[63] Curtis Bradley, Jack Goldsmith, Oona Hathaway, "The Rise of Nonbinding International Agreements: An Empirical, Comparative, and Normative Analysis", op. cit., p. 1309: "The key point is that negotiators often perceive that there are advantages to making an agreement nonbinding rather than binding."

[64] Hartmut Hillgenberg, "A Fresh Look at Soft Law", op. cit., p. 515.

[65] This situation is recognized in the literature; Hillgenberg explains that "agreements can be made with parties that other parties to the agreement are not willing to recognize." *Ibidem.*

recognize the other party, as the agreement is not a legally binding one. In political terms there exist a practical need to regulate relations between the entities beyond the recognition.[66] According to Meyer, "the availability of informal obligations allows States to coordinate their behaviour in a range of circumstances in which they otherwise would not."[67]. This is especially evident in case of two non-recognizing entities. Moreover, the issue of (non) recognition is a "sensitive issue" which actually advocates against readily presumption in favor of the existence of a legally binding agreement.[68]

POLITICAL AGREEMENTS CONCLUDED DURING BELGRADE – PRIŠTINA NEGOTIATIONS

After presenting the theoretical framework we analyze what are the effects of the agreements reached between Belgrade and Priština on the national interest of Serbia regarding Kosovo defined as the endeavor to normalize relations between the two without the recognition of Kosovo. The agreements that we analyze are 2013 Brussels agreements, 2020 Washington agreement and 2023 Brussels-Ohrid agreement. We assess whether these agreements are treaties in the sense of international law, having in mind that the explicit and implicit recognition ensues only from a bilateral agreement that is legally binding. We also assess whether Serbia undertook acts proceeding from the agreements that may contain implicit recognition.

Brussels agreement

Negotiations between Belgrade and Priština under the EU facilitation started in 2011. The first agreements that were reached regarded the so-called technical issues. The elevation of negotiations to a higher level happened in 2013 and in April 2013 Prime Minister of Serbia and Kosovo agreed upon First

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[66] Hollis developed an encompassing approach to assessment of legal nature of the document which transcends the assessment of international commitments in terms of legalization only. He breaks down the analysis of international commitment to three axes of inquiry: obligation, precision, delegation (Duncan Hollis, op. cit., p. 17). Based on such assessment he concludes "that the treaty may not be an optimal (let alone essential) vehicle for achieving international cooperation and coordination."

[67] Timothy Meyer, "Alternatives to Treaty-Making – Informal Agreements" in: Duncan Hollis (ed), *The Oxford Guide to Treaties*, OUP, 2020, p. 73.

[68] ICJ, *Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea* (*Nicaragua v Honduras*), Judgment, ICJ Reports 2007, p. 659, at p. 735, para. 253; ITLOS, op. cit., para. 95. In these cases the sensitive issue regarded delimitation of maritime areas and setting of the boundaries.

Agreement of Principles Governing the Normalization of Relations.[69] The agreement contains 15 points which mainly regard the integration of four municipalities in Northern Kosovo in the Kosovo legal framework (especially their judicial and police authorities) and the establishment of Association of Serb majority municipalities in Kosovo.

Prime Minister of Serbia Ivica Dačić stated that he only initialed the text upon which two parties are yet to decide in the future, while the Prime Minister of Kosovo Hashim Thaci stated that this is the first historical agreement between two states and that is represents recognition of Kosovo by Serbia.[70] These deeply opposed stances throw a shadow on the legal nature of the Brussels agreement.

Legal nature of this agreement was contested from the outset in Serbia. Soon after the agreement was reached 25 Members of National Parliament initiated proceeding before the Constitutional Court of the Republic of Serbia in order to assess its constitutionality and legality. Constitutional Court rejected the case due to the lack of jurisdiction which is based on the argument that the Brussels agreement is not a legal act for whose assessment the Court is competent. One part of the Court's argumentation was based on the conclusion that the Brussels agreement is not an international treaty because under the VCLT only states have the capacity to conclude treaties.[71] Therefore, the Court defined parties' capacity to conclude treaties as one of the essential elements of international treaty. Moreover, the Court equated the initialing of the Agreement with the authentication of the text of the agreement, therefore presenting it as but one stage in the process of the conclusion of treaty and not as the expression of the will to be bound by the treaty.[72] The Court also stressed out that the Agreement was not registered at the UN Secretary General. The final conclusion of the Court was that the Brussels agreement is a political *modus vivendi* containing political commitments of the soft law nature.[73] Our position is that the Constitutional

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[69]   *First Agreement of Principles Governing the Normalization of Relations*, Available from: https://www.srbija.gov.rs/specijal/en/120394, (Accessed April 21st 2024)

[70]   *Radio Free Europe*, Brisel: Beograd i Priština parafirali sporazum o severu Kosova, 2013, Available from: https://www.slobodnaevropa.org/a/eston-beograd-i-pristina-parafirali-sporazum-o-severu-kosova/24962174.html, (Accessed April 21st 2024)

[71]   Decision of the Constitution Court of Serbia Iyo-247/2013, Official Gazzete 13/15: "In relations to Serbia Kosovo and Metohija does not exist as a sovereign and independent state and in accordance with international and national law no legal relations can be established between a state and a non-recognized entity."

[72]   Authentication of the text of the treaty is regulated in Article 10 (b) of the VCLT.

[73]   There were dissenting opinions and different views in literature. For dissenting opinions see: Hereticeus, Vol. XIV, No. 1–2. For positions in the literature see: Vladimir Đerić, Tatjana Papić, "Међународноправни аспекти одлуке Уставног Суда

Court missed the opportunity to enlighten the role of the intent of the parties (especially Serbia) as the essential element of the treaty.[74]

Our contribution to assessing the nature of the Brussels agreement concerns the absence of the intent to create obligations under international law. This finding is based on application of both objective and subjective approaches to the identification of the intent, as presented in section 3.1. Upon examining the objective elements of the treaty (terms and circumstances – in a narrow sense), the intent appears to be lacking. Regarding its form, the Agreement lacks articles and contains only paragraphs; it also lacks usual parts of the treaty and provisions on entry into force. In terms of terminology there are no terms expressing the intent of the parties ("agreed", "decided"), but rather impersonal statements on the future facts ("there will be"). While both "will" and "shall" are used, the verb "will" is predominating. The subjective elements, reflected in circumstances in a broader sense, which include previously presented statements of the parties point out that at leat one side did not intend to be legally bound by the Agreement. We find this avoidance of the usage of legal mechanism as a deliberate action of the Republic of Serbia. The intentional avoidance coupled with the sensitivity of the issue at hand (possible recognition) support the view that the intent should not be attributed hastily.

All of these facts support the position that the Brussels agreement is a political agreement. In terms of the content the agreement contains deep commitments, necessitating significant changes in policies of both parties, yet falling short of formal recognition.[75]

Washington agreement

Following the stalemate in the EU-led negotiations between Serbia and Kosovo, the United States of America turned up as the relevant mediator between the parties. The US's mediation adopted an "economy fist" approach[76] leading to the signing of the "Economic Normalization Agreement" in Washington on September 4th, 2020. However, the document's content appears to be

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Srbije o ustavnosti i zakonitosti Briselskog sporazuma", *Anali Pravnog fakulteta u Beogradu*, no. 2, 2016, pp. 200–214.

[74]   The Court did discuss the lack of intent of Serbia to recognize Kosovo, but it remains a separate issue.

[75]   The assessment of the depth of the commitments is based on Kal Raustiala, "Form and Substance in International Agreements", *American Journal of International Law 99*, no. 3, p. 584–585. Deep commitments require states to make major changes in policy; shallow commitments codify what states are already doing or demand only minor changes in behavior.

[76]   See e.g. *Statement of the US Mission to OSCE*, 2020, Available from: https://www.osce.org/files/f/documents/8/9/464436.pdf, (Accessed April 21st 2024)

less focused on economic issues and less groundbreaking than initially proclaimed.[77] There are points which are identical to the ones already agreed within the framework of the EU negotiation process,[78] with the new but vague commitments only regarding the Mini-Shengen and Lake Gazivode/Ujmani. Document is focused on several geopolitical and geoeconomic points not strictly linked to Serbia-Kosovo relations[79] and prompted by the US internal needs.[80]

The procedure of signing is no less peculiar than its content. The Washington agreement(s) consists of two documents of 16 points signed separately by the President of Serbia Vučić[81] and the PM of Kosovo Hoti.[82] The documents are identical content-wise save for the last point which in case of Serbia deals with the move of the embassy of Serbia to Israel in Jerusalem and in case of Kosovo deals with its mutual recognition with Israel. POTUS Tramp signed the documents in which it congratulated Vučič and Hoti on their "bravery in making progress toward Serbia-Kosovo normalization".[83]

From the very outset these documents provided conflicting views of the participants regarding their legal nature. Vučić claimed that he signed bilateral agreement with the US, which did not contain recognition of Kosovo, a third

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[77] Papić posits that the agreement "in reality seems to be a mishmash of different issues important mostly to President Trump in his campaign for the US presidential election this coming November". Tatjana Papić, *On Hezbollah, Huawei, Homosexuality, Sharon Stone and a chainsaw – The Economic Normalization Agreement between Serbia and Kosovo*, EJIL:Talk blog, 2020, Available at: https://www.ejiltalk.org/on-hezbollah-huawei-homosexuality-sharon-stone-and-a-chainsaw-the-economic-normalization-agreement-between-serbia-and-kosovo/, (Accessed April 21ˢᵗ 2024)

[78] These issue include: Belgrade-Priština Highway; rail network; cooperation with the U.S. International Development Finance Corporation (DFC) and Exportimport Bank of the United States (EXIM); operationalization of the Merdare administrative crossing point; mutual recognition of the diplomas and professional certificates; missing persons.

[79] These issue include: diversification of Serbia's energy supply; prohibition of 5G by the untrusted vendors; combating illicit activities in air transport.

[80] These issue include: religious and LBGT freedoms, designation of Hezbolah as a terrorist organizationa, and parties relation towards Israel.

[81] See the text of the document signed by Serbia available from: https://normalizacija.rs/wp-content/uploads/2021/04/Fotografije-originalnog-dokumenta-Srbija.pdf, (Accessed April 21ˢᵗ 2024)

[82] See the text of the document signed by Kosovo available from: https://normalizacija.rs/wp-content/uploads/2021/04/Fotografije-oruginalnog-dokumenta-Kosovo.pdf, (Accessed April 21ˢᵗ 2024)

[83] Available from: https://balkans.liveuamap.com/en/2020/4-september-the-white-house-agreement-between-serbia-and (Accessed April 21ˢᵗ 2024)

party to the agreement.[84] US quickly denied that it signed the agreement with any of the parties.[85]

Certain legal scholars argued that the commitments made by Serbia and Kosovo are not truly bilateral but instead represent a form of a unilateral commitment, possibly even construing a unilateral legal act.[86] The limitations of this view are presented by Hrnjaz. If the unilateral acts are indeed exchanged between Serbia and Kosovo, it is questionable whether the president of Serbia can commit unilaterally to a part of its territory and whether Serbia would refer to an act by Kosovo that is termed as the unilateral legal act which is usually given by states. On the other hand, it is hardly imaginable that the parties committed towards international community, as the content is not telling on the matter.[87]

Other scholars do find bilateral nature of the agreement present and they categorize it as the political agreement.[88] Finally, there are authors who argue for the binding character of this bilateral agreement.[89] This theoretical

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[84]   Press statement, Available form: https://www.predsednik.rs/en/press-center/news/agreement-on-normalisation-of-economic-relations-signed-in-washington (Accessed April 21st 2024)

[85]   Press briefing from the Advisor to the President on Serbia-Kosovo Richard Grenel, available from: https://www.youtube.com/watch?v=T6U6QesI7zc&t=2681s, (Accessed April 21st 2024)

[86]   The position of Radivojević is available from: https://www.danas.rs/bbc-news-serbian/kratki-vodic-kroz-medjunarodno-pravo-ko-od-zvanicnika-i-sta-moze-da-potpise-u-ime-gradjana-srbije/; the position of Rakić Vodinelić is available from: https://pescanik.net/what-a-wonderful-world/; the position of Muharremi is available from: https://www.asil.org/insights/volume/25/issue/4/washington-agreement-between-kosovo-and-serbia#_edn9, (Accessed April 21st 2024). For the position of Hajdari see Ismet Hajdari, "Washington Agreement is (not) an Internationally Binding Bilateral Treaty", *European Perspectives – International Scientific Journal on European Perspectives*, Vol. 12, No. 2; pp. 66, 68.

[87]   Miloš Hrnjaz, "Ne-sporazum ili zašto je za sporazum potrebno (bar) dvoje", *Kossev*, 2020, available from: https://kossev.info/ne-sporazum-ili-zasto-je-za-sporazum-potrebno-bar-dvoje/, (Accessed April 21st 2024)

[88]   Tatjana Papić, *On Hezbollah, Huawei, Homosexuality, Sharon Stone and a chainsaw – The Economic Normalization Agreement between Serbia and Kosovo*, op. cit.; Muharremi, op. cit.; Milanović: https://nova.rs/vesti/politika/probudi-se-sporazum-iz-vasingtona-nema-pravnu-vrednost/; *Xhambazi*, https://neweasterneurope.eu/2020/09/14/kosovo-serbia-summit-at-the-white-house-what-was-it-all-about/, (Accessed April 21st 2024)

[89]   See the position of Radović available from: https://pescanik.net/pravna-priroda-sporazuma-o-normalizaciji-ekonomskih-odnosa-izmedju-srbije-i-kosova/ and https://pescanik.net/ipak-nas-obavezuje/. (Accessed April 21st 2024) He bases his opinion on the signatures of two statesmen and the terminology used in the agreement. He adds that the statesmen could have committed their respective entities to an internationally binding obligation through unilateral statements.

clash between unilateral and bilateral nature of the same document stems from the fact that some statements while appearing unilateral are actually of collective nature. When these statement are contextualized the conclusion is that they "form part of a larger exchange that can (considered collectively) comprise the mutuality needed for an agreement."[90] This is the case with the Washington Agreement.

In our view Washington Agreement is a political agreement between Serbia and Kosovo mostly resembling the joint statements and communiques, commonly used in the US practice.[91] In view of Bradley, Goldsmith and Hathaway joint statements and communiques are "joint text issued ... after the meeting ... that memorializes what the national representatives agreed to, their intended subsequent courses of action on matters of mutual concern."[92] They however

> "do not purport to create legal obligations, but they may (indeed, often do) contain a pledge or intention to carry out future action. Nor do they typically have the trappings of binding international agreements, such as content organized by articles, entry into force and termination provisions, or dispute resolution provisions. They often read more like press statements than international agreements."[93]

This position holds true for the Washington agreement. In terms of form, the Agreement does not follow the form usually used in the treaties; in terms of terminology, it uses the verb "will", "pledge" and "commit" (rather than "shall" and "oblige").[94] Therefore, no objective intent regarding the establishment of obligations under international law could be extracted. Washington agreement is a form of political agreement with shallow commitments (mostly reiterating previously defined or enacted conduct of

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90   Duncan Hollis, Delimiting "agreements" for international law, forthcoming in Virginia Journal of International Law 2024, available from: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4763764 (Accessed April 21st 2024)

91   "It is standard practice for the White House, the State Department, and other agencies to issue a joint statement announcing points of agreement and cooperation following a meeting between the president (or a high-level State Department official) and a high-level foreign official." Curtis Bradley, Jack Goldsmith, Oona Hathaway, "The Rise of Nonbinding International Agreements: An Empirical, Comparative, and Normative Analysis", op. cit., p. 1305.

92   *Ibidem*, p. 1304.

93   *Ibidem*, p. 1304.

94   Note that the only usage of the verb "agree" is in the points 15 and 16 which are the only points of the agreement that are almost fully implemented. For the assessment of the implementation of the agreement see: https://normalizacija.rs/vasingtonski-sporazum/, (Accessed April 21st 2024)

the participants or referring to conduct hardly achievable by the participants in practice) and without the recognition of Kosovo by Serbia.[95]

Brussels-Ohrid agreement

The dialogue between Kosovo and Serbia orbited back to the EU and new agreements were adopted: Agreement on the path to Normalisation between Kosovo and Serbia[96] was reached in Brussels in February 2023 and its Implementation Annex was reached in Ohrid (North Macedonia) in March 2023.[97] The agreements were preceded by the document(s) leaked in media through diplomatic channels.[98] These documents contained the Franco-German proposal for Kosovo which itself is based on 1972 Basic Treaty between "two Germanies" whose goal was to "restore diplomatic relations between the two neighboring States on the basis of international law."[99]

     The final text of the 2023 Brussels Agreement contains 11 Articles with the following commitments: the parties agree to develop good-neighborly relations guided by the aims and principles of the UN Charter (Articles 1, 2, 3); the parties will not impede each other's membership in the UN and EU (Article 4 and 5); the Association of Serbian Communities will be established and the status of Serbian Orthodox Church in Kosovo will be formalized (Article 7); parties will exchange Permanent Missions (Article 8). Implementation Annex contains 12 points with the following commitments: explanations regarding the legal status of the Agreement and Annex (points 1, 2, 3, 12); elaboration of the commitments from the Agreement (point 5, 6, 7); commitments

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[95]   Even Hoti stated that the Washington Agreement is only a "step towards the final agreement for the full normalization of relations between Kosovo and Serbia, which also implies mutual recognition between the two countries." The statement is available from: https://dialogue-info.com/kosovo-and-serbia-resume-the-dialogue-in-washington/ (Accessed April 21st 2024)

[96]   Agreement on the path to normalisation between Kosovo and Serbia, Available from: https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-agreement-path-normalisation-between-kosovo-and-serbia_en (Accessed April 21st 2024)

[97]   Implementation Annex to the Agreement on the Path to Normalisation of Relations between Kosovo and Serbia, Available from: https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-implementation-annex-agreement-path-normalisation-relations-between_en (Accessed April 21st 2024)

[98]   Available from: https://europeanwesternbalkans.com/2023/02/10/is-the-two-germanies-agreement-a-model-for-the-franco-german-proposal-for-serbia-and-kosovo/ (Accessed April 21st 2024)

[99]   *Treaty on the Basis of Relations Between the Federal Republic of Germany and the German Democratic Republic and Supplementary Documents*, December 21, 1972, Available from: https://www.cvce.eu/content/publication/1999/1/1/3b9b9f0d-6910-4ca9-8b12-accfcb91d28e/publishable_en.pdf (Accessed April 21st 2024)

not present in the Agreement (point 4); manner of implementation of the commitments from the Agreement (points 8, 9, 10, 11).

Legal status of the Brussels-Ohrid Agreement in international law was from the outset ambiguous. It is important to note that the Agreement and Annex are not signed by any party.[100] Serbia's President Vučić stated that Serbia will not express its consent to any legally binding treaty with Kosovo because Kosovo is not a state recognized by Serbia. Moreover, the rejection of the (full) implementation of the committments soon ensued; during the press conference of 19th March 2023 Vučić stated that Serbia will not implement anything that has to do with Kosovo's membership in the UN nor *de facto* or *de jure* recognition[101]; and in December 2023 Prime Minister Brnabić sent an official letter to EEAS in which she stated that Brussels-Ohrid Agreement and Annex is not a legally binding treaty under international law; that it is "acceptable solely within a context that does not pertain to the *de facto* and *de jure* recognition of Kosovo"; and that it does not include acknowledging Kosovo's membership in the UN or specialized agencies.[102]

Several legal scholars share the position that Brussels-Ohrid agreement is a political agreement without legal repercussions.[103] Milanović explains such stance relying on its denomination (contrasting the moniker "agreement" with the term "treaty" that was in the case of two Germanies); the lack of provisions on ratification and entry into force; and the wording of Article 6 which states that the future process will "lead to a legally binding agreement on comprehensive normalization of their relations", concluding that this agreement is therefore not legally binding.

On the other hand, certain scholars and EU officials believe that the Agreement is binding. Istrefi claims that "it appears that the EU-brokered agreement between Kosovo and Serbia is binding based on the text of the

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[100] *N1 Belgrade*, "Vucic says he does not want 'legal agreements with Kosovo'", Available from: https://n1info.rs/english/news/vucic-says-he-does-not-want-legal-agreements-with-kosovo/; *Reuters*, "Serbia wants to normalise ties with Kosovo but will not sign any agreement", Avaialble form: https://www.reuters.com/world/europe/serbia-wants-normalise-ties-with-kosovo-will-not-sign-any-agreement-2023-03-19/, (Accessed April 21st 2024).

[101] Press Conference of the President available at: https://www.youtube.com/watch?v=xHB0oUMT-yI. Vučić reiterated the same view in October 2023: https://n1info.rs/english/news/vucic-serbia-in-favor-of-agreement-implementation-but-cannot-recognize-kosovo/, (Accessed April 21st 2024).

[102] Text of the letter is partly available here: https://euronews.al/en/eu-responds-to-serbia-agreement-and-ohrid-annex-are-legally-binding/, (Accessed April 21st 2024).

[103] Kilibarda's view is presented in: Dragana Pejović, "U međuvremenu, svrati na kafu", 2023, *NIN*; https://www.nin.rs/arhiva/vesti/40889/u-meduvremenu-svrati-na-kafu; Marko Milanović, "A comment on the proposed Basic agreement between Serbia and Kosovo", *Peščanik 2023*, Avaialble from: https://pescanik.net/a-comment-on-the-proposed-basic-agreement-between-serbia-and-kosovo/, (Accessed April 21st 2024).

agreement, and the consent given by parties."[104] EU asserts the binding nature of the agreement on two grounds: relying on the Vienna Convention of the Law of Treaties and on the incorporation of the Agreement and Annex in the EU accession process.

As for the reliance of the EU on VCLT, the EEAS spokesman Stano expressed that VCLT provides not only for exactly defined ways to express consent to be bound by the treaty, but it also provides for the possibility that the parties agree to it by any other mean.[105] The open issue in this case is through which "other mean" parties consented to the Agreement. On one hand, reports pointed out that Vučić verbally agreed to implement the Agreement and Annex, referring to the orally expressed consent.[106] While it is possible to orally consent to an international treaty,[107] for such manner of expression of the consent to be established the conduct of parties to the agreement "must be unequivocal and recognised as such between the parties".[108] This is not the case, as President Vučić clearly indicated the day after the Annex was adopted that he intentionaly avoided using the terms such as "adoption, acceptance, acknowledgment and approval" in order to avoid orally expressing the consent to be legally bound.[109]

On the other hand, in December 2023 Stano stated that the Agreement and the Implementation Annex "have become legally binding through a written communication from the EU High Representative [Josep Borrell], on March 18, 2023" possibly alluding that the statement reflects the "agreed means of the espression of consent".[110] However, the content of the statement does not refer to the expression of consent of the parties, save from welcoming

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[104]   Kushtrim Istrefi, "Kosovo-Serbia Agreement on the Normalisation of Relations: Not Signed but Binding, Not Formally on Recognition but with Clear Elements of Implicit Recognition", *Opinio Juris blog*, Available from: https://opiniojuris.org/2023/03/28/kosovo-serbia-agreement-on-the-normalisation-of-relations-not-signed-but-binding-not-formally-on-recognition-but-with-clear-elements-of-implicit-recognition/, (Accessed April 21st 2024).

[105]   *Euronews Albania*, "EU responds to Serbia: Agreement and Ohrid annex are legally binding", Available from: https://euronews.al/en/eu-responds-to-serbia-agreement-and-ohrid-annex-are-legally-binding/, (Accessed April 21st 2024).

[106]   Reuters, op. cit.

[107]   Hoffmeister provides the example of the the oral agreement of the Prime Ministers of Denmark and Finland on the settlement of the dispute regarding the building of a bridge. See: Hoffmeister, "Article 11" in: in: Oliver Dörr, Kirsten Schmalenach (eds.), *Vienna Convention on the Law of Treaties*, A Commentary, Springer, 2012, p. 158, para. 20.

[108]   Mark E. Villiger, *Commentary on the 1969 Vienna Convention on the Law of Treaties*, op.cit., Article 11, para. 7.

[109]   *Press Conference of the President*, op. cit.

[110]   *Euronews Albania*, op. cit.

the agreement reached by the parties.[111] Moreover, it is not entirely clear how a statement by a third party could contain expression of consent of negotiating parties.[112]

Moreover, it is relevant to note that the EU previously referred to the Agreement and Annex as political agreements and stated that the possible breach would entail "reputation and credibility" loss, no legal repercussions being mentioned.[113] The only EU statement known to the authors in which the Agreement and Annex are explicitly defined as binding *under international law* was delivered on a one-year anniversary of the Agreement and Annex, in a statement of EU High Representative Joseph Borell.[114] Despite the qualification in the statement of the Agreement and Annex as the international treaty, the repercussion in case of non-implemention regarded parties' reputation and progress on the EU path, without mentioning repercussions under international law.[115]

Finally, even in practice there were no legal repercussions for the (possible) violation of the commitments from the Agreement. When Serbia voted against Kosovo's application for the membership in the Council of Europe (CoE) in April 2023, in possible violation of Article 4 of the Agreement, the EU took note on the matter and stated that it "cannot interfere with the work of other organisations" and that it "cannot force CoE members to vote a certain way."[116] On the occasion of Serbia's vote against the recommendation

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[111] EEAS Press Team, *Statement by High Representative Josep Borrell after High Level Meeting in Ohrid*, Available from: https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-statement-high-representative-josep-borrell-after-high-level-meeting_en, (Accessed April 21st 2024).

[112] There would be a difference if a third party had made a record from the meeting in which the manner of the expression of consent is agreed, which is not the case in this situation.

[113] *Tanjug*, "Stano: Ohrid agreement a political commitment of both parties", Available from: https://www.tanjug.rs/english/politics/24471/stano-ohrid-agreement-a-political-commitment-of-both-parties/vest, (Accessed April 21st 2024).

[114] *EEAS Press Team*, "Belgrade-Pristina Dialogue: Statement by the High Representative on the anniversary of the Agreement on the Path to Normalisation and its Implementation Annex": "The EU recalled repeatedly that the Agreement is binding in its entirety under international law." Avaialble from: https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-statement-high-representative-anniversary-agreement-path-normalisation_en?s=321, (Accessed April 21st 2024).

[115] *Ibidem*, "Therefore, any lack of implementation does not only endanger the Parties' European integration, it also damages their reputation as credible and reliable partners."

[116] Una Hajdari, *Euronews*, "Kosovo demands EU condemn Serbia's 'breach' of international agreement", Available from: https://www.euronews.com/2023/04/26/kosovo-demands-eu-condemn-serbias-breach-of-international-agreement. See also: N1 Belgrade, RFE, "EU spokesman refuses to comment Serbia's vote in CoE",

that Kosovo is invited to become a member of the Council of Europe in the CoE Parliamentary Assembly in April 2024, Stano again reiterated that "it is up to the Council of Europe members to decide on matters regarding this organization, including membership".[117] Therefore, the EU did not problematize such behaviour of Serbia from the point of view of its obligations stemming from the Agreement and Annex, neither in the ambit of EU integration nor in the ambit of international law. This behaviour of the EU actually highlights the limitation of its involvement in the implementation of the Agreement and Annex beyond EU integration process.

Having all the said in mind, we cannot conclude that Serbia is legally bound by the Agreement and Annex *in terms of international law*. However, the second position upon which EU grounds the bindigness of the Agreement and the Annex is through the integration of the commitments from these documents into the EU negotiation process of Serbia and Kosovo.[118] This integration is evident from the terms of the Annex,[119] from the 18th March 2023 statement of Josep Borrell[120] and it was not disputed by neither of the parties.[121] The integration of commitments from the Agreement and Annex in the Chapter 35 of negotiations between EU and Serbia was completed in April 2024.[122] However, it is very important to separate obligations under international law and obligations stemming from the EU accession process.

Available from: https://n1info.rs/english/news/eu-spokesman-refuses-to-comment-serbias-vote-in-coe/, (Accessed April 21st 2024).

[117] *RFE*, "Stano for RFE: Up to CoE to decide on Kosovo's membership", Available from: https://n1info.rs/english/news/stano-for-rfe-up-to-coe-to-decide-on-kosovo-s-membership/, (Accessed April 21st 2024).

[118] *Euronews Albania*, op. cit.

[119] See point 3 of the Annex.

[120] EEAS Press Team, *Statement by High Representative Josep Borrell after High Level Meeting in Ohrid*, op. cit.

[121] Note that Serbia's President Vučić reiterates that in the text of the agreements the parties only "take note" of the incorporation of the Agreement and Annex in Chapter 35, as if to insinuate that they are a third party to an issue that was already decided by the EU.

[122] In December 2023 Council of the EU called on EU Commission and the High Representative "to urgently propose to the Council ... the amendments to the benchmarks of Chapter 35 of Serbia's accession negotiations to reflect Serbia's obligations stemming from the Agreement and its Implementation Annex." (Council's Conclusions on Enlargement 16707/23, para 38, Available from: https://data.consilium.europa.eu/doc/document/ST-16707-2023-INIT/en/pdf) On April 15th 2024 Coreper agreed on the matter, and on April 22nd EU Foreign Affairs Council adopted the changes to Chapter 35. Unofficialy, in the new text of the negotiating framework, the following sentence is incorporated: "Serbia should fully implement its obligations from the agreement on normalization of relations with Kosovo in line with the implementation annex." *N1, RTS*, "Ohrid Agreement included in Chapter

Namely, the fact that the progress of Serbia (and Kosovo) on the EU path will be measured taking into account the implementation of the obligations from the Agreement and the Annex does not mean that these agreements *themselves* entail any international legal obligation between Serbia and Kosovo. Maybe the incentive to include the Agreement's and Annex's obligations in the negotiation process was precisely the result of the fact that neither of the parties wished to be bound by them under international law.[123] As Istrefi mentions, the EU decided to integrate the Agreement's commitment into the negotiation process in order to maximize the chances of compliance,[124] which is a legitimate political aim but it does not reflect the legal nature of the Agreement and Annex *per se*.

We find that based on terms and circumstances the Brussels-Ohrid agreement is a political agreement between Serbia and Kosovo with deep commitments. The form and terms of the Agreement resemble a treaty to a certain extent (the Agreement has a preamble and articles and the reference to contracting parties), but it lacks the formal expression of intent of the parties to be bound by it and the provisions regarding entry into force. The Annex is not structured as a treaty (it has points, not articles). Circumstances surrounding the Agreement are not conclusive on the intent of the parties; as previously stated Serbia rejected the binding nature of the Agreement right after its publication.

In terms of the content, commitments contained in the Agreement and Annex are deep and the question is whether they amount to recognition. It is clear that Serbian side rejects the recognition, while the Kosovar side claims that it represents a *de facto* recognition.[125] Milanović explains that: "there is no clear, unequivocal expression of Serbia's will to recognize Kosovo's

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35", Available from: https://n1info.rs/english/news/rts-ohrid-agreement-included-in-chapter-35/, (Accessed April 21st 2024).

[123] EU High Representative Josep Borrell said that "the agreement reached had fallen short of a 'more ambitious and detailed' EU proposal that the parties were unable to agree on ... Kosovo had lacked flexibility on the substance of the proposals, while Serbia had refused to sign the document although Belgrade was 'fully ready to implement' it." The statement is available from: https://www.reuters.com/world/europe/serbia-wants-normalise-ties-with-kosovo-will-not-sign-any-agreement-2023-03-19/, (Accessed April 21st 2024).

[124] Kushtrim Istrefi, "Kosovo-Serbia Agreement on the Normalisation of Relations: Not Signed but Binding, Not Formally on Recognition but with Clear Elements of Implicit Recognition", op. cit.

[125] *Radio Free Europe*, "Vučić rekao da Srbija ne može da potpiše međunarodno pravni sporazum sa Kosovom", Available from: https://www.slobodnaevropa.org/a/vucic-ohrid-kosovo-sporazum/32324970.html; *Reuters*, "Serbia, Kosovo reach agreement to implement EU-backed deal normalising ties", Available from: https://www.reuters.com/world/europe/kosovo-serbia-leaders-arrive-eu-backed-talks-deal-normalise-ties-2023-03-18/, (Accessed April 21st 2024)

independence".[126] Weller provides the following position: the Brussels-Ohrid agreement "amounts to recognition in fact, if not yet in law" and it is a step forward the "eventual, recognition-centred comprehensive normalization in a legally binding form."[127]

Two provisions of the Agreement are especially illustrative of the ambiguities of its consequences regarding the recognition of Kosovo by Serbia. On one hand Article 4 contains the commitment of Serbia not to impede Kosovo's membership in the UN and Articles 1-3 contain commitments usually applicable in relations between states. On the other hand, Article 6 is explicit in stating that the present Agreement is a step in the process of negotiation of a "legally binding agreement on comprehensive normalization of their relations." Through an *a contrario* agreement, it could be argued that the current Agreement is neither comprehensive nor legally binding.

The final response on the matter rests on Serbia's future action. The Agreement and Annex as they stand now are not legally binding from the point of view of international law – therefore they cannot contain legally binding effects regarding the recognition. However, the depth of political commitments contained therein and the causal binding of Serbia's progress in the EU accession with their implementation in practice could mean that certain acts pertinent to the recognition might ensue in the future.[128]

CONCLUSION

Whether viewed through realist or constructivist lenses, the national interest of the Republic of Serbia is molded by the prevailing political context and values and beliefs of relevant political actors. Concerning Kosovo, Serbia's national interest rests on the preservation of its territorial integrity and opposing the "unilaterally proclaimed independence of its southern province", as defined in 2019 Strategy of National Security. This national interest has been accommodated with other interests, including the economic well-being and EU membership.

The ways in which Serbia strategically strives to achieve national interest regarding Kosovo in practice are multifaceted and include, *inter alia*, mechanisms pertinent to international law. These mechanisms encompass negotiations (through a dialogue of Belgrade and Priština); the rejection

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[126] Marko Milanović, "A comment on the proposed Basic agreement between Serbia and Kosovo", op. cit.

[127] Marc Weller, "The Brussels Agreement on the Path to Recognition", Available from: https://www.koha.net/veshtrime/367888/the-brussels-agreement-on-the-path-to-recognition/, (Accessed April 21st 2024).

[128] This is of course conditioned by the political decision of Serbia to continue to pursue the EU path.

of recognition of Kosovo under international law and the contestation of Kosovo's potential membership in international organizations (notably the United Nations).

One specific method Serbia employs to engage with Kosovo without formal recognition is through agreements aimed to "normalize relations between the parties". In order to ensure that recognition will not ensue from these agreements, Serbia deliberately and actively focuses on reaching political agreements rather than international treaties. To assess the extent to which Serbia upholds its national interest regarding the non-recognition of Kosovo, albeit committing to certain agreements, we thoroughly studied the legal nature and the legal effects of the three agreements reached between the parties until now – 2013 Brussels agreements, 2020 Washington agreement and 2023 Brussels-Ohrid agreement.

We posit that the distinction between an international treaty and a political agreement in international law hinges upon the intent of the involved parties to establish international legal obligations. This intent is typically discerned through either an objective or subjective approach, both of which consider the "terms and circumstances" of the pertinent document as indicators of intent, though with varying emphasis. By utilizing these indicators to analyze agreements reached between Belgrade and Priština, we determined that none of the three agreements contain the necessary intent to be establish relations under international law. These agreements are actually the embodiment of the strategic non-usage of an international legal instrument endorsed by Serbia and they represent political agreements without direct legal effect regarding the recognition.

The terms and circumstances of the Brussels agreement, including the statements of Serbia as a party to it, point out to the lack of intent of at least one party to be legally bound by it. The Washington agreement is resemblant to joint statements and communiques present in the US practice. The indicators of the intent, the terms and circumstances of the document, prove that there was no intent of Serbia to establish any legal obligations towards Kosovo. Finally, Serbia did not express its intent, neither orally nor in written to be legally bound towards Kosovo by the Brussels Agreement and the Ohrid Annex. The binding force of the Brussels-Ohrid agreement unravels only in the realm of the EU accession process. However, the effects of the non-implementation of the commitments are limited to political consequences regarding the accession of Serbia (and Kosovo) to the EU.

Having in mind that current agreements between Serbia and Kosovo are not legally binding documents under international law and that the recognition of an entity in international law ensues only from a legally binding treaty, through the commitment to these agreements Serbia did not adopt any legally binding act that contain legal effect in terms of recognition.

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U.S. National Interest and International Law: Shaping the Norms for Cyberspace

ABSTRACT

This paper explores the influential role of U.S. national interests in shaping international cyberspace laws and norms. As the birthplace of the Internet and a principal force in its ongoing evolution, the United States leverages its technological and legal prowess to guide the development of global policies that resonate with its national interests. The analysis delves into key U.S. strategic documents and international engagements that illuminate how American principles are embedded in the governance of cyberspace. Despite its historical and contemporary leadership, the U.S. approach strategically balances asserting domestic priorities with fostering international cooperation. This balance aims to establish a coherent and secure global cyberspace architecture, while also navigating the complex interplay between national sovereignty and universal digital governance. The paper highlights the necessity of a specialized legal framework to address unique cyber challenges, advocating for a nuanced understanding of how international cyber norms can align with diverse national interests.

KEYWORDS: *International Cyberspace Norms, National Interest, International Law, United States Cyberspace Position, Cyberspace Governance*

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INTRODUCTION

Cyberspace has emerged as an indispensable domain in the 21st century. It influences every facet of our contemporary lives and extends to (re)shape international relations. Its presence extends from the global communication systems to every nation's economy and national security. This domain is made up of vast interconnected networks and it has become an arena where both States and non-state actors interact, cooperate, and sometimes wage conflicts against each other. The Internet itself "originated in the United States and much of the development, control and legal problems are inextricably tied to it. Solutions to problems in cyberspace inevitably often also need to be American solutions."[1]

Against this backdrop, this paper explores a critical aspect of cyberspace: the role of U.S. national interest in shaping international cyber law. The United States, as the birthplace of the Internet and a leading global power, wields significant influence in the formulation and evolution of legal norms governing cyberspace. This paper aims to unravel how U.S. national interests have guided its approach to international cyber law, shaping the rules and norms that govern state behavior in the digital realm.

The analysis presented in this paper focuses on key strategic documents, public policy statements, and international engagements by the U.S. that reveal an overarching strategy to embed American principles at the heart of cyberspace governance. By tracing the evolution of these strategies from early cyber policies to recent international collaborations, the paper aims to provide a nuanced understanding of how U.S. national interests are projected and protected in the realm of international law.

Ultimately, this paper endeavors to contribute to the broader discourse on cyberspace regulation by highlighting the critical interplay between national interests and international legal norms. By focusing on the U.S. perspective, it seeks to illuminate the strategies that have defined American engagement in cyberspace, exploring both the achievements and the ongoing challenges in harmonizing national priorities with global legal standards.

It is important to note what this paper does not analyze. While acknowledging the multifaceted nature of cyberspace that encompasses technical, economic, and ethical dimensions, this analysis primarily focuses on the international legal normative aspect. Therefore, it does not delve into the technical details of cyberspace infrastructure or the commercial aspects of cyber technology. Even though the U.S. perspective is central to this discourse, it is important to clarify that this paper specifically analyzes U.S. strategic positions and national interests as they relate to the development of cyber international legal norms. This focus excludes broader aspects of

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[1]   Andrej Savin, *EU Internet Law*, Edward Elgar Publishing, Cheltenham and Northampton, 2017, p. 15.

U.S. policies in cyberspace, such as internal cybersecurity measures, digital infrastructure development, or the broader implications of U.S. technology policies on global digital economics. By concentrating solely on how the U.S. has influenced international cyber norms, this analysis provides a targeted exploration of the intersection between U.S. national interests and international legal frameworks without delving into the extensive array of other cyber-related topics. Finally, this paper does not provide an exhaustive comparative analysis of other States' policies and approaches to cyberspace.

BEYOND THE "LAW OF THE HORSE"

United States Court of Appeals for the Seventh Circuit Judge Frank Easterbrook was asked in 1996 to give a lecture at the University of Chicago Law School on *The Law of Cyberspace*. The title and gist of his lecture are still well-known today, almost three decades later, since he entitled his lecture "Cyberspace and the Law of the Horse".[2] In essence, he questioned the validity of discussing the concept of *cyberspace law* in any meaningful way. He famously said:

> When he was dean of this law school, Gerhard Casper was proud that the University of Chicago did not offer a course in "The Law of the Horse." He did not mean by this that Illinois specializes in grain rather than livestock. His point, rather, was that "Law and..." courses should be limited to subjects that could illuminate the entire law. ... Dean Casper's remark had a second meaning – that the best way to learn the law applicable to specialized endeavors is to study general rules. Lots of cases deal with sales of horses; others deal with people kicked by horses; still more deal with the licensing and racing of horses, or with the care veterinarians give to horses, or with prizes at horse shows. Any effort to collect these strands into a course on "The Law of the Horse" is doomed to be shallow and to miss unifying principles.[3]

While the academic debate lingers on whether Judge Easterbrook correctly assessed the independence of cyber law or Internet law as a field of study, his contribution to a more pertinent discussion resonates strongly with the current challenges in international law, as well as with the central thesis of this paper. Easterbrook's proposal to "develop a sound law of... then *apply* it to computer networks" was paired with a critical observation about the adequacy of existing legal frameworks. He pointed out a key issue: "we do not know whether many features of existing law are optimal".[4] Cyberspace, a rapidly

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[2] Frank H. Easterbrook, "Cyberspace and the Law of the Horse", *University of Chicago Legal Forum*, Vol. 1996, pp. 207–216.

[3] *Ibidem*, p. 207.

[4] *Ibidem*, 208.

evolving and technologically very sophisticated domain of human (inter)
action, poses challenges as to the applicability of the existing, traditional,
legal frameworks.

The concept of *cyberspace*, first coined and popularized by the science
fiction writer William Gibson, refers to a virtual environment created by
interconnected computer networks.[5] This "place," as Gibson describes it,
exists within numerous physical locations, more often than not falling under
the jurisdictions of various States. This is crucial for determining someone's
legal rights and obligations, and for application of laws. Historically, "there
has until now been a general correspondence between borders drawn in
physical space (between nation states or other political entities) and borders in
'law space'," as noted by Johnson and Post. [6] However, this paradigm changed
with an ever growing and more vital cyberspace, which is "destroying the link
between geographical location and:

(1) the *power* of local governments to assert control over online behavior;
(2) the *effects* of online behavior on individuals or things;
(3) the *legitimacy* of a local sovereign's efforts to regulate global
     phenomena; and
(4) the ability of physical location to give *notice* of which sets of rules
     apply."[7]

In response to these challenges, States generally adopt one of two strategies:
they either cooperate with other States or attempt to isolate their own
segment of cyberspace. The latter, a more extreme and less feasible (but not
impossible) option, is rarely chosen. Even the Democratic People's Republic
of Korea (North Korea), one of the world's most isolated States, participates in
cyberspace activities.[8] Therefore, States cooperate with other States, more or
less actively.

This paper argues for the necessity of a specialized legal framework for
cyberspace that goes beyond the broad application of general legal principles.
Given cyberspace's inherent qualities – its ability to transcend national
borders, ensure anonymity, and facilitate vast scales of interaction – specific
legal provisions are required to effectively manage cybersecurity, privacy,
and intellectual property challenges unique to the digital realm. The varying
capacities and interests of States further complicate the uniform application
of these laws, necessitating a collaborative yet customized approach where

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5   William Gibson, *Neuromancer*, Ace Books, New York, 1984.

6   David R. Johnson and David Post, "Law and Borders: The Rise of Law in Cyberspace",
    Stanford Law Review, Vol. 48, No. 5, p. 1368.

7   David R. Johnson and David Post, L*aw and Borders: The Rise of Law in Cyberspace*, op.
    cit., p. 1370.

8   Daniel A. Pinkston, "North Korea's Objectives and Activities in Cyberspace", *Asia
    Policy*, Vol. 15, No. 2, pp. 76–83.

nations not only apply but also adapt and potentially create new legal mechanisms driven by specific national interests. This dynamic underscores the ongoing relevance and complexity of developing cyber law, aligning with the need for a distinct set of legal standards that address the unique challenges of digital interactions.

DEVELOPMENT OF INTERNATIONAL CYBER LAW

International Cyber Law does not exist in isolation but is an evolving subset of International Law, shaped significantly by technological advancements and the increasing significance of cyberspace in global affairs. It is a "branch" of international law that focuses on specific legal norms and principles that govern the behavior of subjects of international law when it comes to cyberspace.

States are increasingly aware of both the potential benefits and risks associated with cyberspace. This awareness is reflected in their efforts to govern and regulate both the technical architecture of cyberspace and its usage.[9] The governance approach encompasses not just the physical and technical infrastructure of cyberspace but also how this infrastructure is utilized, particularly in terms of security, economic, and social dimensions.

The beginning of the debate at the United Nations was marked with the 1999 General Assembly Resolution 53/70 calling on States to consider threats at multilateral levels, and to "share views on issues of information security; definitions; and "advisability of developing international principles that would enhance the security of global information and telecommunications systems and help to combat information terrorism and criminality".[10]

Despite these early initiatives, here is a very limited cyber-specific international law sources.[11] The creation of cyber-specific international law has been hindered by various political obstacles and geopolitical tensions. These challenges slow down the law-making process, making it difficult to reach a consensus on global cyber norms. Moreover, the formation of customary international law in cyberspace is complicated by the lack of transparency in state practices. Since much of the state-specific cyber activities are not publicly disclosed, establishing widely recognized norms and principles becomes challenging.

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[9]   For Internet governance/regulation and governance models in the context of the European Union see: Andrej Savin, *EU Internet Law*, op. cit., chap. 1.

[10] "Developments in the Field of Information and Telecommunications in the Context of International Security", resolution adopted by the United Nations General Assembly A/RES/53/70, 1998.

[11] One exception is the 2001 Council of Europe Convention on Cybercrime (Budapest Convention).

Early doubts about whether traditional international law could be applicable to the digital realm were gradually dispelled. The work of the United Nations Group of Governmental Experts (GGE), comprising experts from various States, affirmed that "international law and in particular the United Nations Charter, is applicable and is essential to maintaining the peace and stability and promoting an open, secure, peaceful and accessible ICT environment."[12] This acknowledgment shifted the discourse from questioning the applicability of international law in cyberspace to exploring how it can be effectively applied.

As the digital landscape continues to evolve, so too does the necessity for laws that can adequately address the unique challenges posed by cyberspace. This ongoing development requires a concerted effort from the international community to not only apply existing laws but also to adapt and possibly craft new ones that reflect the changing dynamics of global digital interaction. This effort must be informed by the diverse capacities and interests of different States, which influence their ability and willingness to engage in shaping cyber law, underscoring the complex interplay between national interests and the collective goal of establishing a regulated and harmonious digital international environment.

NATIONAL INTEREST AND INTERNATIONAL LAW

The concept of national interest is central to understanding how States engage with international law, particularly in areas as dynamic and pivotal as cyberspace. Derived from the Latin term "interesse," meaning "to differ" or "to make a difference,"[13] national interest reflects the goals and priorities unique to each state, shaping their legal and diplomatic actions on the international stage. For States, these interests often revolve around preserving sovereignty, security, economic well-being, and cultural values, which in turn guide their approach to international negotiations and treaty formations. The nature of the actor plays a crucial role in defining interests, as "the nature of the actor that determines the interest."[14]

The expressions *state interest* or *national interest* are usually used interchangeably in the literature and they confer "the idea that there must

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[12] "Report of the Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security", *United Nations General Assembly*, 2013, para. 19.

[13] Markus P. Beham, *State Interest and the Sources of International Law: Doctrine, Morality, and Non-Treaty Law*, Routledge Research in International Law, Routledge, Taylor & Francis Group, London and New York, 2020, p. 123.

[14] *Ibidem*.

be a common set of factors that are important to the existence of the abstract entity of the state. As it is almost exclusively States that create international law, state interests are also determinative to this process."[15] These interests often get translated into legal rules and those "legal rules articulate and seek to achieve certain goals."[16] There can virtually never be a clear cut between law and policy:

> "International law is essentially the product of State interests. Even in this era of globalization, it remains under the long shadow of the Westphalian paradigm founded on State sovereignty. Progress, however, has been achieved as States' interests and the values that their societies embrace have converged, demanding greater conformity by States to certain human aspirations."[17]

Motivations behind a specific State's actions can be diverse, yet they are "closely allied to how it perceives its interests."[18] Gerhard Hafner identified five traditional areas that are typically State's interest: "protection of statehood, territorial integrity, sovereignty, security and economic wealth."[19] In the realm of cyberspace, where global interconnectivity and the non-physical nature of interactions complicate traditional legal boundaries, the national interests of a state like the United States play a significant role in shaping international cyber law. As the progenitor of much of the current digital infrastructure and cyber norms, the U.S. leverages its substantial technological and political clout to influence the development of international norms that align with its security needs and economic priorities.

It is hard to pin-point all national interests of the United States. They evolved over time, responding to changes both within the country and globally. In 1998, the Commission on America's National Interests identified five vital national interests for the U.S. which largely fall within Hafner's typology:

> "to prevent the threat of an attack of weapons of mass destruction on U.S. soil or its military abroad; to ensure U.S. allies' survival and cooperation to shape an

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[15] Markus P. Beham, *State Interest and the Sources of International Law: Doctrine, Morality, and Non-Treaty Law*, op. cit., p. 124.

[16] Malcolm N. Shaw, *International Law*, Ninth edition, Cambridge University Press, Cambridge and New York, 2021, p. 50.

[17] M. Cherif Bassiouni, "Revisiting the Architecture of Crimes Against Humanity: Almost a Century in the Making, with Gaps and Ambiguities Remaining – the Need for a Specialized Convention", in: Leila Nadya Sadat (ed.), *Forging a Convention for Crimes against Humanity*, Cambridge University Press, Cambridge, 2011, p. 43.

[18] Malcolm N. Shaw, *International Law*, op. cit., p. 66.

[19] Gerhard Hafner, "Some Thoughts on the State-Oriented and Individual-Oriented Approaches in International Law". *Austrian Review of International and European Law*, Vol. 14, p. 29.

international system in which we can thrive; to prevent the emergence of hostile powers on U.S. borders; to ensure the viability of major global systems; and to establish productive relations with nations that could become adversaries."[20]

The National Security Strategy is rooted in the U.S. national interests: to protect the security of the American people; to expand economic prosperity and opportunity; and to realize and defend the democratic values at the heart of the American way of life.[21]

The relationship between national interest and international law is not merely transactional but also transformative. Historically, the U.S. relationship with international law has been ambivalent, often cautioning against overextending the scope of international law where national interests are significantly impacted.[22] Figures like John Bolton and Paul Stephen worried that "international law poses something of a threat to the US national interest."[23] There were even suggestions of an inherent opposition between national interest and international law or multilateralism. Most contemporary authors and decision-makers have moved away from this radical view, recognizing the potential for harmonizing national interests with international law and multilateral cooperation.[24] [25] The interplay between U.S. national interests and international law in cyberspace is thus a complex dance of influencing and being influenced by global norms, which will be explored in the next section.

U.S. NATIONAL POSITION ON INTERNATIONAL LAW AND CYBERSPACE

The United States has played an instrumental role in the genesis and development of the Internet, fundamentally shaping its technical architecture, governance models, and foundational principles. This historical precedence

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20 Graham T. Allison and Robert Blackwill, *America's National Interests*, Commission on America's National Interests, 1998.

21 "National Security Strategy", *The White House*, Washington DC, 2022, p. 7. (hereinafter: 2022 National Security Strategy).

22 Covey T. Oliver, "International Law, Morality, and the National Interest: Comments for a New Journal", *American University International Law Review*, Vol. 1, No. 1, p. 58.

23 Michael Byers, "International Law and the American National Interest", *Chicago Journal of International Law*, Vol. 1, No. 2, p. 257.

24 Covey T. Oliver, "International Law, Morality, and the National Interest: Comments for a New Journal", op. cit., p. 58.

25 Clark Smith, "Comments: At the Intersection of National Interests and International Law: Why American Interests Should Assume The Right of Way", *University of Baltimore Journal of International Law*, Vol. 2, No. 1.

not only grants the U.S. a natural authority in the digital domain but also positions it at the vanguard of efforts to influence the international legal norms governing cyberspace. As Savin notes, "the Internet developed in the United States and its current 'look and feel' is a result of that development".[26]

The U.S. strategy on international law and cyberspace is multifaceted, focusing on promoting a secure, stable, and vibrant digital world that reflects its interests and values. This approach is evident in its active participation in multinational platforms such as the United Nations Group of Governmental Experts (GGE) and other international forums where it consistently pushes for the recognition that existing international laws can and should apply to cyberspace, albeit with certain caveats. Through these engagements, the U.S. has been pivotal in shaping global consensus (or lack of) on key issues such as state behavior in cyberspace.

Moreover, the U.S. has emphasized the need for an open, interoperable, secure, and reliable Internet. This vision aligns with its broader strategic objectives of maintaining global leadership in technology and ensuring that cyberspace remains an arena for free trade, expression, and innovation. The U.S. Department of State's International Cyberspace Policy Strategy outlines these priorities, asserting a commitment to defending these principles internationally and countering efforts that seek to implement state controls or restrict Internet freedom.[27]

In shaping international cyber norms, the U.S. has not only contributed to the discourse but also set precedents through its national policies and legislative measures. For example, the U.S. has been a strong advocate for the Budapest Convention on Cybercrime, encouraging other nations to join and harmonize their legal frameworks with these international standards.[28] This proactive stance demonstrates how the U.S. leverages its diplomatic and legal resources to mold international cyber law in ways that safeguard its national security while promoting a collective security framework.

UNDERSTANDING THE REACH OF U.S. INFLUENCE IN INTERNATIONAL CYBERSPACE NORMS

The traditional framework of international law grants States, including the U.S., substantial authority to legislate and enforce laws within their own territories. This sovereign right is foundational, yet not absolute, as it is bound by a limited set of explicit international prohibitions, mainly in the field of

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[26]   Andrej Savin, *EU Internet Law*, op. cit., p.16.

[27]   "International Strategy for Cyberspace – Prosperity, Security, and Openness in a Networked World", *The White House*, Washington DC, 2011. (hereinafter: International Strategy for Cyberspace)

[28]   *Ibidem*, p. 20.

International Human Rights Law. Beyond territorial jurisdiction, States also possess the capacity to enact and enforce laws with extraterritorial effects, particularly when actions beyond their borders significantly impact their national interests or security. This dual capability is critical in understanding the strategic legal positioning of the U.S. in the domain of cyberspace.

In the realm of cyberspace, where physical borders are less relevant, the U.S.'s ability to influence global norms becomes particularly pronounced due to its current technological leadership and substantial control over key Internet infrastructure. The U.S. leverages this advantage not only to potentially advocate for the extension of its domestic laws to actions occurring outside its physical borders but also to shape international norms and practices. The Restatement (Third) of Foreign Relations Law explicitly supports this approach allowing the U.S. to legislate the "conduct outside its territory that has or is intended to have substantial effect within its territory."[29] This legal principle is especially pertinent in cyberspace, where data flows and cyber activities originating abroad can have significant implications domestically and it gives a possibility to the U.S. to extend its legal reach to international cyberspace activities, particularly those that significantly impact its national interests.[30]

Despite these capabilities, the U.S. has historically chosen a more nuanced path in influencing international cyber norms rather than straightforwardly extending its domestic laws internationally. This strategic restraint reflects a complex calculation that balances the desire to set global standards with the need to foster international cooperation and avoid the pitfalls of unilateralism, which could lead to conflicts or fragmentation of the global Internet.

Thus, it becomes imperative to thoroughly examine the U.S. strategic approaches to international cyberspace norms. By providing an overview that offers a contextual understanding and identifies key themes and trends in U.S. policy, we can discern how the U.S. has navigated the tension between national interests and international collaboration.

IDENTIFYING CYBERSPACE AS A U.S. NATIONAL INTEREST

The Obama Administration released its National Security Strategy (NSS) in May 2010. For the first time this document included *securing cyberspace* as a U.S. interest at a strategic level. All subsequent NSS (2015, 2017, 2022)

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29   Section 402(1)(c) "Restatement (Third) of Foreign Relations Law", American Law Institute, Philadelphia, 1987.

30   It should be noted that through its case law the Supreme Court has established a presumption against the extraterritorial application of U.S. laws. This means that the Court typically interprets laws as not applicable beyond national borders unless there is an express intent from the legislator. See: Morrison v. National Australia Bank Ltd., 561 U.S. 247 (2010).

continued considering cyberspace a national interest of the United States. The 2022 NSS articulated this interest clearly, asserting that:

> "…as an open society, the United States has a clear interest in *strengthening norms* that mitigate cyber threats and enhance stability in cyberspace… We will continue to promote adherence to the UN General Assembly-endorsed framework of responsible state behavior in cyberspace, which recognizes that *international law applies online*, just as it does offline."[31](emphasis added)

The U.S.'s commitment to securing cyberspace extends beyond domestic protections, aiming to shape an international framework that aligns with American principles. This strategic objective is evidenced by the U.S.'s active participation in global platforms like the United Nations General Assembly-endorsed framework for responsible state behavior in cyberspace. Such engagement demonstrates the U.S.'s intent to lead in the establishment of international cyber norms that not only prevent conflict and foster security but also ensure that the internet remains a driver of economic growth and a platform for free expression. The International Strategy for Cyberspace, adopted in 2011, underscores this point by emphasizing the U.S.'s view that "long-standing international norms guiding state behavior—in times of peace and conflict—also apply in cyberspace" and that "we [the U.S.] will continue to work internationally to forge consensus regarding how norms of behavior apply to cyberspace, with the understanding that an important first step in such efforts is applying the broad expectations of peaceful and just interstate conduct to cyberspace."[32] The 2011 U.S. International Strategy for Cyberspace singled out cybercriime as an area of special U.S. internest at the multilateral level. Therefore, the Strategy pointed out that "the United States is committed to participating actively in discussions about how international norms and measures on cybercrime are developed bilaterally and multilaterally…"[33], and to "harmonize cybercrime laws internationally by expanding accession to the Budapest Convention".[34]

The decision to focus on these strategic elements within international law and global policy forums is driven by a recognition of the complex threats that cyber activities pose to national and international stability. However, the phrase "norms of behavior" as used by the International Strategy for Cyberspace sets a path of blurring the line between legally binding international norms and broader, non-binding behavioral expectations. This ambiguity might strategically benefit the United States by providing flexibility

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[31] *2022 National Security Strategy*, p. 34.

[32] *International Strategy for Cyberspace*, p. 9.

[33] *Ibidem*, p. 19.

[34] *Ibidem*, p. 20.

in how these norms are applied and enforced, yet it simultaneously detracts from the establishment of a robust legal framework specifically tailored for cyberspace.

Furthermore, the U.S. Department of State (DoS) has pursued strategic objectives that deeply intertwined with the broader goals articulated in the National Security Strategy as well as the International Strategy for Cyberspace. By actively engaging in multilateral fora, the DoS aims to "shape the rules and norms of the international order and prevent others from advancing ideas and policies that are contrary to our [U.S.] national interests."[35] This approach is emblematic of how the U.S. has historically seized "the opportunity to exercise its influence in the creation of treaties, of international institutions, and of customary international law. The United States did this remarkably well with the World Trade Organization, which is a resoundingly successful example of American influence and negotiating strategy.[36]

The synergy between the DoS's objectives and the NSS is evident in their mutual reinforcement. The NSS emphasizes three fundamental pillars: protecting the security of the American people, expanding economic prosperity, and upholding the democratic values that constitute the American way of life.[37] By shaping international cyber norms, the U.S. bolsters its cybersecurity defenses, thus protecting national security as emphasized in the NSS. Simultaneously, by steering the development of these norms, the U.S. safeguards its economic interests and promotes the democratic values of a free and open Internet. This strategic alignment is particularly evident when examining the evolution of the U.S. position on international law in relation to cyberspace.

The DoS's active engagement is further supported by its Bureau of Cyberspace and Digital Policy, whose International Cyberspace Security (ICS) team is tasked to "promote cyberspace stability and security and protect U.S. national security interests in cyberspace".[38] Following Executive Order 13800 in 2017,[39] the DoS, along with other key departments and agencies, has provided recommendations that emphasize the protection of America's cyber interest through international engagement. More specifically, DoS stated that "the U.S. government pursues international cooperation in cyberspace to

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[35]   "Joint Strategic Plan FY 2022-2026", *U.S. Department of State*, Washington DC, 2022, p. 19.

[36]   Michael Byers, "International Law and the American National Interest", op. cit., 260.

[37]   *2022 National Security Strategy*, p. 7.

[38]   U.S. Department of State, Bureau of Cyberspace and Digital Policy, *International Cyberspace Security*, Avilable from: https://www.state.gov/about-us-bureau-of-cyberspace-and-digital-policy/ (Accessed 15 April 2024).

[39]   "Executive Order 13800 on Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure", 82 FR 22391 § (2017), Available from: https://www.federalregister.gov/d/2017-10004 (Accessed 15 April 2024).

promote *its vision* of an open, interoperable, reliable, and secure Internet that fosters efficiency, innovation, communication, and economic prosperity, while respecting privacy and guarding against disruption, fraud, and theft" (emphasis added).[40]

To actualize this vision, the U.S. has delineated specific actions through the Department of State, which underscore its commitment to lead and influence cyberspace governance on a global scale. These actions include:

1. **Promoting International Commitments**: The U.S. is actively working to promote international commitments that define what constitutes acceptable and unacceptable state behavior in cyberspace. This effort is crucial in establishing a clear and consistent understanding among all States on how international law is to be applied in the digital realm, ensuring that behaviors that threaten global cyber stability are addressed and mitigated.

2. **Defending Open Access**: The U.S. is committed to defending access to an open and interoperable Internet in various international and multilateral fora. This action reflects the U.S.'s stance against any attempts by States or large entities to create closed-off areas of the internet that could lead to the fragmentation of the global internet. Preserving the open nature of the internet is critical for maintaining the free flow of information and supporting global connectivity and understanding.

   Advancing a Supportive Regulatory Environment: Furthermore, the U.S. aims to advance an international regulatory environment that not only supports innovation but also respects the global nature of cyberspace. This includes promoting regulations that encourage technological advancements and protect intellectual property while ensuring these regulations do not stifle innovation or restrict the global exchange of ideas and technology.[41]

These strategic actions highlight how the U.S. is actively shaping the development of international cyber norms and legal frameworks, which not only protect its own interests but also aim to foster a secure, resilient, and open global cyberspace. Through these initiatives, the U.S. demonstrates its leadership in cyberspace governance, contributing significantly to the global efforts to manage the complexities of digital interactions in the modern world.

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[40] "Recommendations to the President on Protecting American Cyber Interests through International Engagement", *Department of State*, Office of the Coordinator for Cyber Issues, 2018, Available from: https://www.state.gov/wp-content/uploads/2019/04/Recommendations-to-the-President-on-Protecting-American-Cyber-Interests-Through-International-Engagement.pdf (Accessed 15 April 2024).

[41] *Ibidem.*

CONCLUSION

Examining the United States' strategic documents collectively reveals a consistent and evolving focus on securing cyberspace as a national interest, coupled with a strategic approach that navigates the complex interplay between national security, economic prosperity, and the promotion of democratic values. The emphasis on cyber *governance* rather than cyber *regulation* reflects a policy stance that integrates cyberspace security with broader geopolitical objectives across various U.S. administrations. The inclusion of cyberspace within the National Security Strategy and its alignment with other strategic plans underscore this integration, highlighting the U.S.'s commitment to shaping the international legal framework concerning cyberspace.

These strategic documents collectively emphasize the U.S.'s intent to lead in the establishment of international cyber norms that protect open, reliable, and secure internet access – key to ensuring that cyberspace remains a conduit for innovation, economic growth, and free expression. Furthermore, the strategic alignment of the Department of State with broader national security goals, as seen in the synergy between its active engagement in cyberspace and the objectives outlined in the NSS, reveals a deliberate use of diplomatic channels to advance U.S. interests and values globally. This includes leveraging international cooperation to uphold a vision of cyberspace that supports U.S. strategic interests, highlighted by initiatives to harmonize cybercrime laws and promote a regulatory environment conducive to technological innovation and economic security.

The U.S. International Strategy for Cyberspace, even though now outdated, set a clear pathway for American involvement in international collaborations and multilateral forums. This document outlined the U.S. intention to utilize its diplomatic, technological, and legal resources to build strong international partnerships and reach consensus on cyber norms globally. It confirmed the policy of positioning the U.S. as an active participant in shaping international cyberspace norms, focusing on fostering a secure, stable, and resilient digital environment that supports open communication and economic growth.

The U.S.'s evolving stance on the applicability of international law to cyberspace activities highlights its strategic intent to shape global cyber norms in a manner that aligns with its national interests as well as its leadership role in technology and cyber infrastructure. As cyberspace continues to evolve, the challenges it presents to traditional concepts of sovereignty, jurisdiction, and international law will only intensify. The United States, by virtue of its historical and technological leadership, is uniquely positioned to lead these transformations. It is imperative that ongoing and future discussions and policies reflect a balanced approach that not only protects national interests but also fosters international legal cooperation. The path the U.S. chooses to follow will significantly influence the global order of cyberspace

governance, underscoring the critical nature of its role in shaping the future of international cyber norms.

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International Relations Between the Balance of Power and Interventionism

ABSTRACT

The international community is founded on the relations of its actors, whose interaction results from aiming to fulfil foreign policy goals using different policies and strategies. They are particularly evident in large countries, which fulfil their national interests through their influence in various regions of the world. They intend to pursue their political interests using diplomatic, political, economic and military presence. Relations between big countries and regional actors created in this manner are based on the principles of alliances and enmities. This paper aims to present how large countries fulfil their foreign policy priorities through different policies in their international relations. It shall analyse the impact of the policies on the security dynamics, destabilisation, and relations of actors within the observed regional security complexes. Similar to a "domino effect", regional destabilisation means destabilisation of the ties within the international community and poses a risk to world peace and security.

KEYWORDS: international relations, security, policy, interventionism

INTRODUCTION

International relations are based upon the politics of international subjects, which is a means for fulfilling their foreign policy priorities. The power dynamics in international politics vary, and that difference regarding the scope of interest of other players is the measure of each country's power and

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strength as an actor of international relations and international law. Nowadays, the international community functions on the basis of multilateralism, but not the multipolar systems. What is the evidence for such a statement? Multipolarism should be understood as a space within the international community where multiple subjects (both state and non-state) exist. By establishing relations within international law, they create a space founded on their interests and goals. The power they express defines the time we live in as tripolar and not as multipolar. Three large countries – the USA, The Russian Federation and PR China determine the international community trends by utilising the politics of balance of power and interventionism. speaking, Their activities are related to international policy geostrategically encompassing the entire world. Naturally, they place a particular emphasis on certain regional security complexes. Thus, the USA wants to fulfil its activities in the Middle East, Indo-Pacific and European regional security complex. The Russian Federation is interested in the regional security complex of the post-soviet region, Transcaucasia, Middle East, Far East, Europe and Western Balkans. Through its own "Belt and Road" policy, PR China wants to accomplish its presence across the area of all the countries and regions that this road used to go through not only symbolically but also fundamentally.[1] The complexity of the relations between major countries regarding the spheres of influence is particularly prominent in the regions where all three countries have their goals and priorities.

The meeting point of their foreign policies leads to the shifts in international politics and adjustments of other international actors to their policies. Said regional security complexes are the playground for the power struggle, where large countries use interventionism and/or balance of power. Their foreign policy agendas opt for one or both policies. The application of the said foreign policy strategies takes place within international relations that are defined by international law and created by the participants of those relations. It should be a corrective measure for major countries' official foreign policy practices so that anarchy would not occur regarding their implementation. Anarchy occurs on the basis of regional conflicts that large countries are involved in, either directly or indirectly., through taking sides in the conflict. However, in light of Russian aggression in Ukraine and the war in Gaza, it is disputable whether international law really has the strength of a corrective measure.

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[1] "The purpose of the Belt & Road Initiative is to promote regional economic development, through creation of win-win cooperation and joint prosperity. It intends to increase understanding and trust, and to strengthen communication and friendship among countries in the region. It follows four principles: (1) openness and cooperation; (2) harmony and inclusiveness; (3) market-based operation; and (4) mutually beneficial and win-win for all countries.", Huang Yiping. "Understanding China's Belt & Road initiative: motivation, framework and assessment", *China economic review*, Vol. 40, pp. 314–321.

The international institutional framework was founded on the legal framework. Its task is to prevent security risks and to impose, establish and preserve peace. Interventionism is often carried out against international law and without the decision of competent international institutions. Examples are the initiation of two interventions in the Middle East in 1991, during the Gulf War, and in 2003, during the war in Iraq. On the other hand, the balance of power does not include the use of international law norms through the use of power. Still, it does mean the violation of the norms through accomplishing economic interests which are not in line with international law and rules of good practice. This is particularly visible in the violation of international law norms, especially in creating competition in the fossil fuel, ore and precious metals markets, as well as credit markets. The violation of international law norms, especially when it comes to military activities and the use of force, is justified by the need for establishing peace and preventing human rights violations. The fact that using military action violates one of the basic human rights is particularly problematic. Large countries also justify these violations with the fact that the decision-making mechanism in international organisations is complicated and inefficient. According to their belief, this results in delayed reaction time and thus deepening of the crises in the countries and regions that are subjected to interventionism. Both policies represent methods used by major countries via diplomatic and para-diplomatic channels. In addition to these two policies, a third one should be taken into consideration, which Harvey calls the "new imperialism," and he describes it as "capitalist in nature and arising from the dialectical relationship between the territorial and capitalist logic of power."[2] This paper aims to show the manner of the impact of the balance of power and interventionism in international policy within international law.

DEFINITION OF KEY TERMS

It is impossible to understand the impact of the balance of power and interventionism in international relations without defining and explaining key terms. Considering that these policies influence international politics relations, it is important to define them. Defining the three said terms should be understood as an explanation of a whole called international order. This procedure shall make the groundwork for explaining which of these policies are specifically used by each of the three countries. To determine and understand the term international politics means to understand the impact of international relations and security threats in international politics. This is the way to showcase the key regions as well as the three countries' spheres of interest. The application of two policies undoubtedly impacts and changes

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[2]   Dejvid Harvi, *Novi imperijalizam*, CID, Podgorica, 2019, p. 172.

national and regional politics. The final definition of the terms will give the basis for answering the research question: How do large countries impact international politics by using these two policies? What is the influence of international legal norms in implementing foreign policy priorities of the big countries through the application of the said policies?

INTERNATIONAL POLITICS

International relations actors tend to interconnect into different forms of alliances according to their political objectives. In this way, a global contact network is formed, which results in the development of international politics. Actors of this policy are states, international and regional organisations, and non-state subjects. Each of these actors strives to gain power, which is the basis of international politics. Through the use of power, international political players achieve the desired effects, one of them being the increase in power. Through it, they can control other political actors and impact their actions. State power in international politics incites competition, leading to conflicts and anarchy. As a result, security threats at all levels occur. World order peace, and stability depend on the power dynamics between the actors of international politics. If the order is founded on the unipolarism, the power is concentrated in one centre. Such actor has monopolistic status in having the balance of power and interventionism at their disposal. Depending on the type of policy they use, the actor defines international political trends.[3] if the power is diffused, it can be present through the bipolarism or multipolarism models. This refers to the existence of two or more centres of power. In this way, competition is created, as well as overlapping between actors during the application of the said policies. The world order becomes unstable, so it is necessary to establish a balance of power for its stability. The balance of power is the foundation of international politics. It is a corrective measure in the relations between political subjects. Its disruption leads to a disturbance of the world order and creates a disbalance of power, which is why the states reach for increased intensity of interventionism in the form of military interventions. The balance of power in international policy is the result of major countries applying the balance of power politics. It is not achieved spontaneously, as it results from the interests of states. They want to achieve supremacy. using the very politics of the balance of power and interventionism.

    International politics is a complex notion that cannot be summed up in a single generally accepted definition. Numerous authors disagree with this definition, with the key disagreement being its scope. Schleicher understands international politics as all inter-state relations. For Padelfor and Lincoln,

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[3]   Oskar Krejčí, "International Politics I: Global political system", *Faculty of Political Sciences and International Relations Matej Bel*, University Banská Bystrica, pp. 6–7.

international politics is an interaction of state policies within changing patterns of power relationships. Palmer and Perkins believe that the study of international politics is essentially concerned with the state system. Hupe and Possony are of the opinion that international politics consists of the actions of citizens and the decisions of politically significant private groups. Mortengaus views it as the sum of political power relations and the problems of peace. It is based on the relation of action and reaction of national policies within international politics.[4]

All the abovementioned definitions confirm the hypothesis that international politics is based on the power of its actors, especially large countries. International politics consists of two major basic elements – the actions and reactions of their actors. As a rule, action between two subjects does not influence only their national security, as that relation has a significantly broader impact on regional and international security. It would be significant for world peace and security if the policies of big countries were aimed at establishing peace and stability in the world order. However, in the majority of instances, this is not the case. Thus, the policies of balance of power and interventionism are used to meet the foreign policy goals defined by the state agendas. The goals are often conflicted, and regions become unstable, resulting in a conflict of smaller or greater proportions. To not understand international politics only as a space from which the conflicts stem its role can also be in peace-making. This is especially true when it comes to the activities of the international organisations which shape international politics through their actions. In these organisations, states more often use the policy of balance of power, which is based on diplomatic responses.

POLITICS OF BALANCE OF POWER

It stemmed from Waltz's structural and realistic analysis published in his book "Theory of International Politics ". It was written in 1979, at the beginning of the third phase of the Cold War, and this event served as a kind of inspiration for the author. Throughout the entire Cold War, the very balance of power kept the world in peace, but only on the surface. Balance of power was met with various critics, particularly realists, especially after the Cold War was over. An event that represents a textbook example of interventionism, the Gulf War in 1991, will strike a blow to this kind of international relations policy.

Balance of power is based on the theoretical belief that the world is an anarchic structure. Starting from that premise, it can be concluded that "units in a condition of anarchy – be they people, corporations, states, or whatever

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4   Richard C. Snyder, "Toward greater order in the study of international politics", *World Politics*, Vol. 7, No. 3, p.463.

– must rely on the means they can generate and the arrangements they can make for themselves."[5] A state places its political interests in gaining power as primary. States have to have adequate capabilities to meet their objectives. Their power is based on the answer to the question – how much are they capable of responding to the continuous changes of the anarchic system of international relations? Countries that cannot adapt to the shifts in the international relations system shall become weak and insignificant actors on the international stage. They will become actors who are informally subjected to other countries.[6] Unipolarity will not lead to the use of the balance of power. Specifically, a prerequisite for such policy is the existence of a multipolar system or, as this paper suggests, a tripolar system of international relations. The foreign policy priorities of large countries, major regional actors, security, and economic, political, and social circumstances influence the mechanisms used in this type of politics. We differentiate between hard and soft balance of power. The soft one is based on different types of diplomacy, from economic to cultural. The balance in relations is established on the foundations of cooperation and a cooperative system. On the other hand, a hard balance of power refers to the need to utilise military power (with an effect or without) in the relations between the actors.

The traditional understanding of the balance of power should be adapted through strategic reasoning to the modern trends in international relations, which impacted a different understanding of international politics via the globalisation process. The first one includes strategies of division and balance. It aims at directly correcting irregularities, as opposed to their rivals and their mobilisation ability. This strategy has two subcategories. First, through their activities, the balancers can lead to a situation where the allies might leave the alliance, demonstrating neutrality, or they may decide to change their allies. This subcategory is dependent on various elements in relations with other actors. They range from providing benefits to threats to the use of force. Second, a balancer in relation to the ally uses mechanisms in order for them to leave the alliance or their policy or change their position in the alliance. This allows the balancer to ensure their security in that relation, reducing the allies' influence. They may encourage and support political actors among the allies who would execute a suitable policy for them. Here, the most used methods include support for the leaders of the opposition, dissidents, and certain social groups. The second strategy refers to proxy balancing. This type of balance of power does not have a defined form of alliance and is done via a subject who is a proxy and does not have to be formally included in the transaction. It involves the provision of economic resources by the balancer

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[5]   Kenneth N. Waltz, Theory of international politics, *Waveland Press*, California, 2010, p. 88.

[6]   Daniel H. Nexon, "The Balance of Power in the Balance", *World Politics*, Vol. 61, No. 2, p. 336.

or weaponry towards the ally to reduce the danger of regional disbalance of power. In this manner, the balancer controls the ally's power, too. The said balance of power strategy offers wide possibilities for the actors. In this way, a balance of power can also be a part of a broader alliance. In most cases, this strategy encompasses the relationship between the balancer and the actor, which is based on the arms trade. Balancing through public goods substitution is a third strategy in the balance of power. The balancer state exerts control over political, economic and social trends in the ally state, controlling their growth and, thus, power and influence in international politics.[7]

The real question to ask is whether the policy of balance will withstand changes in the global order created by the great powers. Is it merely a relic in international politics today? Is it a sustainable category in the world's risk society? Today, it rests on the balance of interests of these very states. What could threaten the policy of balance, as Huntington calls it, is a "clash of civilizations." The most dangerous source of this kind of conflict is the shift in the balance of power that could occur between major powers. A sudden economic and military rise of a state like the People's Republic of China could undoubtedly lead to the end of the policy of balance. The reason would be the further strengthening of the United States in fear of China's domination. The way to preserve the policy of balance in the coming times is to avoid large-scale conflicts. This will require a special responsibility from the great powers to respect the rule of non-interference in conflicts. Additionally, they should adhere to the rule of joint mediation through the policy of balance. However, not with the goal of achieving their own interests, but with the aim of containing broader conflicts.[8]

Concept of balance of power in international relations, based on Kenneth Waltz's structural realism. It argues that the international system is anarchic, and states must prioritize accumulating and maintaining power to ensure their survival. The focus is on the distinction between hard balancing (military force) and soft balancing (diplomatic and economic strategies). Additionally, the text explores strategies like manipulating alliances, using proxies, and controlling allies through aid to maintain a balance of power in a multipolar or tripolar world.

POLITICS OF INTERVENTIONISM

Interventionism is a type of international politics which attracts special attention, debates and controversies in expert and political circles. It represents power in the hands of large countries but also concern or an opportunity for the target states. Concern may arise because of the disruption in a country or

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[7] *Ibidem*, pp. 345–346.

[8] Samuel Hantington, *Sukob civilizacija*, CID, Podgorica, 2009, p. 352.

society's security, economic and social elements. it might be an opportunity because the political elites of the target countries often build and reinforce their authority with the help of the intervening state, thus becoming their ally. The relevance of interventionism as an element of international politics is connected to both intervening and target states. Interventionism politics raises numerous questions related to its use. Therefore, it may be stated that "the use of intervention as an instrument of statecraft often sparks intense public debates both in intervening and target states: over the rights of states to suspend sovereignty rights; over the utility of intervention as a policy tool; and over the relationship between intervention and other tools of coercive reordering, from sanctions to war".[9] Interventionism revitalises the issue of a state's existence as a subject of international relations with its basic attributes, primarily sovereignty. The term sovereignty comes from the French language. Its meaning refers to key elements of each state, and one is the existence of supremacy, which exercises authority independently on the entire territory. However, sovereignty should be viewed within the framework of international relations and thus through the lens of interventionism. That is why there are multiple definitions of sovereignty, and one of them particularly stands out in the said context.[10]

Regardless of whether nowadays the sovereignty crisis is present or not, it has to be respected as a foundation and an element of the existence of a state in the international community. The other issue that comes into question is the legitimacy and legal foundation for interventionist politics. More specifically, based on what law is it possible for one or more states to violate the sovereignty of the other state? From a narrow legal point of view, there is no justification for the infringement of sovereignty. However, this premise is relativised in both international relations and international politics. The justification is tried to be found in the decisions in the form of the UN adopted resolutions, which legitimacy is given by the very member states. However, the issue of its legality is questionable, as well as whether it violates the states' sovereignty. The notion of interventionism has not been understood equally throughout international politics. In the 18th and the beginning of the 19th century, it was understood as a means for assessing the power of states in international relations. As a result, the term "great powers" and the need for their formal recognition was established. At their disposal, they had special laws, the right to intervention and the responsibility of maintaining the international order. The second period of interventionism occurred after the Cold War, which

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9   George Lawson, Luca Tardelli, "The past, present, and future of intervention", *Review of International Studies*, Vol. 39, No. 5, p. 1233.

10   "Legal autonomy in internal relations and international and legal immediacy, i.e., direct contact between a state and international law. The sum of legal possibilities of a territorially independent political community", Rodoljub Etinski, *Međunarodno javno pravo*, Novi Sad, 2004, p. 90.

meant its identification with humanitarian intervention. Interventionism was justified because the international community, led by great powers, is responsible for establishing world peace and security. Intervention is used to impose and establish peace when the peace is disrupted. In the last decade of the past century, a practice of humanitarian interventions of usually multilateral character began.

The idea is that interventionism is prompted solely by humanitarian motives, and goals can be problematic in two ways. Firstly, this is a one-sided perspective which does not dedicate enough attention to the relationship between the intervention and its goal. Secondly, the call for ethical intentions of the interventions cannot be clearly determined. Interventionist politics is exercised for different reasons. Aside from the said imposing of peace, it also refers to the provision of aid to their allies, achieving economic and geostrategic interests, etc. Considering that the reasons differ and there is an overlapping between the principles of ethics and interests, it is impossible to speak about interventionism as a solely positive or negative form of international politics. In the time ahead, interventionism politics will not weaken; on the contrary, it will get stronger while changing its forms. The first reason is the division of international order, which results in an anarchic system. Therefore, there will always be grounds for intervention for different reasons. In the future, a world division in blocs will still be in power, so large countries will maintain their blocs homogenous using different forms of interventions and will attempt to expand them. Nowadays, in the period of new globalism, the world is more heterogeneous than ever. Thus, a vast space is created for the application of interventionism. Second, interventionism is adaptable with regard to the time and surroundings in which it is implemented. As a result, it will be a constant of international politics in the following years[11].

Interventionist politics has experienced a revolution. Great powers have particularly exercised it as a practice in international politics. In the Cold War, it was used by two superpowers, but within their blocs, rarely in the neutral territories and never in the territory that belonged to the other superpower. Thanks to great powers, a mechanism of interventionism was developed as a permanent category in international politics. In the post-Cold War era, the issue of the efficiency of interventionism was raised. If an intervention aims to reduce the number of casualties, prevent mass violations of human rights and create a democratic society, it is questionable whether these goals have been reached.

Let us examine the examples of interventionism in Iraq in 2003 and then in countries that were in the whirlwind of the revolutionary movement, the Arab Spring. In the first case, the intervention was intended to destroy the weapons of mass destruction, democratise Iraq and overthrow Saddam

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[11] George Lawson, Luca Tardelli, "The past, present, and future of intervention", op. cit., pp. 1235–1247.

Hussein. Only the last one of the proclaimed objectives was met. Revolutions have shown all the bad sides of interventionism. Large states tried to use it for the instalment of their own governments. Frequently, they switched sides they supported. Thus, the Egyptian president Mubarak had gone from an ally to a main enemy created by the great powers. Politics of interventions implemented for noble goals did not reap the expected results in the said examples- Why is that the case? First of all, it did not follow political and social shifts and was often subjected to the economic interests of the states that were implementing the intervention. The results of such politics were often semi-successful. In Iraq, following the 2003 intervention, institutional, social and economic chaos ensued. Interventionism in Afghanistan, whose main plan was the fight against terrorism, was a fiasco. After the withdrawal of US troops and allied forces, it became a weak country without democracy and with a radical Taliban understanding of state and society.

However, the intervention in the civil war in Syria partially reduced the casualties of the local population. It is not simple to answer the question of whether the politics of interventionism is efficient in the international community or whether it is a means for achieving foreign policy goals. It creates tensions and disruptions in national policies and regional security challenges. Certainly, interventionism should not have a violent influence on the inner political, social and economic life of the target state. A violent approach to the crisis-solving shall not lead to interventionism being more efficient in forming a more stable, prosperous and democratic society. Interventionism is a political mechanism and is a truly controversial issue in international politics. It is characterised by inconsistent practical application and proclaimed ideas and goals that want to be met. If it is conditioned by the need to expand the political, military and economic powers of big states, then, rightfully so, it can be labelled as imperialism. Finally, there is a fine line separating the politics of interventionism and imperialism.

Kant's thoughts on interventionism are interesting because they show us its negative side and indicate why it should not be used in international relations. He is" the advocate of cosmopolitan existence, of a cosmopolitan confederation of republican states and of universal human rights, has very little to say about intervention and does not refer at all to intervention for humanitarian reasons."[12]. In his work "Toward Perpetual Peace, Practical Philosophy", in Preliminary Article 5 [13] Hegel views interventionism in relation

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[12]   Alexis Heraclides, Ada Dialla, "Intervention and non-intervention in international political theory", *Humanitarian intervention in the long nineteenth century*, Manchester University Press, p. 82.

[13]   'No State Shall by Force Interfere with the Constitution or Government of Another State'. 1) there is a problem over who is to authorize interference, since there is no higher authority; and (2) if a state has fallen into 'evil', 'its lawlessness should serve as a warning'.And he comes up with only one exception to non-intervention: if a state, through internal discord, should split into two parts, each ... laying claim to

to the strength of a state and war, and says: "The nation as a state is mind in its substantive rationality and immediate actuality and is therefore the absolute power on earth. It follows that every state is sovereign and autonomous against its neighbours."[14] War results from opposed understandings of law being in conflict and not a consequence of injustice. Therefore, interventionism that can gain the form of a fight, i.e. war, is a natural phenomenon in international relations. Interventionist politics is based on two ideas: humanist and imperialist. Practice in international politics teaches us that the idea of imperialism takes advantage of the two because the force has a tendency to expand in international relations.

The question of the relationship between interventionism and legality in the actions of international organizations, as subjects in international relations, arises. Does a decision, for example by the UN, to intervene in the territory of a state have a direct impact on its independence and territorial integrity? The UN has conducted numerous missions, very actively since the early 1990s. These missions can vary in nature, from those that represent an attempt to impose and establish peace to those aimed at preserving it. Traditional peacekeeping missions have a smaller impact on sovereignty. The UN is authorized to conduct them in accordance with Chapter VI of the UN Charter. The fact that these missions are established at the invitation of the states in which they will be deployed grants them legality as well as legitimacy. They pose little risk of negatively affecting sovereignty norms, as they are the result of consent from all parties involved.[15] Unilateral interventionism, often referred to as new interventionism, is based on the use of force by international organizations or individual states, contrary to the provisions of international law and good practice. Proponents of this form of interventionism argue that it is effective and efficient in imposing peace, and that the UN should take over in the later stages through its mechanisms to maintain peace. It must not be forgotten that it is not built on law and represents the exclusive use of force – violence – against the principles of statehood in the state being intervened upon. It is dangerous for the stability of the international order that decisions on intervention through the use of force are made ad hoc and on a case-by-case basis, especially when carried out by international organizations or major powers. If such interventions were to

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the whole; in that case a foreign state could not be charged with interfering in the constitution of another state if it gave assistance to one of them (for this is anarchy)", Imanuel Kant, "Toward Perpetual Peace, Practical Philosophy", Cambridge University Press, Cambridge, pp. 87–99.

[14] Shlomo Avineri, "The Problem of War in Hegel's Thought", *Journal of the History of Ideas*, 1961, pp. 463–474.

[15] Marina Ottaway, Bethany Lacina, "International Interventions and Imperialism: Lessons from the 1990s", *SAIS Review*, vol. XXIII no. 2, p. 80.

become common practice, interventionism could easily evolve not into a new form but into imperialism.[16]

In conclusion, interventionism remains a highly debated and controversial aspect of international politics, balancing between humanitarian motives and imperialist ambitions. While it can offer opportunities for political elites in target states to solidify their power, it often leads to disruptions in security, economic, and social systems. The challenge lies in reconciling interventionism with the principle of state sovereignty, which is central to international law. Historical examples show that interventionist policies frequently fail to achieve their stated goals, such as democratization or peace, and often serve the interests of powerful states. As a result, interventionism is often criticized for resembling imperialism, and its legitimacy and effectiveness in achieving positive outcomes remain in question.

LEGAL POLITICAL FRAMEWORK IN THE INTERNATIONAL RELATIONS

The international community is established on the international legal and institutional framework. Justifiably so, the issue of its efficacy and key influence on the formation of world order is taken into question. Regardless of whether we advocate the belief that it is efficient or not in its application, it impacts international politics. Its norms frequently result from actions of international institutions, primarily the UN. They were created on the basis of the expressed will of states, which was formalised in the UN Charter. The very sovereign and independent states give legitimacy and legality to the UN work through their own sovereignty. The UN is a place where international law intersects with international politics. Resolutions and conventions adopted by the UN have a political context in their foundation. The reason stems from the fact that states implement their foreign policies which impact the adoption of legal norms too. At their core, implementing the politics of balance of power and interventionism also affects the forming of legal opinion within international organisations. These facts indicate that a clear line cannot be drawn between international politics and international law. One cannot say that politics act independently of law, nor vice versa, that law does not impact politics. In this intertwining of politics and law, there are foreign policy interests of large states. They carry them out by a combination of law and politics, and the priority is given to one of the mentioned models, according to the present objectives in international relations.

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[16]   Glennon J. Michael, "The New Interventionism: The Search for a Just International Law", *Foreign Affairs*, Vol. 78, No. 3, pp. 6–7.

INTERNATIONAL LAW AND INTERVENTIONISM

The issue of the influence of the politics of interventionism on international law is a key one in the international community and a point of debate in international politics. International law should ensure the functioning of the international order. Wight's opinion from 1966 is true even today. He said „The fight for an international Rule of Law is a fight against politics, understood as a matter of furthering subjective desires and leading into an international anarchy. Though some measure of politics is inevitable, it should be constrained by non-political rules"[17] Application of interventionism consists of one state intervening in the issues which are elements of its sovereignty, which protects the international law. It can be inferred from all of the above that the application of interventionism may mean violations of international legal norms as well. That is why it is important to ask the question legitimacy of the intervention. Additionally, there is a dilemma: Are all states, as subjects of international relations, equal before international law? This is why the issue of legitimacy of the intervention in the internal affairs of the sovereign states represents a controversy in international relations. Two key issues stand out in the relationship between interventionist politics and international law. When can it be said that the intervention is legal? When does the intervention have legitimacy? To answer the said questions, first, we need to define intervention from the international law point of view. It represents each state's activity which results in an influence on the conduct of the other state using threats or force through the process of invasion. All states in international relations should be free and equal and independent in all those things that concern that state's domestic or "sovereign" affairs.[18] Article 2 of the UN charter guarantees the right to sovereignty and independent conduct in internal affairs."[19]

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[17] Martti Koskenniemi, "The politics of international law", *The Nature of International Law*, Routledge, p.5.

[18] Mortimer Sellers, "Intervention under International Law", *Maryland Journal of International Law*, Vol. 29, pp. 1–2.

[19] "The Organization is based on the principle of the sovereign equality of all its Members. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.", Charter of The Unated Nations nad Staute of International Court of Justice, San Francisco, https://www.icj-cij.org/charter-of-the-united-nations, (Accessed 19 April 2024)

The politics of interventionism is carried out via intervention, which includes the use of force but also not using it. The emphasis in this paper is the intervention using force. Such intervention is against the UN Charter. The Charter defines it as forbidden to use force against the basic state principles. However, the politics of interventionism using force is justified in certain cases. To be legal and legitimate, it has to be approved by the UN Security Council and in line with the Charter. It should be exercised in self-defence or through the usage of regional arrangements. Finally, if the intervention is within the legal limits, it still depends on the purpose and objective of what wants to be accomplished. Another question that arises is when the use of military force is justified. Is it justified if it prevents the execution of war crimes, genocide, or crimes against humanity? Can it be used in the defence of fundamental human rights and freedoms? Can international law limit such a form of intervention? Let us take as an example the Convention on the Prevention and Punishment of the Crime of Genocide (Convention on Genocide).[20] The states that have ratified the Convention shall be obliged to prevent the crimes stipulated in the Convention and punish the perpetrators. There would be multiple interventions using military force. One of them was in Libya in 2011, with the approval of the UN Security Council. Resolutions No 1970 and 1973 were adopted. They introduced an embargo on arms import and certain flight bans, and they allowed the use of force against the state for civil defence. This referred to the principle of responsibility to protect (RtoP). On the other hand, an intervention that the UN did not greenlight took place in 1999 in Kosovo in an attempt to, as it seemed, prevent a catastrophe.[21]

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[20]   "The Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) is an instrument of international law that codified for the first time the crime of genocide. The Genocide Convention was the first human rights treaty adopted by the General Assembly of the United Nations on 9 December 1948. According to the Genocide Convention, genocide is a crime that can take place both in time of war as well as in time of peace. The the Convention establishes on State Parties the obligation to take measures to prevent and to punish the crime of genocide, including by enacting relevant legislation and punishing perpetrators, "whether they are constitutionally responsible rulers, public officials or private individuals" (Article IV). That obligation, in addition to the prohibition not to commit genocide, have been considered as norms of international customary law and therefore, binding on all States, whether or not they have ratified the Genocide Convention. Office of Genocide Prevention and the Resposibility to protect, https://www.un.org/en/genocideprevention/genocide-convention.shtml, (Accessed 18 April 2024)

[21]   Jess Gifkins, "R2P in the UN Security Council: Darfur, Libya and beyond", Cooperation and Conflict Vol. 51 No. 2, p. 148–165.

NORMATIVE FRAMEWORK OF THE
POLITICS OF BALANCE OF POWER

Using the balance of power, states maintain their existence within the system of international relations. They influence international politics by creating alliances using the cooperative model. Alliances should build their activities in international relations on the principles and norms of international law. In a world with a multipolar form and is tripolar in its core, international order states form new or accede to the earlier formed alliances. The League of Nations did not manage to endure the changes and dynamics of international relations. The balance of power did not influence the formation of a stable system of international law. The Second World War and Cold War showed how important it was that this policy was based on legal norms. Therefore, the successor of the League of Nations, the UN, would manage to form a system of international law through its activities. An important step was the abolition of the „right on war" (jus ad bellum) through the use of the UN Charter in 1945. The Charter forbids a one-sided use of force in any way which is not in line with its objectives. However, it seems that the politics of large states have overpowered the need to establish a balance in international relations based on the principles of international law. The strength of international law would be tested two times. Both times, in the Middle East. The first time was during the Gulf War in 1991, and then the war in Iraq in 2003. Both times, the cooperative model in international relations was violated, and politics overpowered the balance of power and international law. The UN lost its power to establish and maintain the peace in the balance of power and international law.[22]

The question raised at the beginning of the twentieth century still stands today: do unilaterally taken measures revert the international community to the nineteenth century? Is there an international order in front of us where there will be only one right to the unlimited exercise of state sovereignty? If the international order is redefined and established on the new foundations, the only rule will be the use of power, without the possibility to cooperate and use the balance of power. We may direct numerous criticisms towards the inefficiency of international law, the obsolescence of the UN work and the loss of importance of the balance of power. Still, we should not forget that these three elements, nonetheless, keep the world order in a state of balance. The mentioned elements should be preserved and adapted to new challenges that international relations may bring. If the cooperative model is marginalised through the disregard of the actions of international organisations and the balance of power, a vacuum shall be created in which conflicts of greater

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[22] Hans Köchler, "The Precarious Nature of International Law in the Absence of a Balance of Power", *The Use of Force in International Relations: Challenges to Collective Security*, pp. 11–19.

proportions shall be inevitable. This would mean that local conflicts will grow into regional and international. Through a cooperative model, a balance of power and international law must remain a dam against the endangerment of world peace and security. The creation of a new world order based solely on anarchy and the use of force through the redefinition of the old one should not be allowed.

The balance of power, international law, and the UN remain critical for maintaining global stability, despite their perceived weaknesses. While large states have at times overridden these frameworks, especially in conflicts like the Gulf War and Iraq War, they still serve as essential tools for preventing the unchecked use of force and maintaining world peace. The key challenge moving forward is to preserve and adapt these mechanisms to new global challenges, ensuring that cooperation and legal norms continue to play a central role in international relations, preventing a shift towards a more chaotic and conflict-prone world order.

CONCLUSION

The balance of power and interventionism represent key mechanisms that states use in international relations. Their impact on international politics and law can be significant, as they shape the dynamics of power and the stability of the international order. These two mechanisms operate in different ways within the framework of international law, and their consequences can be positive or negative, depending on how they are applied.

The balance of power has a dual impact on international politics. It encourages the formation of alliances and diplomatic relations between states to prevent the hegemony of a single power. In this way, it contributes to maintaining stability and reducing the risk of conflict. However, balancing power can also provoke an arms race and tensions between states, especially when there are shifts in the global distribution of power. It does not directly rely on international law, but it can function in accordance with it. It can contribute to strengthening international institutions and legal frameworks, such as the UN, by seeking mechanisms that ensure peaceful relations. Conversely, when the balance of power is disrupted, international law often becomes ineffective, as powerful states act outside legal frameworks.

Interventionism can have positive consequences when used to prevent humanitarian disasters, protect human rights, or establish peace in conflicts. However, it often leads to political destabilization in the regions where it is implemented, especially when interventions are not grounded in agreements with international institutions but instead serve the interests of major powers. Interventionism is often in conflict with the principles of sovereignty and territorial integrity, which are the basic pillars of international law. Many interventions in modern history have not been in accordance with these rules,

weakening international law. Interventions conducted without international consensus can undermine trust in international institutions and the legal order.

International politics is a space where the interests of its actors, especially large states, conflict. These conflicts may influence the instability of the international order and hinder the maintenance of world peace and security. Two mechanisms that states use in international relations are balance of power and interventionism. Even though, through their use, states want to achieve their foreign policy priorities, they should not be the cause of a conflict. On the contrary, they should contribute to establishing a stable international order. A corrective measure in the use of these policies should be international law. Today, its power and efficiency are questionable. Additionally, the strength of the international organizations in their implementations is relative. In the future, the world will face numerous crises. One of them will be regional instabilities. Conflicts shall be led in regions through local wars, negatively affecting international security. Therefore, interventionism should be used exclusively within the limitations of international law, and its aim should be maintaining peace and stability. Balance of power should be exercised to strengthen the institutional and legal systems in international relations. In this way, an international order shall be created based on law. Without intending to view things from a pessimistic point of view, we still have to conclude the following: history teaches us, and the present warns us that the creation of such an international order is hardly achievable. One is certain: the fight for a more just and stable international order should be continuous.

The ultimate impact of the balance of power and interventionism in international politics within international law is complex and multifaceted, and it largely depends on the relations of political forces in international relations. Despite this fact, for the international order to remain stable, these mechanisms must operate within legal norms, with the goal of preserving global peace and security. Otherwise, the world will become a place of compromised international security.

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Serbia and the Western Balkans Confronted with Wars on the Edges of Europe and the Mediterranean**

ABSTRACT

The contemporary geographical, geopolitical, and international positioning of the Republic of Serbia and other Western Balkan states underscores the fact that this group of countries is entirely encircled by states already members of the European Union and the North Atlantic Treaty Organisation. In this regard, the author analyses the extent to which the war in Ukraine as a consequence of Russian aggression (since February 2022) as well as the conflict between Israel and radical Islamist groups Hamas (October 2023), i.e., the ensuing instability within the broader "ring" of the European and Mediterranean surroundings, may impact the position of Serbia and other Western Balkan countries. Special attention is also dedicated to internal crises in the Western Balkans, ranging from the issue of the frequently announced secession of one of the two entities in Bosnia and Herzegovina (the Republic of Srpska) to potential new, not only political, conflicts between Belgrade and Pristina. Additionally, the author will highlight the internal political instabilities in Montenegro, North Macedonia, and Albania, all of which are NATO members but still significantly distant from European Union membership. The author will attempt to shed light on different perceptions of Serbia's and other Western Balkan countries' positions in the context of (in)directly announced EU expansions at the beginning of the next decade and the continuation of NATO's open-door policy. All of this will be analysed within the framework

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of the most significant global and European changes since the post-Cold War era, as well as a certain form of internal consolidation of the "European Union project" and a renewed strengthening of NATO's role. Simultaneously, the author also explores the policies of the European Union and NATO towards Serbia and the Western Balkans in general, attempting to ascertain whether they will succeed in finding a formula for additional pacification, as well as the security and democratic consolidation of the Western Balkans, in a very challenging international moment and, most importantly, in an enormously complex broader European and Mediterranean environment.

KEYWORDS: *Serbia, Western Balkans, European Union, NATO, Ukraine, Israel, war, international positing.*

INTRODUCTION

Following months of intelligence warnings, the Russian Federation launched its invasion of Ukraine in 2022, which significantly altered the contemporary post-Cold War order in Europe.[1] Furthermore, Serbia and the Western Balkan nations were put through a particular kind of trial when Russia first annexed Crimea in 2014.[2] Specifically, in 2013, Serbia deepened its already-close ties to the Russian Federation as a result of forging a strategic alliance with this nation.[3] Serbia demonstrated itself as a loyal ally of Russia in the years that followed, declining to abide by the restrictive measures the EU had imposed on this country since 2014.[4]

Furthermore, during this period, Russian influence grew significantly through the media sphere, followed by a gradual penetration into other significant spheres.[5] Through media campaigns, an increased number of citizens were persuaded that the salvation of Serbia's truly independent regional and broader international position must be sought under the

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[1]   Kristian Gustafson, Dan Lomas, "Intelligence warning in the Ukraine war: Autumn 2021 – Summer 2022", *Intelligence and National Security*, 2024, pp. 1–20. DOI: https://doi.org/10.1080/02684527.2024.2322214.

[2]   Dragan Đukanović, "The Process of Institutionalization of the EU's CFSP in the Western Balkans Countries during the Ukraine Crisis", *Croatian International Relations Review*, Vol. XXI, No. 72, September 2014–March 2015, Zagreb, pp. 81–106.

[3]   „Deklaracija o strateškom partnerstvu između Republike Srbije i Ruske Federacije", Soči, 13. maj 2013.

[4]   Dylan Motin, *Bandwagoning in International Relations: China, Russia and Their Neighbors*, Vernon Press, Wilmington, 2024, pp. 66–70.

[5]   James McBride, "Rusia's Influence in the Balkans", *Council on Foreign Relations*, November 21, 2023. Available from: https://www.cfr.org/backgrounder/russias-influence-balkans, (Accessed 15 April 2024).

auspices of the expanding influence of official Moscow.[6] Such progressive strengthening of Russia's influence in relation to internal dynamics in Serbia was also reflected in other spheres of life. The somewhat unrealistic expectations of the Serbian government from Russia regarding relations between Belgrade and Pristina continued with a gradual revision of the foreign policy prioritisation of EU membership as predominant.[7] Indeed, as early as 2016, it became quite clear that Serbia was increasingly turning towards Russia, and to a significant extent, towards the People's Republic of China, with only pragmatic traces remaining of its pro-European orientation.[8] Similarly, in the dynamics of regional cooperation, Serbia, through the promotion of certain "autochthonous" forms of cooperation, sought to somewhat diminish the significance of the Berlin Process, which emerged as a result of a significant initiative by the Federal Republic of Germany.[9] As a result, the very good relations between official Belgrade and the Federal Republic of Germany during that period (2012–2016) simultaneously lost significance.[10]

The shift in Serbia's foreign policy towards the Russian Federation and China has had, in a way, particular implications for other actors in the Western Balkans. This primarily concerns the entity of the Republic of Srpska within Bosnia and Herzegovina, as well as Russia's multiple attempts to preventively hinder Montenegro and North Macedonia from joining the North Atlantic Treaty Organisation (during 2016 and 2017).[11] However, after these states joined NATO, their foreign policies fully aligned with the European Union's

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[6] „Najmanje u regionu: Desetina građana Srbije potpuno podržava prozapadnu politiku", *BETA*, Beograd, 18. april 2024. Available from: https://www.vijesti.me/svijet/balkan/703365/najmanje-u-regionu-desetina-gradjana-srbije-potpuno-podrzava-prozapadnu-spoljnu-politiku, (Accessed 20 April 2024).

[7] *Ibidem*.

[8] Ljudimila Cvetković, „'Čeličnom prijateljstvu' Srbije i Kine dodat Sporazum o slobodnoj trgovini", *Radio Slobodna Evropa*, Balkanski servis, Prag, 17. oktobar 2023. Available from: https://www.slobodnaevropa.org/a/srbija-kina-sporazum-o-slobodnoj-trgovini/32641453.html, (Accessed 20 April 2024).

[9] „Vučić iz Tirane: Nastaviće se sa razvojem Otvorenog Balkana", *Kosovo Online*, 29. februar 2024. Available from: https://www.kosovo-online.com/vesti/politika/vucic-iz-tirane-nastavice-se-sa-razvojem-otvorenog-balkana-29-2-2024, (Accessed 20 April 2024).

[10] „Vučić: Hvala Merkel na svemu učinjenom za Srbiju", *Al Jazeera Balkans*, Sarajevo, 13. septembar 2021. Available from: https://balkans.aljazeera.net/news/balkan/2021/9/13/njemacka-kancelarka-danas-u-sluzbenoj-posjeti-srbiji, (Accessed 20 April 2024).

[11] The coup attempt in Montenegro in October 2016 and the intrusion of protesters into the North Macedonian Assembly in April 2017. „Kalabuhov: Rusija zahvalna Dodiku na razvoju odnosa sa Moskvom", *ATV*, Banjaluka, 22. mart 2024. Available from: https://www.atvbl.rs/lat/republika-srpska/kalabuhov-rusija-zahvalna-dodiku-na-razvoju-odnosa-sa-moskvom-22-3-2024, (Accessed 20 April 2024).

Common Foreign and Security Policy. Today, four actors in the Western Balkans are gathered around the Quad group with 100 per cent alignment with the EU's Common Foreign and Security Policy, while two actors, Serbia and Bosnia and Herzegovina, are outside of this arrangement.[12] Bosnia and Herzegovina is not a member of the mentioned Quad group primarily due to the insufficient implementation of adopted restrictive measures.[13] Serbia, on the other hand, besides the non-application of sanctions against Russia, has numerous other non-alignments with the EU's Common Foreign and Security Policy related to China, Iran, and other actors.[14]

The unstable political situation continues in Bosnia and Herzegovina due to announcements of a possible secession of the Republic of Srpska.[15] Also, there are many concerns related to the upcoming elections in North Macedonia. Undoubtedly, the most significant influence on regional dynamics is the unresolved process of normalising relations between Belgrade and Pristina.[16] In this light, relations among actors in the Western Balkans are further complicated, exacerbated by the ongoing conflict in Ukraine and the Eastern Mediterranean, as well as by Israel's actions against Palestinians in the Gaza Strip.

THE WAR IN EASTERN EUROPE AND CONFLICTS IN THE EASTERN MEDITERRANEAN: NEW CHALLENGES FOR THE WESTERN BALKANS

The contemporary geopolitical circumstances, primarily linked to Russian aggression in Ukraine after 2022, have further complicated the situation in the Western Balkans.[17] Even after NATO's expansion in the Western Balkans

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[12]   Marija Tumanovska, „'Zapadni Balkan Quad' inicijativa kojoj nedostaju dve države Zapadnog Balkana", *Radio Slobodna Evropa*, Balkanski servis, Prag, 3. April 2023. Available from: https://www.slobodnaevropa.org/a/sankcije-rusija-balkan-rat/32347295.html, (Accessed 20 April 2024).

[13]   *Ibidem*.

[14]   Igor Novaković, Tanja Plavšić, *Analiza usaglašavanja Srbije sa spoljnopolitičkim deklaracijama i merama Evropske unije: Godišnji izveštaj za 2023. godinu*, ISAC fond, Beograd, januar 2024, str. 2–25.

[15]   „Dodik: RS ima svoj izričit cilj i biće nezavisna", *Politicki.ba*, Sarajevo, 14 februar 2024. Available from: https://politicki.ba/vijesti/dodik-rs-ima-svoj-izricit-cilj-i-bice-nezavisna/48248, (Accessed 20 April 2024).

[16]   Dušan Janjić, „U magli finale etape normalizacije", *KoSSev*, 19. april 2024. Available from: https://kossev.info/srbija-bombardovanje-nato-pogrom-kosovo-janjic/, (Accessed 20 April 2024).

[17]   "Russia and the Western Balkans: Geopolitical confrontation, economic influence and political interference", European Parliamentary Research Service, Brussels, April 2023. Available from: https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/747096/EPRS_BRI(2023)747096_EN.pdf, (Accessed 20 April 2024).

in the second half of the previous decade – with Montenegro joining in 2017 and North Macedonia in 2020 – and efforts to align with the West, instabilities persist, both between Belgrade and Pristina and within Bosnia and Herzegovina. New internal instabilities have also emerged in Montenegro due to attempts to redefine the position of the Serbian Orthodox Church in the country (2019–2020).[18] Also, in North Macedonia, despite joining NATO in March 2020, the slow progress in European integration gradually strengthened anti-Western sentiments.[19]

Such a new and insecure framework in the Western Balkans has only created fertile ground for the expansion of Eastern actors' influence, primarily Russia and China. Therefore, a realistic question arises about how to proceed, especially in the context of European Union enlargement. On the other hand, Bosnia and Herzegovina's path towards NATO membership is visibly blocked by the current political circumstances in the country, and there is no possibility of change.[20] Similarly, Kosovo's attempt to join NATO faces resistance from member states of the Alliance that have not recognised it since 2008. Although there are certain announcements and indications of finding a *sui generis* solution for Kosovo's entry into NATO, this will primarily depend on the commitment of the United States, which has supported the internal transformation of the Kosovo Security Forces since 2018.[21]

Unlike the European Union, NATO has significantly consolidated itself since the Russian invasion of Ukraine and, in a way, strategically considered options that could follow if Russia were to attack the Baltic Republics or Poland.[22] Therefore, the accelerated entry of Finland and Sweden into NATO during 2023 and 2024 is the most significant event. By strengthening its northern dimension, NATO has secured a significant part in northern Europe and focused on this region, unlike previous expansions primarily in Southeastern

[18] Ermin Sinanović, "The Serbian Orthodox Church and 2020 Montenegro Elections", *Georgtown University*, October 15, 2020. Available from: https://berkleycenter.georgetown.edu/posts/the-serbian-orthodox-church-and-the-2020-montenegro-elections, (Accessed 20 April 2024).

[19] Sveto Toevski, "U EU 'umor od proširenja', u Makedoniji umor od praznih obećanja", 3. mart 2021. Available from: https://respublica.edu.mk/blog-sr/politika-sr/u-eu-umor-od-prosirenja-u-makedoniji-umor-od-praznih-eu-obecanja/?lang=sr, (Accessed 20 April 2024).

[20] Dragan Đukanović, „Bosna i Hercegovina na neizvesnom putu ka članstvu u NATO", *Međunarodni problemi*, god. LXXI, br. 3, Beograd, 2019, str. 335–361. DOI: https://doi.org/10.2298/MEDJP1903335D

[21] "Can Kosovo join NATO ahead of turn?", *Kosovo Online*, 19 March 2024. Available from: https://www.kosovo-online.com/en/news/analysis/can-kosovo-join-nato-ahead-turn-19-3-2024, (Accessed 20 April 2024).

[22] Franz-Stefan Gady, "NATO's Confusion Over the Russian Treat", *Foreign Policy*, February 27, 2024. Available at: https://foreignpolicy.com/2024/02/27/russia-ukraine-nato-europe-war-scenarios-baltics-poland-suwalki-gap/, (Accessed 20 April 2024).

Europe (from 2004 to 2020).[23] This has, *via facti*, strengthened NATO's capacity to act in case of an escalation in the north of the continent. The remaining three militarily neutral countries in Europe, Ireland, Austria, Malta, and Switzerland, are deeply embedded in the territory strategically encircled by NATO member states.[24] Despite their military-neutral status, there is a deep strategic connection between them and NATO. Therefore, it is essential to see what will happen with potential new NATO expansions in Southeastern Europe, especially concerning Bosnia and Herzegovina, and Kosovo after the conclusion of the current phase of the dialogue stalemate between Belgrade and Pristina.[25] Serbia will undoubtedly remain outside of this process, but NATO has a clear intention to establish stronger relationships (partnerships), which do not necessarily entail full membership.[26] This should largely resemble the position of Finland and Sweden before they joined NATO in 2023 and 2024.

On the other hand, the attempt by leading European Union countries to include a broader range of actors through the European Political Community in 2022 in response to the Russian invasion of Ukraine did not yield results.[27] This format of European cooperation, which should include a security component, failed to consolidate the European Union as its initiator and to ensure a safer, broader European environment. Moreover, the accelerated granting of candidate status to Moldova and Ukraine, as well as to Georgia and Armenia, and the announcement of opening accession negotiations with these countries in a way confirm that the current priority of the European Union, as in the second half of the 2000s (the case of Bulgaria and Romania), is actually further strengthening of its future borders with the Russian Federation.[28] At that time, a significant part of the Western Balkans, including

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[23]   Bulgaria, Romania, Croatia, Albania, Montenegro and North Macedonia are successfully completing their NATO membership during this period.

[24]   Igor Novaković, *Neutralnost u Evropi u 21. veku i slučaj Srbije*, ISAC fond, Beograd, 2012, str. 5–9.

[25]   Dragan Đukanović, „Bosna i Hercegovina na neizvesnom putu ka članstvu u NATO", *op. cit.*, str. 335–361.; Fatos Bytyci, „Kosovo must Serbia peace deal before it can join NATO – US senators", *Reuters*, March 23, 2023. Available from: https://www.reuters.com/world/europe/kosovo-must-implement-serbia-peace-deal-before-it-can-join-nato-us-senators-2023-05-22/, (Accessed 20 April 2024).

[26]   „Srbija važan učesnik i dugoročni partner NATO", 21. novembar 2023. Available from: https://etto.ba/clanak/srbija-va%C5%BEan-regionalni-u%C4%8Desnik-i-dugoro%C4%8Dni-partner-nato-a, (Accessed 20 April 2024).

[27]   "What is European Political Community?", Available from: https://www.bundesregierung.de/breg-en/news/epc-background-2194218, (Accessed 20 April 2024).

[28]   "Enlargement: Commission recommends starting accession negotiations with Ukraine, Moldova, Bosnia and Herzegovina, and candidate status for Georgia", *European Commission*, Brussels, 8 November 2023. Available from: https://commission.europa.eu/news/enlargement-commission-recommends-starting-

Croatia, was separated from potential additional Russian influences to a certain extent. Furthermore, the war in Ukraine and the circumstances preceding it have shown the realistic inability of the Organisation for Security and Co-operation in Europe (OSCE) to find solutions that were supposed to prevent conflicts. Numerous diplomatic efforts led by the OSCE within the framework of the Minsk Agreements (2014 and 2015) failed to prevent Russia from attempting to occupy parts of neighbouring Ukraine.[29]

Moreover, crises within the European Union, such as Brexit and the financial crisis at the beginning of the last decade, contributed to a diminished level of internal cohesion and the ability to respond to activities Russia undertook regarding Ukraine. Thus, the onset of the war in Ukraine in February 2022 coincided temporally with numerous internal instabilities within the Union, as well as the strengthening of Eurosceptic forces in its numerous member states.[30] These trends became particularly evident in Central Europe, where Hungary, in essence, gradually changed its foreign policy course.[31] Today, its position regarding the war in Ukraine is quite different compared to other member states of the European Union and NATO. Moreover, the government in Budapest found itself almost isolated due to delays in deciding on significant financial assistance from the European Union for Ukraine. However, after numerous consultations within the European Union, the Hungarian government agreed to a package of additional financial aid directed at Ukraine.[32] Within the Visegrad Group, there have also been certain divergences regarding both the foreign policy positioning of these countries and the internal state of democracy and human rights. Therefore, it can be freely concluded that this fairly longstanding intergovernmental cooperation forum, which began operating in 1991, has entered a rather serious internal

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accession-negotiations-ukraine-moldova-bosnia-and-2023-11-08_en, (Accessed 20 April 2024).

[29] Marie Dumuolin, "Ukraine, Russia, and Minsk Agreements", *European Council on Foregin Relations*, 19 February 2024. Available from: https://ecfr.eu/article/ukraine-russia-and-the-minsk-agreements-a-post-mortem/, (Accessed 20 April 2024).

[30] „EU: Krajnja desnica mogla bi da iskoristi ekonomski pad za pobjedu na izborima", *Al Jazeera Balkans*, Sarajevo, 14. februar 2024. Available from: https://balkans.aljazeera.net/news/world/2024/2/14/eu-krajnja-desnica-mogla-bi-iskoristiti-ekonomski-pad-za-veliku-pobjedu-na-izborima, (Accessed 20 April 2024).

[31] „Raste nezadovoljstvo u EU: Orbanu prijeti gubljenje prava glasa", *Politicki.ba*, Sarajevo, 26. januar 2024. Available from: https://politicki.ba/vijesti/raste-nezadovoljstvo-u-eu-orbanu-prijeti-gubljenje-prava-glasa/47103, (Accessed 20 April 2024).

[32] „Orban posle sporazuma EU za Ukrajinu: 'Naišao sam na zid'", *Radio Slobodna Evropa*, Balkanski servis, Prag, 2. Februar 2024. Available from: https://www.slobodnaevropa.org/a/madjarska-orban-eu-ukrajina/32802403.html, (Accessed 20 April 2024).

crisis.[33] Although pro-democratic forces won in Poland in last year's elections and somewhat altered the ratio among the four Visegrad Group countries to 3:1, the victory of the Eurosceptic candidate Robert Fico (Direction *Social Democracy Party, "Smer–Sociálna Demokracia"*) in Slovakia has once again changed this internal ratio to 2:2 between pro-democratic and extremely conservative governments in this part of Central Europe.[34]

In October 2023, the onset of the war in the Gaza Strip further exacerbated instability in the Western Balkans. Although the war in Ukraine caused a certain division among Western Balkan countries regarding support for actors in this conflict, the war between Israel and Hamas substantially contributed to this. Traditional internal lines of division in Western Balkan states were further widened by this security issue in the Eastern Mediterranean. It is evident that the Bosniak segment of the population in Bosnia and Herzegovina, unlike the Serbian one, supports the Palestinian side, while official Belgrade, despite perhaps a different majority sentiment in Serbia, is more inclined to Israel.[35] Similarly, when it comes to the attitudes of other actors in the Western Balkans, some oscillations can be observed. Therefore, further escalation of the war between Israel and Palestinians will also be reflected in the Western Balkans, especially when the US presidential elections end later this year. It is clear that US support for Israel will be even greater in the event of a victory by Republican candidate Donald Trump than it is now when the Joseph Biden administration supports Israeli Prime Minister Benjamin Netanyahu.[36] Moreover, there are currently more than dissonant tones from Washington regarding the cessation of Israeli military actions in the Gaza Strip and its insistence on achieving an extension of the ceasefire or a more sustainable peace solution.[37]

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[33] Rikard Jozwiak, „Briselski blog o Višegradskoj četvorki: Kada 2 + 2 nije jednako 4", *Radio Slobodna Evropa*, Balkanski servis, Prag, 28. februar 2024. Available from: https://www.slobodnaevropa.org/a/briselski-blog-visegradska-cetvorka/32840773.html, (Accessed 20 April 2024).

[34] *Ibidem.*

[35] Giorgio Cafiero, „Dok traje bombardovanje Gaze, da li Srbija tajno šalje oružje Izraelu?", *Al Jazeera Balkans*, Sarajevo, 11. april 2024. Available from: https://balkans.aljazeera.net/teme/2024/4/11/dok-traje-bombardovanje-gaze-da-li-srbija-tajno-salje-oruzje-izraelu, (Accessed 20 April 2024).; Boris Knežević, „Novi povod za svađu: Srpska za Izrael, Bošnjaci za Palestince", *Blic*, Beograd, 9. oktobar 2023. Availabe from: https://www.blic.rs/vesti/republika-srpska/nasli-novi-povod-za-svadu-srpska-za-izrael-bosnjaci-za-palestince/twhqp7n, (Accessed 20 April 2024).

[36] Franco Ordonez, "How Donald Trump trying to capitalize on tensions between Biden and Netanyahu?", March 26, 2024. Available from: https://www.npr.org/2024/03/26/1241043509/how-is-donald-trump-trying-to-capitalize-on-tensions-between-biden-and-netanyahu, (Accessed 20 April 2024).

[37] Stephen Collinson, "Biden and Netanyahu call comes amid extreme mutual tensions and political pressure", *CNN*, April 4, 2024. Available from: https://edition.cnn.

THE WESTERN BALKANS AT THE CROSSROADS OF GEOSTRATEGIC TRANSFORMATIONS IN CONTEMPORARY EUROPE

While the Western Balkan states are still not fully integrated into the European Union, the door is now open for future expansions towards Ukraine, Moldova, Georgia, and Armenia. However, this move may encounter challenges despite the clear strategy that can be discerned in geopolitical terms, particularly regarding the entry of countries geographically closest to the Russian Federation. In the long term, internal pro-democratic consolidation and stabilisation are not expected in Russia.

The promise of the New Growth Plan for the Western Balkans countries is an interesting instrument, but it is not sufficiently purposeful and will not compensate for the geopolitical gap that arises between the four actors and Serbia, and partially Bosnia and Herzegovina.[38] Namely, it is obvious that certain actors have 100 per cent alignment with the EU's Common Foreign and Security Policy. On the other hand, the future moves of the authorities in Belgrade may result in further opening of the country's position towards its eastern foreign policy perspective.[39] The announcement of a potential withdrawal from the Council of Europe if Kosovo's entry into this organisation is accepted confirms this. In fact, such a possibility would represent a more than noticeable shift in Serbia's position towards its European environment.[40] It should also be noted that within Article 4, paragraph 2, of the Agreement on the Normalisation of Relations between Kosovo and Serbia, it is stated that Belgrade will not oppose Kosovo's membership in international organisations.[41] Moreover, this agreement is a part of Chapter 35 (Other) of the Negotiation Framework for the Republic of Serbia and could determine the country's position.[42]

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com/2024/04/03/politics/biden-netanyahu-tension-analysis/index.html, (Accessed 20 April 2024).

[38] "New growth plan for the Western Balkans", COM(2023) 691 final, Brussels, 8 November 2023.

[39] „Postignut dogovor o Planu rasta EU za Zapadni Balkan vrijednom šest milijardi", *Radio Slobodna Evropa*, Balkanski servis, Prag, 4. april 2024. Available from: https://www.slobodnaevropa.org/a/eu-plan-rasta-zapadni-balkan/32890926.html, (Accessed 20 April 2024).

[40] Željko Pantelić, „Gde vodi spoljna politika na četiri stuba: Srbiji preti sudbina Albanije Envera Hodže?", *Nedeljnik*, broj 638, Beograd, 4. April 2024, str. 22–25.

41 "Belgrade-Pristina Dialogue: EU Proposal – Agreement on the path to normalization between Kosovo and Serbia." Brussels. February 27, 2023. Available from: https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-eu-proposal-agreement-path-normalisation-between-kosovo-and-serbia_en., (Accessed 20 April 2024).

42 „EU izmenila pregovarački okvir sa Srbijom, obuhvaćene obaveze iz Ohridskog sporazuma", *Radio Slobodna Evropa*, Balkanski servis, Prag, 16. april 2024. Available

All of this would essentially mean further weakening of Serbia's already exclusively declarative pro-European foreign policy and long-term alignment with Russia, but also increasingly with China.[43] In this regard, there are expectations that the potential major world war, which would strengthen Russia and China's post-war role on the global stage, would also impact Serbia's positioning. There are frequent media speculations that the Russian Federation would quickly advance to the Danube and seize Odesa and numerous other coastal areas of Ukraine.[44] After that, Russia would even more significantly influence Serbia's position. In this way, Russia would reconfigure the post-Cold War Balkans so that Serbia would gain significant territorial expansions at the expense of its post-Yugoslav neighbours.[45]

Certainly, such expectations also include Serbia's support for China in using military force to reintegrate Taiwan, which would cause seismic geopolitical shifts in Asia. The penetration of China's influence in the Western Balkans, as well as Russia's influence, primarily goes through the authorities in Belgrade and has significantly expanded to the rest of the region in recent years. Therefore, consistent promoters of Chinese influence argue that China did not come to Serbia to withdraw.[46] In this sense, every opportunity is used to create a certain type of economic dependency for Serbia on the People's Republic of China. The constant anticipation of tectonic disturbances on the world stage and the additional strengthening of both Russia and China have fundamentally trapped Serbia's foreign policy position. It is increasingly clear that Serbia is conspicuously relenting in its level of activity on its European path, which affects both its foreign policy position and the situation within the country.

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from: https://www.slobodnaevropa.org/a/eu-srbija-ohridski-sporazum/32907414.html, (Accessed 20 April 2024).

[43] „Vučić za kinesku mrežu CGTN: Tajvan je deo Kine i na Kini je šta, kada i kako će uraditi", *Radio Slobodna Evropa*, Balkanski servis, Prag, 27. februar 2024. Available from: https://www.slobodnaevropa.org/a/srbija-kina-tajvan-vucic/32837373.html, (Accessed 20 April 2024).

[44] Eduard Popov, „Dunav – večiti povratak Rusije: Istorijska retrospektiva i geopolitička perspektiva", In: Zoran Milošević, Miša Stojadinović (urs.), *Evropa i Dunav – Dunav u geopolitičkim strategijama evropskih država*, Institut za političke studije, Beograd, 2023, pp. 219–233.

[45] Vlado Vurušić, „Bivši Putinov suradnik: 'Hrvatsku treba likvidirati, Mađarska će uzeti sjeverni dio, ostatak Srbija...'", *Jutarnji list*, Zagreb, 17. mart 2024. Available from: https://www.jutarnji.hr/vijesti/svijet/bivsi-putinov-suradnik-hrvatsku-treba-likvidirati-madarska-ce-uzeti-sjeverni-dio-a-ostatak-srbija-15439942, (Accessed 20 April 2024).

[46] „Debata: Peking se u Beogradu prihvata kao pouzdan partner", *N1*, Beograd, 18, oktobar 2021. Available from: https://n1info.rs/biznis/debata-peking-se-u-beogradu-prihvata-kao-pouzdan-partner/, (Accessed 20 April 2024).

The European Union's impotence in a multi-decade context has been demonstrated again in the Western Balkans region. The attempts of the Berlin Process, which is inclusive for now, and the economic integration of the Common Regional Market and the EU Single Market remain ahead of us. The goal of establishing this market throughout the Western Balkans by 2027 was lofty, but there has been some recent doubt in Serbia over these endeavours to tie the country to the Union.[47] Neither this form of economic convergence of the Western Balkans region with the European Union nor the Open Balkans Initiative (since 2019) will yield results if it is not inclusive.

Since the late 2000s, numerous foreign policy predictions have emerged in the Serbian public sphere, proving to be more than realistic. Following the declaration of military neutrality in 2007, which arose as a result of significantly strengthened Russian influence, similar assumptions were made regarding Serbia's European integration perspective.[48] It is quite clear that the authorities in Moscow would not favour Serbia's potential further approach to the European Union, as it would imply a shift towards the Western geopolitical sphere. Therefore, it is more than realistic to expect a further slowdown in Serbia's integration into the EU and potentially even abandonment of regional cooperation based on European principles. It also seems that Serbia's alignment with the BRICS will continue, alongside an objective abandonment of the European path.[49] All of this will be rounded off by a change in tactics and approach, which is widely announced, as well as the definition of a foreign policy strategy entirely linked to the interpretation of Kosovo's status by certain international actors.[50]

Offering numerous measures related to the economic sphere by the European Union, primarily the Common Regional Market, at times when there are announcements of separatism in Bosnia and Herzegovina or when there was almost a wider armed conflict in northern Kosovo in September 2023, becomes quite irrelevant, along with the New Growth Plan (November

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47 "Common Regional Market: A catalyst for deeper regional economic integration and a stepping stone towards EU Single Market", *Regional Cooperation Council*, Sarajevo, 9 November 2020. Available from: https://www.rcc.int/docs/543/common-regional-market-action-plan, (Accessed 20 April 2024).

48 Wouter Zweers, Niels Drost, Baptiste Henry, "Little substance, considerable impact: Russian influence in Serbia, Bosnia anh Herzegovina, and Montenegro", *Clingendeal – Netherlands Institute of International Relations*, August 2023, pp. 6–42.

49 „Poziv Vučiću na samit BRIKS: Srbija između dva pogleda na svet", *Kosovo Online*, 7. april 2024. Available from: https://www.kosovo-online.com/vesti/analize/poziv-vucicu-na-samit-briksa-srbija-izmedju-dva-pogleda-na-svet-7-4-2024, (Accessed 20 April 2024).

50 „Vučić: Biće dubinskih i suštinskih promena spoljne politike Srbije", *Kosovo Online*, 25. april 2023. Available from: https://www.kosovo-online.com/vesti/politika/vucic-bice-dubinskih-i-sustinskih-promena-spoljne-politike-srbije-25-4-2023, (Accessed 20 April 2024).

2023).[51] Similar measures were attempted by the former European Community towards the former Socialist Federal Republic of Yugoslavia in 1991, and they ultimately did not yield results.[52]

It is extremely difficult to expect further stabilisation of the situation in this area of Europe when political actors in the Western Balkans are simply intensifying their already adversarial relationships. The rise of tensions in Montenegro and the apparent current and future obstacles to the unofficially announced entry into the European Union around 2030 continue to be the main sources of conflict.[53] However ambitious this may seem, it appears that the European Union, by admitting Montenegro into its membership, would attempt to set an example of good practice in the Western Balkans and thereby encourage others to follow.[54] However, in reality, things are quite different when it comes to the relationships of other actors in the Western Balkans. At the same time, the prospect of a serious political crisis is opening up in North Macedonia after the upcoming elections, in which the Euro-sceptic VMRO-DPMNE will certainly triumph.[55]

The strategic directions of most other Western Balkan countries in the context of the war in Ukraine remain unchanged. In this sense, the commitment to joining the EU and NATO continues to be the predominant component of their international actions. Similarly, this is the case with Bosnia and Herzegovina, which, on the one hand, is opening negotiations for EU membership, while one of its entities (the Republic of Srpska) advocates for changing the situation on the ground, namely, for separation and potential annexation to neighbouring Serbia.[56] Expectations that the world order will soon and rapidly change and that the Republic of Srpska will successfully break away from Bosnia and Herzegovina go quite far. They are often

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[51] "New growth plan for the Western Balkans", *op. cit.*

[52] Dragan Đukanović, „SFR Jugoslavija i Evropska ekonomska zajednica: od uspešne saradnje i potencijalnog članstva do suspenzije svih sporazuma", *YU historija*, Helsinški odbor za ljudska prava, 2020. Beograd. Available from: https://yuhistorija. com/serbian/medj_politika_txt00c1.html, (Accessed 20 April 2024).

[53] Omer Karabeg, „Prijeti li Crnoj Gori ′bosnizacija′?", *Radio Slobodna Evropa*, Balkanski servis, Prag, 29. oktobar 2023. Available from: https://www.slobodnaevropa.org/a/ crna-gora-popis/32658063.html, (Accessed 20 April 2024).

[54] Željko Pantelić, „Gde vodi spoljna politika na četiri stuba: Srbiji preti sudbina Albanije Envera Hodže?", *op. cit.*, str. 22–25.

[55] Mathieu Neelen, "Eurosceptic opposition parties in North Macedonia attempt obstruction of EU accession", September 27, 2022. Available from: https:// europeanforum.net/eurosceptic-opposition-parties-in-north-macedonia-attempt-obstruction-of-eu-accession/, (Accessed 20 April 2024).

[56] „Milorad Dodik na skupu u Banjaluci: Da ima pravde bili bismo deo Srbije, Beograd je naš glavni grad", *Danas*, Beograd, 18. april 2024. Available from: https://www. danas.rs/svet/region/milorad-dodik-na-skupu-u-banjaluci-da-je-pravde-bili-bismo-deo-srbije-beograd-je-nas-glavni-grad/, (Accessed 20 April 2024).

reflected in resolutions adopted by the Assembly of this entity.[57] Western reactions, primarily from the United States and the European Union, are mostly declarative, without substantially influencing the halt of the creeping secession process.[58]

Relying on Russia when it is preoccupied with the war, which has been ongoing in Ukraine for over two years, is unlikely to lead to success. A similar situation occurred during the last decade of the 20th century when the then-Federal Republic of Yugoslavia attempted to rely on the Russian Federation.[59] Serbia's failure to understand regional and global processes and its lack of awareness of its geographic and geostrategic position risks a new period of international isolation, which could also affect its economy. Additionally, there remains the question of Serbia's future relations with its communities in Croatia, Montenegro, and North Macedonia. Any further escalation of tensions with the West, including a potential armed confrontation in northern Kosovo, would result in a serious European security crisis that would benefit Moscow's political aspirations in the Balkans.

The existing NATO presence in Bosnia and Herzegovina is insufficient to preserve stability in this country.[60] The potential for internal conflict is realistically very high, and it is very difficult to predict the direction of the already complex internal situation in Bosnia and Herzegovina.[61] On the other hand, Turkey influences the difficult integration of the Bosniak factor into its regional and European environment. The constant spread of fear that the Bosniaks will become an insignificant "*Central European minority*", as former key Turkish geostrategist Ahmet Davutoğlu claimed in his book, as well as attempts to further strengthen relations with Turkey, do not create a realistic

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[57] „Skupština RS usvojila izborni zakon i izvještaj koji negira genocide", *Al Jazeera Balkans*, Sarajevo, 19. april 2024. Available from: https://balkans.aljazeera.net/news/balkan/2024/4/19/skupstina-rs-a-usvojila-izborni-zakon-i-izvjestaj-koji-negira-genocid, (Accessed 20 April 2024).

[58] „Poruka američke ambasade u BiH: SAD su spremne odgovoriti na antidemokratske i secesionističke prijetnje Milorada Dodika", *N1*, Sarajevo, 19. april 2024. Available from: https://n1info.ba/vijesti/poruka-ambasade-sad-u-bih-sad-su-spremne-odgovoriti-na-antidemokratske-i-secesionisticke-prijetnje-milorada-dodika/, (Accessed 20 April 2024).

[59] Dragan Đukanović, *Balkan na posthladnoratovskom raskršću (1989–2020)*, Institut za međunarodnu politiku i privredu, Službeni glasnik, Beograd, 2020, str. 46–51.

[60] „General Kavoli: Na Kosovo treba poslati više trupa i artiljerije", *Kosovo Online*, 17. april 2024. Available from: https://www.kosovo-online.com/vesti/politika/general-kavoli-na-kosovo-treba-poslati-vise-trupa-i-artiljerije-17-4-2024, (Accessed 20 April 2024).

[61] „Obavještajna zajednica SAD: Dodik preuzima korake da obezbjedi de facto secesiju RS", *Radio Slobodna Evropa*, Balkanski servis, Prag, 12. mart 2024. Available from: https://www.slobodnaevropa.org/a/dodik-republika-srpska-secesija-sjedinjene-drzave/32858070.html, (Accessed 20 April 2024).

environment for accelerating the process of Bosnia and Herzegovina's integration into the European Union.[62] Additionally, certain *ad hoc* intra-state coalitions form in Bosnia and Herzegovina, which are aimed at its instability and often based on anti-Islamic sentiments.

A potential, albeit less likely, future attempt by North Macedonia to turn towards official Moscow would pose a problem within NATO, considering certain implications that could develop for the southern flank of this organisation, primarily through attempts to challenge the Prespa Agreement (2018) with neighbouring Greece.[63] That would unquestionably favour an agenda of deepening disagreements among local actors in the Balkans, and such a shift would benefit official Moscow and its efforts to sow discord within the Euro-Atlantic community. Surely, the widening of political disputes between Bulgaria and North Macedonia will also be exploited for a particular kind of discord and constant support for deepening misunderstandings and poor relations between Serbia and its post-Yugoslav neighbours.[64]

Efforts towards ethnic federalisation of Montenegro through intra-Orthodox discord within the country will continue as political actors closely tied to Moscow seek to deepen internal divisions in this NATO member state, potentially leading to complete dysfunctionality and potential separatism.[65] On the other hand, Albania is increasingly perceived as a positive actor in the Western Balkans, primarily due to its largely improved relations with almost all of its neighbours. In this regard, Albania is granted a strengthened role, whether through organising regional meetings, chairing the Berlin Process in 2023, or other similar examples.[66]

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[62]   Ahmet Davutoglu, *Strategijska dubina: Međunarodni položaj Turske*, Službeni glasnik, Beograd, 2014, str. 294.

[63]   "Final Agreement for the Settlement of the Differences as Described in the United Nations Security Council Resolutions 817 (1993) and 845 (1993), the termination of the Interim Accord of 1995, and the establishment of a Strategic Partnership between the Parties," Prespa. June 17, 2018. Available from: https://vlada.mk/sites/default/files/dokumenti/spogodba-en.pdf. (Accessed 20 April 2024).

[64]   Dragan Đukanović, *Balkan na posthladnoratovskom raskršću (1989–2020)*, *op. cit.*, str. 185–193. and 197–199.

[65]   Aneta Durović, „Rusija prijeti konfrontacijom državama Zapadnog Balkana koje teže EU", *Radio Slobodna Evropa*, Balkanski servis, Prag, 23. februar 2024. Available from: https://www.slobodnaevropa.org/a/rusija-zapadni-balkan-ambasador-maslenikov/32832673.html(Accessed 20 April 2024).

[66]   "Albania 2023 Report", Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, SWD(2023) 690 final, Brussels, 8 November 2023. Available from: https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_690%20Albania%20report.pdf, (Accessed 20 April 2024). pp. 75–77.

CONCLUSION

The security and political non-consolidation of the area between the middle reaches of the Danube and the southern Adriatic, i.e., the absence of EU and NATO membership for all Western Balkan actors, remains a significant measure of instability in this part of Europe. Moreover, any delay in the European integration process and the expectation of fundamental internal reconfiguration of relationships in these states and entities will become increasingly difficult to achieve. In fact, the course of the Stabilisation and Association Process initiated two and a half years ago confirms this. Furthermore, alongside progress in the economic sphere in the Western Balkans, we can observe an objective regression in democratic processes and the development of human rights. Illiberal tendencies in the Balkans are further emerging and affirming in societies with already underdeveloped democratic traditions.[67] They are often supported by Moscow and incited by the increased influence of the People's Republic of China in the Western Balkans.[68] Additionally, societies in the Western Balkans also face inadequate efforts to combat corruption and organised crime, a concern highlighted not only by the European Union but also by numerous international organisations.

The same applies to formal political relations among Western Balkan countries, which already exhibit trends of long-standing and poor relations. The lack of full alignment of the foreign policies of Western Balkan states with the Common Foreign and Security Policy of the European Union provides an additional basis for deepening their poor relations because some countries, through the mechanism of non-alignment with this EU instrument, become *de facto* transmitters of influence primarily from Russia and, to a significant extent, China. The implementation of everything agreed upon between Belgrade and Pristina since 2011 is also proceeding more than laboriously. At the same time, challenges to everything, orally and in writing, agreed upon in this dialogue only further open the door to regional instability. Political elites often instrumentalise this issue in a manner that contributes to the consolidation of their power. That is also fueled by the deep internal divisions of Western Balkan societies and the deepening differences between them.

The unfavourable media landscape in most Western Balkan countries and the nurturing of extremely negative stereotypes towards neighbours yield

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[67] Dimitri A. Sotiropoulos, „The Balkans", in: András Sájo, Renáta Uitz, Stephen Holmes (eds.), *Routledge Handbook of Illiberalism*, Roultlegde press, 2017, pp. 796–812. DOI: https://doi.org/10.4324/9780367260569.; Berta López Domènech, "Orbán's illiberal 'tentacles' in the Western Balkans: What implications for EU enlargement?", *European Policy Centre*, 5 March 2024. Available from https://epc.eu/content/PDF/2024/Orbans_illiberalism_DP_v2.pdf, (Accessed 20 April 2024). pp. 3–8.

[68] Samuel Rogers, "Illiberal capitalist development: Chinese state-owned capital investment in Serbia", *Contemporary Politics*, Vol. 28, No. 3, 2022, pp. 347–364.

very poor results in shaping public opinion in the region.[69] Expectations of certain Western Balkans actors from elections in the European Union and the United States, primarily the strengthening of extreme right-wing tendencies in the EU and American isolationism, should ultimately contribute to the redefinition of the position of these countries and the construction of their mega-states in a still significantly multi-ethnic space. Decades of fostering open anti-Western sentiment by some power centres have also had an impact on all of this. These centres have attempted to quickly shift foreign policy orientations by creating narratives of constant self-endangerment and elevating expectations that protection will come from the East, specifically from China or Russia. Therefore, the semblance of rational foreign policy alternatives continues to develop primarily in the dominant spheres of public opinion in Serbia and the Bosnian Serb entity, the Republic of Srpska.[70]

The geostrategic rounding off of the Balkans and the approximation to the West, which was particularly accelerated over the past two decades, were first initiated by the entry of Romania and Bulgaria into NATO in 2004, followed by a series of other countries in the region. Later, this continued with the accession of Romania and Bulgaria (2007) and Croatia (2013) to the EU. All of this contributed to the expansion of the Black Sea region and Southeast Europe in a certain way, primarily in geostrategic terms, towards the Russian Federation. However, numerous reservations towards the Western Balkans in Western European countries, mainly due to the wars in the former Yugoslavia, still effectively delay the prospect of their membership in the European Union. Instability also appears in some European Union member states, primarily in Central Europe. Hungary, and increasingly Slovakia, are undermining European unity, particularly regarding the war in Ukraine.[71]

During the past decade and a half, the West has merely acknowledged the strengthening positions of Russia and China in the Western Balkans but has done little in substance to address them. Even now, there remains a belief that certain countries in this region of Europe are acting as "*Russian proxies*", although there are currently no discernible initiatives to refute this.[72]

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[69] Teofil Pančić, „Mediji i prošlost koja ne prolazi", *Peščanik*, Beograd, 27. decembar 2019. Available from: https://pescanik.net/mediji-i-proslost-koja-ne-prolazi/, (Accessed 20 April 2024).

[70] Igor Mirosavljević, „Između percepcije javnosti i realnosti: Ruska i kineska politika prema Zapadnom Balkanu, Studija slučaja – Srbija", *Beogradski centar za bezbednosnu politiku*, Beograd, 2022, str. 2–12.

[71] Justin Spike, "Slovakia's leader voices support for Hungary's Orbán in EU negotiations on funding for Ukraine", *Associated Press*, January 16, 2024. Available from: https://apnews.com/article/slovakia-hungary-ukraine-funding-93b5a489a1995ff9e33cba328f797a6a, (Accessed 20 April 2024).

[72] Foreign Policy, January 9, 2024. Available from: https://twitter.com/ForeignpolicyWB/status/1744794153190412766, (Accessed 20 April 2024).

Particularly noticeable is Moscow's media offensive through particular outlets such as *Sputnik* and *Russia Today Balkans*, whose propaganda programmes and content continue to be broadcast unhindered in the Western Balkans.[73] Moreover, an increasing number of national media outlets in Western Balkan countries have a similar mission.

The question of Turkey's strengthened role also arises, as it attempts to position itself primarily as a protector of the Bosniak factor in the Balkans.[74] Moreover, given the real risks of a new wave of migration crises in Europe, Turkey will gain a significant role as a blackmailer *vis-à-vis* the European Union, and the Western Balkans could again become an area for finding compromises in their relations. In parallel with Turkey's departure from the concept of European integration, additional disputes with the West are emerging. In such a geopolitical rift, the Bosniak factor in the Western Balkans is further utilised. However, Turkey's relatively solid NATO standing ensures that a general distancing from the US will not occur. The crisis in Gaza also poses a significant problem for actors in the Balkans, as some of them more or less openly support the Israeli authorities in the military operation, while others support the Palestinians. In this regard, an additional gap between Western Balkan actors is also emerging, and the conflict itself in this part of the Eastern Mediterranean continues to escalate.

From all the aforementioned, it can be concluded that even if the Western Balkans countries join the European Union, the region will continue to be unstable. In fact, the European Union itself is still not fully functional and exhibits a certain lack of internal cohesion on numerous issues, including those related to future enlargement. Moreover, the plan for future enlargement is not entirely clear, although there is an intention to separate Montenegro from the rest of the region and thereby demonstrate a "successful example".[75] Of course, there is also an open question about the effectiveness of such action if, in that case, five actors in the Western Balkans remain unintegrated, which would only deepen their mutual poor relations and relations with certain neighbouring EU member states. Therefore, the European Union is likely to continue with a fairly unsuccessful policy of keeping the Western Balkans at a distance.

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[73] "US official: Serbia an entry point for Russian propaganda in W. Balkans", *N1*, Belgrade, October 6, 2023. Available from: https://n1info.rs/english/news/us-official-serbia-an-entry-point-for-russian-propaganda-in-w-balkans/, (Accessed 20 April 2024).

[74] "Türkiye: Key partner for Western Balkans, says Bosnian FM", *TRT World*, Ankara, 17 February 2024. Available from: https://www.trtworld.com/turkiye/turkiye-key-partner-for-western-balkans-says-bosnian-fm-17055488, (Accessed 20 April 2024).

[75] „Pristupanje Crne Gore EU do 2030. godine realnost, uvjereni smo da se može desiti i prije", *Ministarstvo vanjskih poslova Crne Gore*, Podgorica, 12. april 2024. Available from: https://www.gov.me/clanak/pristupanje-crne-gore-eu-do-2030-realnost-uvjereni-smo-da-se-moze-desiti-i-prije, (Accessed 20 April 2024).

Such scenarios will further promote the enhanced role of Russia and China as alternative options. The absence of effective and meaningful action by the European Union, despite the artificial acceleration of the European integration process for certain actors such as Bosnia and Herzegovina, will remain insufficient for the full stabilisation of the Western Balkans and its integration into Western structures.[76] The geopolitical equation in the Western Balkans will gradually include the inevitable presence of Russia, China, Turkey, and other non-EU actors. This kind of Eastern alternative has, to some extent, been nurtured in the societies of today's Western Balkan states over the past two centuries, although it has never yielded significant results in terms of affirming their true national interests.

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[76] „Evropska komisija i formalno preporučila otvaranje pregovora o članstvu sa BiH", *Radio Slobodna Evropa*, Balkanski servis, Prag, 12. mart 2024. Available from: https://www.slobodnaevropa.org/a/bih-eu-otvaranje-pregovora-preporuka/32858550.html, (Accessed 20 April 2024).

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National interests of Serbia and Bulgaria after major adverse events: Between continuity and change

ABSTRACT

The subject of this paper is to examine the persistence of the previously held notions of national interests of Serbia and Bulgaria in the face of major events that prevented these interests from being fully realized. Did the national interests change or remain the same after major adverse events in Serbia and Bulgaria? Were only the means of the achievement of previously held national interests, such as alliances, and not the interests themselves, what was changed? In reaching the answers to these questions, authors use historical and comparative methods, by tracing and comparing the national interests of Serbia and Bulgaria regarding four variables: territory and sovereignty, national integrity, wellbeing (economic prosperity) and security. The authors will determine the perception of national interests regarding these four variables before and after major adverse events. In the case of Serbia, this is a break-up of Yugoslavia and NATO military intervention in 1999 and, in the case of Bulgaria, the results of the First World War, which were referred to in the historiography as a "national catastrophe", the results of the Second World War, as well as the collapse of the Eastern Bloc and the beginning of the democratic transition. The authors conclude that the previously held national interests did not change significantly, but were constrained due to systematic

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conditions such as an unfavorable balance of power and the evolution of international law, which led them to start searching for new means of their achievement.

INTRODUCTION

Determining national interests in contemporary world politics is a complicated task as much as contemporary regions and the world as a whole are interconnected and intertwined. The rule of capitalism that brings into the world scene giant private actors such as transnational corporations and contested great power politics and the rising role of the middle or emerging powers make it even harder for the smaller states to determine and preserve their national interest. As much as global hegemony did, the new global shifts in power open new possibilities that require states to adapt themselves once again to survive. This paper tries to address how two neighboring and very close states address the contemporary international situation and changes and not only compare their present position but also the ways they responded to some key adverse events in history, in order to identify the patterns of continuity and change. In this way, the paper also addresses the current determination of the national interests of Serbia and Bulgaria and gives some hopefully useful comments and recommendations for both academicians and policy-makers.

The article does not explore in depth the process of formation of national interests through the prism of perception of political elites, economic factors, influence of the public opinion, refugees from lost territories etc. How these interests are formed may be the subject of future research. The authors selected four variables: territory and sovereignty, national integrity, well-being (economic prosperity), and security before and after major adverse events: in the case of Serbia, the break-up of Yugoslavia and NATO military intervention in 1999 and, in the case of Bulgaria, the results of the First World War, which were referred to in the historiography as a "national catastrophe", the results of the Second World War, as well as the collapse of the Eastern Bloc and the beginning of the democratic transition are events that led to a rethinking of the country's foreign policy course to that day. The authors conclude that the previously held national interests did not change significantly, but were constrained due to systematic conditions such as an unfavorable balance of power and the evolution of international law, which led them to start searching for new means of their achievement.

SERBIAN NATIONAL INTERESTS

Serbian national interest was driven by the desire for liberation, territorial, regional and national integration and preservation of favorable position on the world stage. The liberation of Serbian population took many forms over several hundred years and many "Battles for Balkan" took place against different conquers.[1] Territorial integration of the Serbian state continues to be "unfinished business", since the status of the break-up province of Kosovo and Metohija is still contested. The continuous dilemma over the merger of territorial and national integrity of Serbs still exists, if we have in mind the occasional appearance of the possibilities of the independence of the Republic of Srpska, although it was temporarily set during Yugoslavia. Yugoslavia set many of the interests regarding the international position since it was one of the important countries on the world stage during the Cold War, and especially within the Nonaligned Movement. The dilemma of the level of overlapping of territorial and national integrity of Serbs is of course not only driven by Serbian interest but is also highly influenced by the activities of other nations in the region, primarily Albanians, Bosniaks and Croats. Even with the possible recognition of the independence of Kosovo, issues over the municipalities with the Albanian majority population in Serbia reappear as well as Bosniak issues primarily in the Raška (or Sandžak) region.[2] The issue of Croats might be raised once the Republic of Srpska would declare it independence. These unresolved issues regarding territorial and national integrities of the Balkan nations, and problems with the implementation of the highest standards of the recognition and protection of national minorities drive foreign actors to pressure Balkan countries into various forms of regional integration after the dissolution of Yugoslavia.[3] But with the lessons learned during the previous rounds of integration, there is little chance that the EU will integrate this region until the territorial, national, economic and security issues are properly set among the still unsettled peoples of the region.[4]

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[1] Duško Lopandić, *Bitke za Balkan*, Arhipelag, Beograd, 2013.

[2] Marina T. Kostić, "Preševo, Bujanovac i Medveđa – status/manjine, paralele i stavovi EU i SAD", *Nacionalni interes*, Vol. 26, No. 2, pp. 85–107.

[3] Dragan Đukanović and Marko Dašić, "Modeliranje regionalne saradnje na Balkanu nakon 1999. godine: evropska iskustva i njihova primena", *Međunarodni problemi*, Vol. 73, No. 4, pp. 617–636.

[4] Marina Kostić, "Politika proširenja Evropske unije: koncept, naučene lekcije i slučaj Srbije", *Srpska politička misao*, Vol. 45, No. 3, pp. 219–233.

PRESERVING SOVEREIGNTY AND TERRITORIAL INTEGRITY OF YUGOSLAVIA AND SERBIA

The primary interest of Serbia before 1999 concerned the identification of area of Serbian sovereignty and territorial integrity. Actually, the whole "adverse event" of 1999 is connected to the process of determination of Serbian sovereignty and territorial integrity mostly manifested after the 1970 and onward regarding the changes of the Yugoslav constitution of that time. This issue was primarily concerned with the level of identification of Serbia with Yugoslavia – from full overlapping to reducing this identification – and the issue of equality of Serbia with other federal republics that did not have "autonomous provinces" with veto powers on their territories. With the weakening of the identification of Serbia with Yugoslavia, i.e. with the weakening of centralization of Yugoslavia, the Serbian interest in reducing the strength of autonomous provinces and consolidation of Serbian sovereignty and unitary status over the whole territory of the republic grew.

The NATO bombing of FR Yugoslavia at first did not challenge the essential national interests of Serbia as then defined – Serbian attempts to preserve what remained of Yugoslavia, together with territorial integrity that included Kosovo and Metohija as its province, since United Nation's Security Council Resolution 1244 established international "interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia", with the development of institutions of self-governance in Kosovo.[5] However, it soon led to the change of government which was ready to break up with the first interest – the preservation of Yugoslavia. This was manifested in the acceptance that FR Yugoslavia was not the only successor of the Socialist Federative Republic of Yugoslavia and the application for membership in the UN on November 1, 2000. While there was a break-up with this first interest in 2000, the second one – defining Serbian territorial integrity – remained strongly embedded in the Serbian consciousness and primary legal document since 2006 when the Constitution was adopted. Following the Constitution, all strategic documents in the security and defense field still define the preservation of the Autonomous Province of Kosovo and Metohija as part of the Republic of Serbia as the primary national interest. The Serbian Security Strategy notes that:

> "The Republic of Serbia will not recognize unilaterally declared independence of its southern province, however, in the interest of regional stability and the best possible relations between Serbia and Albania, it will continue the dialogue with

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5   RESOLUTION 1244 (1999), Adopted by the Security Council at its 4011th meeting, on 10 June 1999, point 10; Матијас Кинцел, *Пут у рат, Немачка, НАТО и Косово*, Службени гласник, Београд 2022, 58-66, 169-190.

the Provisional Institutions of Self-Government in Priština with the mediation of the European Union until a lasting, sustainable and mutually acceptable agreement is reached."[6]

This means that the notion of Kosovo and Metohija has still not been deontologized from the Serbian national identity and security considerations.[7] However, attempts in this direction exist and the change of this national interest might take an opposite form – that the break-up with the "Kosovo myth" is actually what best serves Serbian survival, economic prosperity, and stability and not the other way around. In his address to the National Assembly of the Republic of Serbia in September 2022, for example, President Aleksandar Vučić stated:

> "...we must adapt our myths to understand their importance in creating the spirit of the Serbian people, so that without them we would not have survived to this day, but also to avoid collapse and dangers that we often did not avoid in the past..., so that we don't die for a crazy head, to think about how to develop satellites and artificial intelligence...it is a difficult task that we must complete in order to survive as a country and people."[8]

However, Serbia will not give up fighting for territorial integrity, but it remains questionable whether it will isolate itself again in that fight. Thus, the change of this first national interest regarding survival, territorial integrity and sovereignty was changing from preserving Yugoslavia and Serbia with two autonomous provinces to the possible perception that Yugoslavia was never in the Serbian interest and that further fight for Kosovo inside Serbia would only weaken the Serbian progress, unity and economic wellbeing. The other thread of this line of transformation is related to the second group of Serbian national interest, which I will address in more detail further, and that is the preservation of the Serbian people in other entities and states, which creates the tension between territorial and national integrity of Serbia and Serbs and their self-determination. The recent All-Serbian Assembly held on June 8, 2024 is a good example.

The means of defending Serbian territorial and national integrity changed from the position that Serbia would defend its territorial integrity and sovereignty by all means to the position that Serbia would never again go to war. While before 1999, means of preserving the Serbian territorial integrity

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6   Security Strategy of the Republic of Serbia, Ministry of Defence, 2020, p. 35.

7   On the issue of the ontological security and Kosovo see: Filip Ejdus, *Crisis and Ontological Insecurity: Serbia's Anxiety over Kosovo's Secession*, Palgrave Macmillan, Cham, 2020.

8   Vučić: Odgovorna politika ne počiva na mitovima; Srbija neće ni posredno ni neposredno priznati nezavisnost Kosova i Metohije, *RTV*, https://rtv.rs/sr_lat/politika/vucic-odgovorna-politika-ne-pociva-na-mitovima_1373109.html

and sovereignty included military and security actions besides the constant negotiations with international actors, the "fight" for the preservation of Kosovo inside Serbia has afterward taken the form of only diplomatic means – international negotiations, asking an advisory opinion from the International Court of Justice (ICJ) and the technical and substantive negotiations between Belgrade and Pristina delegations with the various mediation roles of the EU. A brief attempt of Belgrade to take more coercive measures like the lowering of diplomatic relations with the states that recognized the Unilateral Declaration of Independence (UDI) of Kosovo failed. The preservation of this national interest greatly influences the foreign policy and security options of Serbia – one is the preservation of strong ties with Russia and China, and the other preserving the position of military neutrality, that was introduced in 2007.

PRESERVING SERBIAN PEOPLE IN THE TERRITORIES OUTSIDE SERBIA

What Yugoslav rulers failed to achieve was the creation of a single Yugoslav nation. National and religious identifications and tendencies toward more autonomy and later states of the constitutive elements of the Yugoslav Federation prevailed over the sense of identification, common history, and Slavic origins. Moreover, a sense of "elitism", both cultural and economic, that was strengthened after the unification of Germany in the 1990s, of those nations that were at some point in history under Austro-Hungarian rule, accelerated their division and distinction from those "unprogressive" nations in Yugoslavia that were under Ottoman rule before the First World War. At first, Serbia tried to preserve those states with a large Serbian population in the framework of Yugoslavia. However, after 1995, the main interest was to preserve Serbs on the territories of the former Yugoslav republics as the constitutive peoples. Thus, failure to successfully define and defend territorial integrity and sovereignty after the change of government in 2000 over the years led to some kind of exchange in interests between the preservation of the territorial integrity of the Republic of Serbia to the preservation of national integrity and unity of Serbs in the area of the former Yugoslavia. This "exchange" or "transfer" of interest is most visibly expressed in the sentence "Serbia is where the Serbian people live." This sentence could, however, also imply that Kosovo is not Serbia, because there are fewer and fewer Serbs and that Serbia should be oriented toward the preservation of the territories where Serbian people live in the majority – an attempt to establish an Association of Municipalities with a Serbian Majority envisaged by the Brussels Agreement from 2013, but primarily the Republic of Srpska in Bosnia and Herzegovina.[9]

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9   Слободан Рељић, „Сенка Бриселског споразума над Републиком Српском- Како се појам „издаја" појавио у српском националном дискурсу", Зборник радова:

This Serbian position and change is not only self-driven but primarily forced from the international position on the issues of territorial integrity and self-determination. However, what is self-driven is the way to that – by expectation that all decisions regarding Serbs should be taken in Belgrade. Here, the interest of gathering Serbs under one umbrella and leadership still remains the national interest of the Republic of Serbia.[10]

Although the interest remained the same, the tendency toward the centralization of the control over the Serbian population strengthened. The idea of the "Serbian world" presented by the then Minister of Interior Aleksandar Vulin in September 2020 was an attempt to overcome the difficulties of Serbian division among the several post-Yugoslav states and centralize the process of decision-making in Belgrade. In June 2022, Vulin stated in Novi Sad: "The Serbian world means that the Serbs are a single political people, that means that we decide on the most important national issues together, that means that we are always there with our Serbia, just as Serbia is with us no matter where we live.[11]" The issue of state and national integrity in the case of Serbia and Serbs is significantly strained and might cause further tensions in the future. However, this concept should be seen only in identity terms, without implying any militaristic tendencies or a desire to create "Great Serbia". Still, the tendencies of the unification of Albanian people in Albania and Kosovo might lead to tendencies of integration of Serbian people.

ECONOMIC PROSPERITY AND WELLBEING

During the SFRY period, economic relations inside the Federation were significantly unbalanced and unequal. Slovenia was one of the most prosperous countries with the production of final products for export, while Serbia, with its divided territory with the Autonomous Provinces, was largely producing raw materials. The Serbian interest at that moment involved gaining equal status with other republics of Yugoslavia, and Slobodan Milošević, at that time member of the Serbian Communist Party, was particularly concerned with the creation of a single and integrated SFRY market. At the Seventeenth Session of the Central Committee of the League of Communists of Serbia in 1984, he highlighted the obstacles to the functioning of a unified market as the "essential political question posing a threat to the survival of the system" and declared all obstacles unconstitutional because they put economic agents

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Република Србија и Република Српска – стари и нови политички изазови, Београд 2013, 142–155.

[10] Дејан Мировић, *Бриселски споразум: хронологија и последице*, Catena Mundi, Београд 2019, 62–85.

[11] Vulin: Stvaranje srpskog sveta proces koji se ne može zaustaviti, *Al Jazeera*, 25 June 2022, https://balkans.aljazeera.net/news/balkan/2022/6/25/vulin-stvaranje-srpsk-og-sveta-proces-koji-se-ne-moze-zaustaviti

in Yugoslavia in an unequal position.[12] The violent break-up of Yugoslavia and comprehensive sanctions put the FR Yugoslavia in a very difficult position during the 1990s – with galloping inflation, poverty, the rise of criminality/ criminal networks, and a great rate of emigration. From the very suspicious attitude toward the market economy and privatization, after 1999 and with the new government in 2000 FR Yugoslavia and later Serbia opened up its market and conducted a massive privatization of state and social ownership. All the reforms in this direction were justified under the newly defined national interest of Serbia – membership in the European Union. However, from one extreme in the form of communism and state ownership and guidance during SFRY, Serbia is now reaching the other extreme of not controlling much of the production and technology on its soil.[13]

The national interest here, however, was still very much preserved – merging of markets in the area of the Western Balkans – but with an uncertain future. This aim is now manifested through two initiatives – The Berlin Process, but primarily the Open Balkan Initiative.[14] The Open Balkan was launched in 2019 by three leaders – the President of the Republic of Serbia, Aleksandar Vučić, and Prime Ministers of the Republic of Albania and the Republic of North Macedonia, Edi Rama and Zoran Zaev, with the aim of free movement of goods, services, people and capital according to the EU model.[15]

NATIONAL SECURITY INTERESTS

Having passed through violent wars, Serbia maintained a high level of militaristic culture and distance from Euro-Atlantic integration, although it became part of the NATO Partnership for Peace Program in 2006. After the developments surrounding the process of resolving the status of Kosovo in 2007, Serbia declared its military neutrality. The National Assembly of the Republic of Serbia on 26 December 2007 adopted the Resolution on protection of sovereignty, territorial integrity and constitutional order, which, in point six states:

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[12] Mentioned according to: Dr Aleksandar R. Miletić, "Generations of Serbian (Re)centralists, 1968–1990: Justified Demands or the Road to the Disintegration of Yugoslavia?", *YU Historija*, Case Study 3, https://www.yuhistorija.com/yug_second_txt01c3.html

[13] Miloš Šolaja, "Regionalna politika – Stub spoljne politike ili kriterijum za članstvo u EU", Zbornik radova: *Spoljna politika Srbije i zajednička bezbednosna politika EU*, priredili Dragan Đukanović i Miloš Jončić, Institut za međunarodnu politiku i privredu, Beograd 2011, 81–90.

[14] More on the Open Balkan Initiative see: Митко Арнаудов, *Отворени Балкан – економска интеграција у контексту политичких и безбедносних размимоилажења*, Институт за међународну политику и привреду, Београд, 2023.

[15] *Open Balkan*, https://en.pks.rs/open-balkan, 10.1.2024.

"Due to the overall role of NATO, from the illegal bombardment of Serbia without a Security Council decision to Annex 11 of the rejected Ahtisaari's plan, which determines that NATO is "ultimate supervisory authority" in an "independent Kosovo", the National Assembly hereby declares the neutral status of the Republic of Serbia towards effective military alliances until a referendum is called, at which the final decision on this issue will be made."[16]

The declared neutrality is now internally widely accepted as a politics of military neutrality but is not yet permanent neutrality embedded in the Constitution and related law (like in the case of Switzerland or Austria). This might be considered a continuation of the long-standing historical pattern in Yugoslav politics regarding the military blocs, which followed the model of engaged non-alignment. This trend continues today with the current model of Serbian engaged military neutrality. The policy of military neutrality, as is now defined, adopts a model similar to the Swiss that is based primarily on deterrence, non-confrontation with great powers regarding sensitive issues, the emphasis on arms industry, and constant search for the balance with Croatia or Albania and cooperation with all key actors on the world stage today that are in competing relations. But, this policy could also adopt a more similar model to that of Austria with active engagement not only in cooperation with great powers but also regarding global, transnational, and humanitarian issues such as climate change or nuclear disarmament. This means that most responsibility for the national security issues would lie with the Ministry of Foreign Affairs and active diplomacy. Concerning other states, this diplomacy would preserve a pragmatic character, which would make any adoption and implementation of a one-sided foreign and security strategy very hard (in difference from Bulgaria), but concerning global issues, it must take a clear stance and readiness to fight for a better future.

THE HISTORICAL EVOLUTION OF THE UNDERSTANDING OF THE NATIONAL INTEREST OF BULGARIA

Unifying all Bulgarians

Bulgarian medieval kingdoms had a long history before being finally conquered by the Ottomans in 1396.[17] This tradition, along with Christianity, helped the Bulgarians to maintain the consciousness that they were a separate people

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[16] Resolution of the National Assembly on the protection of sovereignty, territorial integrity and constitutional order of the Republic of Serbia, https://www.srbija.gov.rs/kosovo-metohija/en/42050.

[17] In 1393 the Tsardom of Tarnovo had been conquered, and in 1396 the small Tsardom of Vidin, another medieval feudal Bulgarian state, fell under the Ottomans.

during the centuries of the Ottoman rule. In the middle of the 18th century, the Bulgarian National Revival began. With the penetration of new ideas after the French Revolution, and after the First Serbian Uprising (1804), and with the Greek Uprising and the establishment of an independent Greece in 1829, a new political climate emerged in the Balkans in which Bulgarians began a struggle for ecclesiastical independence. Because of Greek independence, the Ottomans decided that the separation of a Bulgarian autocephalous church from the Greek "millet" in the Ottoman Empire would help balance Greek national aspirations, and in 1870 the independent Bulgarian Exarchate was established.

The Diocese of the Exarchate covers the lands of modern Northern Bulgaria, large parts of Southern Bulgaria, as well as the dioceses of Niš, Pirot and Veles. An important clause of the founding *firman* is clause 10, which stipulates: "In addition to those listed above, all those places whose inhabitants, all or at least two-thirds of them, would request it, shall also be allowed to submit to the Bulgarian Exarchate." [18]

Bulgaria was resurrected on the map of Europe as an independent state as a result of the Russo-Turkish War of 1877–1878. According to San Stefano Preliminary Peace Treaty of 19 February 1878, "Bulgaria is established as an autonomous principality within the borders where the majority of the population is Bulgarian. Its boundaries shall in no case be smaller than those adopted by the Constantinople Conference" (in 1876). At that time the Bulgarians were the most numerous Christian people in the Balkans, and Russian diplomacy painted a maximalist picture with the aim of creating a large Slavic state in the Balkans with an area of about 170,000 sq. km. covering Northern Bulgaria, Pirot and Vranje regions, almost all of Macedonia (excluding the southernmost areas), part of Eastern Thrace and Southern Dobrudja.

However, the balance of power policy in Europe between the Great Powers, which is the principle, regulating European affairs since the Congress of Vienna in 1815 meant that the other Great Powers opposed the creation of Bulgaria within these borders. On 1 July 1878, the Congress of Berlin convened and revised the clauses of the Treaty of San Stefano. An autonomous Bulgarian principality and an autonomous region of Eastern Rumelia were established within the Ottoman Empire. Macedonia, Eastern and Western Thrace remained under the direct authority of the Sultan. Serbia retains Southern Pomoravia, which it conquered during the war, with the cities of Nis, Pirot and Vranje. Northern Dobrudja was given to Romania as compensation for Southern Bessarabia, which had been taken from it in favour of Russia. Nevertheless, Bulgaria as envisaged in Treaty of San Stefano

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[18]   Васиљ Поповић, *Источно питање, историјски преглед борбе око опстанка осман-лијске царевине на Леванту и Балкану*, Балканолошки институт САНУ, Београд 2006, 49-51; 137-160.

remained the leading national ideal for Bulgarians in the late 19th and early 20th centuries.[19]

In the "Century of Nationalism" that was the 19th century, the unification of all Bulgarians in a single state was the leading national ideal (interest). In 1885, the Principality of Bulgaria and Eastern Rumelia declared their unification, despite the displeasure of some of the great European powers. Serbia even attacked Bulgaria, but its offensive failed and the Bulgarian troops launched a counteroffensive, which stopped only after an Austro-Hungarian ultimatum. However, after some diplomatic maneuvering, the act was recognized by the European powers. Nevertheless, the Unification and its military defense remain rather an exception to the pattern of Bulgarian foreign policy in these decades. The political elite of the Bulgarian Principality was aware of the military weakness of the state created just a few years ago and has a cautious foreign policy approach. That is why in the subsequent years new Ottoman territories, inhabited mainly by Bulgarians, were incorporated into the spiritual jurisdiction of the Bulgarian Exarchate with Sultan's *firmans*. At the same time, attempts at armed struggle against the Ottomans in Macedonia through the armed groups (chetas) and through a mass uprising in Macedonia and Adrianople region (the Ilinden-Preobrazhenie uprising of 1903) were made. They stood no chances against the Emprite. When they failed, it became clear that the limit of what could be achieved by these means had been reached. All this led to a rethinking not of the national interest but of the means to achieve it.[20] In the meantime, Bulgaria managed to strengthen its statehood, the nation-building institutions such as army, church, school were created, and literacy among the young generations increased significantly. Also, after the economically successful years in the period 1901–1911, the economy and finances of the state were stabilized. These processes give the Bulgarian political elite the opportunity to consider the arms as a way to change the country's borders at the expense of the crisis-ridden Ottoman Empire.

Bulgaria, Greece and Serbia all had appetites for the Macedonian lands that remained under Ottoman rule. The three countries were in competition with each other, but the liberation of Macedonia from the Sublime Porte was not in the power of either of them, and it also poses the risk of a reaction of the other two countries. Therefore, Athens, Belgrade and Sofia decided to join forces. The three countries, as well as Montenegro, waged war against the Ottomans in October 1912, who were defeated, and on 17 May 1913, the Treaty of London

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[19] For general information about Bulgarian history, cf. Richard Crampton, *A concise history of Bulgaria*, Cambridge; New York: Cambridge University Press, 1997; Ivan Ilchev, *The Pose of the Balkans*, Colibri, София, 2005. In Serbian see Милорад Екмечић, „Место Берлинског конгреса 1978. у српској историји", Зборник радова: *Европа и Источно питање (1878–1923)*, Одговорни уредник Славенко Терзић, Београд 2001, 68-71; 84-88.

[20] Група аутора, *Историја Бугарске*, Clio, Београд 2008, 229–271.

was signed, ending the war. Just two days after it, on 19 May 1913 Greece and Serbia concluded a secret alliance against Bulgaria. This was due to the fact that earlier the three countries did not agree on a mechanism to divide the territories liberated from the Ottoman Empire, especially in Macedonia.[21]

The escalation of disputes over the redistribution of the territories pushed the Bulgarian Tsar Ferdinand towards the step which is known in Bulgarian historiography as the "criminal folly". On 16 June 1913, he ordered an attack against Greek and Serbian troops in Macedonia. Taking advantage of the situation, Romania and Turkey attacked Bulgaria in the rear. Since the Bulgarian army was on Western and Southern front against Greek and Serbian forces, they met practically no resistance. Bulgaria was thus forced to capitulate and sign the Treaty of Bucharest on 28 July 1913. Although its units fighting against the Ottoman Empire in 1912–1913 were the most numerous and it made a major contribution to the victory against the most combat-capable Ottoman units, Bulgaria received almost nothing from Macedonia, lost not only lands in Thrace it occupied during the war, but also the fertile region of Southern Dobrudja (the breadbasket of the country), which was annexed by Romania, and Turkey regained Eastern Thrace. These events enter the national memory under the name of "First National Catastrophe".[22]

The reasons for this result lay in the combination of great self-confidence of the Bulgarian political elites due to the successful military defense of the Unification in 1885, the fact that Bulgaria was the largest and most populous country among the three allies, as well as the perception of Greece and Serbia that Bulgaria is a treat for their interests due to the fact that Bulgaria was the youngest state in the Balkans, but only seven years after its independence it became the largest Christian state on the Balkans.[23]

All this pushed Bulgaria towards a revisionist foreign policy. After the outbreak of the First World War, Bulgaria initially took a wait-and-see stance, but willing to change the status quo, which after the end of the war again placed it among the losers, it gradually oriented itself towards an alliance with the Central Powers. However, after the defeat of the Central Powers by the Entente, on 27 November 1919, a treaty with a very severe clauses was imposed on Bulgaria. The treaty, signed in Neuilly-sur-Seine in the outskirts of Paris, was similar to the Treaty of Versailles with Germany, the Treaty of Saint-

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[21] Richard Crampton, *Bulgaria 1878–1918: a History*. Boulder, Colorado; New York, 1983, pp. 399–427.

[22] Владимир П. Потемкин, *Историја Дипломатије, Дипломатија Новог Доба (1872–1919)*, свеска друга, Архива за правне и друштвене науке, Београд, 1949, 196–206; Душан Т. Батаковић, *Србија и Балкан, Албанија, Бугарска, Грчка 1914–1918*, Прометеј, Нови Сад, 2016, 14–18, 387–393.

[23] After Iskra Baeva, Why Modern and Contemporary Bulgaria Did Not Have Loyal Allies in the Balkans, Re-Imagining the Balkans: How to Think and Teach a Region – Festschrift in Honor of Maria N. Todorova, edited by Augusta Dimou, Theodora Dragostinova, and Veneta Ivanova, De Gruyter, 2023, 83–93.

Germain with Austria and the Treaty of Trianon with Hungary. In Bulgarian historiography these events are called the "Second National Catastrophe".[24] The treaty confirms the previous loss of territories, as Macedonia and Aegean Thrace were placed under the sovereignty of the Kingdom of Yugoslavia (regardless of the changes of the name of the state) and Greece) and Greece, hundreds of thousands of refugees from the lost lands are pouring into the country, severe reparations were imposed on Bulgaria.

After 1919, the political elite in Sofia realised that the previous methods of achieving the national ideal had been exhausted, mainly because of two reasons. First, the country was surrounded by three victors in the First World War (Greece, Kingdom of Yugoslavia and Romania) and Turkey. After the Treaty of Lausanne in 1923, the borders of the newly created Turkey were stabilized and internationally recognized.[25] Second, due to the clauses of the Treaty of Neuilly, Bulgaria had army with a very limited armament and numbers. Bulgaria tried to change the outcomes of the war via diplomatic means, trying to achieve concessions from its neighbours, relying on interpretation of the treaties and international law favorable for its interests. Bulgarian policy in the interwar period is therefore known in the literature as "peaceful revisionism".

In order to counter the revisionist aspirations mainly of Italy[26] and to a lesser extent Bulgaria, in 1934 Greece, Romania, Turkey and Yugoslavia formed the so-called Balkan Pact. The pact further limits the room for maneuvering of Bulgarian foreign policy, but gradually the divergence of interests between the countries participating in it and the rise of revisionist Germany, which completely changed the political landscape in Europe, turn the agreement into one only on paper. Although the Bulgarian policy of "peaceful revisionism" stood little chance, it did achieve one success – in September 1940 Romania returned Southern Dobruja to Bulgaria. The return was not simply due to the fact that these were Bulgarian-populated lands, but mainly to the international context. After France was occupied by Germany in 1940, one of Bucharest's main allies disappeared. Romania, which was overblown after the end of the Great War, was forced to cede Bessarabia and Northern Bukovina to the Soviet Union in June 1940, Northern Transylvania to Hungary in August, and Southern Dobruja to Bulgaria in September.

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[24]   Чедомир Попов, *Од Версаја до Данцига*, Завод за уџбенике, Београд 2015, 158–167.

[25]   Spyridon Svetas, *The Legacy of the Treaty of Lausanne in the light of Greek-Turkish relations in the twentieth century: Greek perceptions of the Treaty of Lausanne*, Balcanica XLVI (2015), 195–200.

[26]   Among the diplomatic problems between Belgrade and Rome in this period are the control of Istria, Rijeka and Dalmatia, the presense of national minorities of the respective countries in the other one, struggle for influence in Albania, independent since 1913, Italian support for the Croatian and Bulgarian armed organizations, active in and outside Yugoslavia.

Faced with the threat of the German army in Romania and because of the pro-German government in Sofia, Bulgaria joined the Tripartite Pact on 1 March 1941 during the Second World War. The main motivation is again the return of territories inhabited by Bulgarians or included in the San Stefano Treaty under Bulgarian sovereignty. Bulgaria sends occupation units to Greece and Yugoslavia. However, in September 1944, the opposition, in which the Communists, who had displayed armed resistance against the Nazis and pro-Nazi government, also took leading part, came to power. Bulgaria joined the Allies in the final stage of World War II, fighting against German troops and even advancing to Hungary and Austria as part of the Allied forces, paying the steep price of almost 30,000 dead, wounded and missing soldiers. After the war Bulgaria fell into the Soviet sphere of influence and this provided it with a powerful ally, which at the Paris Peace Conference prevented the country from losing territory.[27] After the end of the Second World War, Bulgaria abandoned the policy of "peaceful revisionism" and the borders with its neighbours have not been changed until now.

THE BULGARIANS IN THE TERRITORIES OUTSIDE BULGARIA

In the Balkans, almost all countries have their "twins", populated by people from the same ethnic group – Albania and Kosovo; Bulgaria and the Bulgarians left outside its borders in Macedonia, Serbia and Greece; Serbia and Republika Srpska in Bosnia and Herzegovina, Croatia and the Croats in Bosnia and Herzegovina; Greece and Cyprus. This historical phenomenon requires an explanation, which can be sought in the following factors. First, the intervention of the Great Powers who were unwilling to allow the creation of large Balkan states that would have been able to conduct a more independent foreign policy. Second, the actions of the regional states, which were also aimed at ensuring that none of the fellow Balkan neighbours would gain too much power and influence. Third, the internal weakness of the respective Balkan countries, which were relatively recent creations, and have neither sufficient state capacity nor sufficient economic, industrial and other resources to realize the massive task of national unification through military means.

For Bulgaria preserving the rights of the Bulgarians living abroad (including them in the diocese of the Bulgarian Exarchate, creating Bulgarian schools), was perceived as a way to create suitable conditions later on the territories, inhabited by Bulgarians, to be incorporated in the Bulgarian state. This was part of the Bulgarian policy in Thrace and Macedonia from the Liberation to the Balkan Wars.

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27   After Група аутора, *Историја Бугарске*, 307–333; 343–347.

The two national catastrophes, mentioned earlier, resulted in thousands of Bulgarians either being massacred and expelled or remaining outside the territory of Bulgaria. The Bulgarians in Adrianople Thrace were almost entirely exterminated in 1903 and 1913, and those who escaped sought refuge in Bulgaria as refugees. Similar was the fate of the population remaining in Aegean Thrace from the Greek side of the border. Those who remained in Greece were assimilated. People with Bulgarian identity remained in the lands of today's Republic of North Macedonia and Serbia. Although the peace treaties after the end of the First World War provided for the protection of minorities, it remained on paper. First, at that time the international legal system was still in its infancy. Secondly, Bulgarian minorities abroad lived in the countries, which were winners of the war, which made protection of their rights extremely difficult.

During the Cold War, the closed borders between Bulgaria and its neighbours Greece, Turkey and Yugoslavia were not conducive to the economic, educational and cultural exchanges, human contacts, etc., that states usually used to maintain contact with the representatives of their minorities or diaspora abroad. Also, despite the significantly improved legal framework for the protection of minorities compared to the interwar period, these issues are generally seen by the countries as an attempt to interfere in their internal affairs by countries from the other ideological bloc. The issue of the claims of the presence of the so-called Macedonian minority in Bulgaria and the protection of the Bulgarian heritage in the SR Macedonia are one of the main causes of tension between Sofia and Belgrade in this period.[28]

All in all, in these two periods the international environment was not permissive for the policies of protection of the minorities.

The beginning of the democratic transition and the start of the European integration process of the Western Balkan countries provide better opportunities for the protection of minorities, including the Bulgarians living beyond the border of Bulgaria. They receive the right to education in their mother language, textbooks from Bulgaria, scholarships to study in Bulgaria, often Bulgarian citizenship and passports.

ECONOMIC PROSPERITY AND WELLBEING OF THE CITIZENS

After its liberation Bulgaria started an economic modernization, which achieved certain but unevenly distributed successes in different areas. The

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[28]   Евгения Калинова, Балканската политика на България – предизвикателствата от Запад и от Юг (1944-1989 г.) in *„Изследвания по история на социализма в България"*, Фондация „Фредрих Еберт", Център за исторически и политически изследвания, С., 2010, 712–781.

country took steps to create its own industry, but these were hampered by the problems of backward economies – a chronic foreign trade deficit, lack of significant capital accumulation to be used for investment, among others. By 1944, 80% of the population remained rural.[29]

With the establishment of communist rule, the country began a process of intensive urbanization and industrialization on the Soviet model. Bulgaria was given its own production and market niches within the Council for Mutual Economic Assistance (CMEA). Heavy industry was built up, although not always founded on places with the necessary resources, solid light industry, and breakthroughs in some higher technologies were achieved. After 1989-1990, society experienced a transition not only in the political sphere from one-party to multi-party rule, but also in the economic sphere from a centrally planned to a free market economy. The breakdown of ties with the CMEA countries, cutting of the common supply-chains in the Socialist block, the closure of a number of enterprises, and privatization came at a heavy social cost. Many Bulgarians emigrated to the USA and Western Europe in search of a better life.

In the same time, the economy was gradually shifting towards cooperation with European enterprises and the EU-markets. By around 2000, the privatization was completed and ownership redistributed. Parallel to the political processes of Euro-integration, an upward trend in the world economy began around the same year, allowing the Balkan economies to grow as well. Bulgaria also benefits from EU pre-accession funds. The favorable conjuncture contributed to Bulgaria's EU membership in 2007. This membership has been stated as a major national priority and interest by almost all political parties.[30] Currently, Bulgaria enjoys the highest level of GDP in its history. However, uneven distribution of wealth, regional disparities, decline of some industries, the brain-drain and the contraction of the population are serious problems that have to be solved.

Bulgarian economic development is related to the political development of the country, and after 1945 it was almost always part of larger economic blocs. After the end of the Second World War, Bulgaria joined the Council for Mutual Economic Assistance, and after the end of the Cold War, the country moved towards integration with the EU. Participation in such blocs gives Bulgaria markets and provides sources of resources and technologies. Although the economic development of the country as a whole has always been one of the leading considerations of the political elite since the Liberation of Bulgaria, it is noteworthy, however, that the economic well-being of the citizens was brought up as a significant interest only in the late

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[29] Румен Даскалов, *Българското общество 1878–1939 г.*, Гутенберг, София, т. I, 2005, 249–429.

[30] Искра Баева, Евгения Калинова, *Българските преходи (1939–2010 г.)*, Парадигма, София, 2010, 81–397.

years of the socialist era and in the years after 1989 a lip-service is paid to it by the politicians, but mainly in an internal political plan.

NATIONAL SECURITY INTERESTS

Before the Balkan Wars, Bulgaria bordered three countries – Romania to the north, Serbia to the west and the Ottoman Empire to the south. There were no conditions and prerequisites for a conflict with Romania, Bulgaria at that time had a larger territory and population, which allowed it to successfully repel the attack of Serbia in 1885. International treaties largely served as a safeguard against a threat from the Sublime Porte. Therefore, during this period, Bulgaria's non-participation in a military alliance in the Balkans does not pose a direct threat to the country's national security and territorial integrity. The main goal of the young Bulgarian state was to build a combat-capable army, which could in a longer run fight against the Ottomans for the liberation of other Bulgarian territories

The territorial disputes between Bulgaria and the Ottoman Empire created the conditions for a détente between Bulgaria and the other Balkans states, but it could not last because their contest over the Empire's legacy put their national security interests at odds with each other. After the Second Balkan War (also known as Inter-Allied War) between the allies of the First Balkan War) in 1913 and World War I Sofia found itself in a very precarious position. First, the number of the neighbours of Bulgaria rose from three (the Ottoman Empire, Romania and Serbia) to four, since Bulgaria started to share a common border with Greece on the south as well. Second, the fact that Bulgaria, Greece, Romania and Serbia were on the opposite sides of the barricade in the two wars prevented establishing common security interests between them. The refusal of the Republic of Turkey after 1923 from direct attempts to return the lost Ottoman territories in the Balkans largely stabilized Bulgarian-Turkish relations in the interwar period, despite some crisis moments in them. However, for Turkey was also important to have good-neigbourly relations with all of the Balkan countries, which put it closer to the other neigbours of Bulgaria, which is evident in the creation of the Balkan Pact in 1934. In general, in the interwar period Bulgaria was isolated and did not participate in military alliances in the Balkans, but this posed risks to its sovereignty and territorial integrity.

The Cold War was a period of classical bipolar geopolitics on global scale. This has its repercussion for the Balkans too, and Greece and Turkey became members of NATO in 1952, while Bulgaria and Romania – of the Warsaw Pact in 1955. Yugoslavia (and Albania after 1961) in a specific position of a non-allied state. Thus, Bulgaria's borders with its neighbours to the West (SFRY) and to the South (Greece) and South-East (Turkey) were assured, since the outbreak of a conflict would mean not just a conflict between Bulgaria and

the country concerned, but respectively a conflict between Yugoslavia and the Soviet bloc or between NATO and the Warsaw Pact.

The end of the Cold War left a political and security vacuum, and the painful process of disintegration of Yugoslavia started in the Balkans. In parallel with the dissolution of the Warsaw Pact, Bulgaria quickly oriented itself towards integration into NATO structures. According to one scholar, during that period Bulgarian foreign policy was based on four pillars: a) end of the implementation of the communist ideology; b) European orientation; c) democratization of the foreign policy based on consensus and transparency; d) pragmatism and rationality. In its policy towards the Balkans, two more pillars can be added: a) multilateralism (e.g., participating in regional initiatives such as the Black Sea Economic Cooperation Organization; Southeast Europe Cooperation Initiative; Southeast Europe Cooperation Process; NATO Partnership for Peace Programme), and b) equidistance (no participation in regional conflicts).[31]

In the 1990s, some circles in Bulgaria, especially those close to the Bulgarian Socialist Party, promoted the idea of the country's military neutrality. The decision of Ivan Kostov's right-wing government to open Bulgarian sky to NATO aircraft for bombing raids on the neighboring Federal Republic of Yugoslavia in 1999 was met with widespread disapproval. There is also widespread dissatisfaction with the need to significantly reduce the size of the army, its military capabilities and get rid of some Soviet types of military hardware such as missiles and rockets in order to fulfil the NATO-accession criteria. Nevertheless, at that time joining NATO as a step towards joining the EU was considered the only possible game in town in Central and Eastern Europe. In this regard, Bulgaria sent a military mission to Iraq after the fall of Saddam Hussein. A couple of Bulgarian soldiers had been killed in Iraq, but in 2004 Bulgaria officially became a NATO member. The Alliance is considered the main pillar of the Bulgarian national security architecture ever since.

CONCLUSION

This paper examined how Serbia and Bulgaria addressed the contemporary international situation and defined their national interests in the face of major adverse events in their history in order to identify the patterns of continuity and change. The authors did this assessment through four variables – territorial integrity, national integrity, economic prosperity and security.

Regarding Serbia, the authors conclude that after the change of government in 2000 Serbia stopped identifying itself with former Yugoslavia

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[31] Birgül Demirtaş-Coşkun, *Turkish-Bulgarian Relations in the Post-Cold War Era: the Exemplary Relationship in the Balkans*, in The Turkish Yearbook of International Relations, 2001, 32.

but searched for ways to preserve the national integrity of the Serbian people through initiatives such as the Serbian world or All-Serbian Assembly. Serbia continued its interest of creating a wider regional market and is doing that through initiatives such as Open Balkans. It also continues the politics of non-alignment, after which former Yugoslavia was famous, but in the form of military neutrality established in Serbia after the NATO role in the attempt to create "independent Kosovo".

Regarding Bulgaria, this short review is trying to demonstrate that there was a hierarchy of the understanding of the national interests since 1878. From the Liberation of Bulgaria in 1878 until the end of the First World War, the national interest was mainly defined as the unification of all territories inhabited by Bulgarians. This unification proved illusionary, since regional neighbours and great powers alike were at uneasy with these prospects. In this period, the military means were considered acceptable tool in the international relations. However, Bulgarian strength pushed neighbouring countries to search for counter-balancing strategies and as late as 1919 pursuing its goals through military power was proven as counter-productive for Bulgaria. In the period of 1913–1919 almost everything, achieved by Bulgaria in an incremental way through diplomacy, church influence, education etc. in Macedonia and Thrace in the previous four decades was gone.

After 1919 the emphasis changed, the political elite's and society's outlook became more defensive and shifted to the defense of the borders and territorial integrity of the country. A remnant of the previous policy was the peaceful return of Southern Dobrudja to Bulgaria in 1940. Bulgaria tried to protect the rights of the Bulgarian minorities abroad on the international fora, but this was difficult due to its position of a country, which was among the defeated countries during the World War I.

After 1945, Bulgaria participated in a bloc policy, being part of the Warsaw Pact during the Cold War (1955–1990) and of NATO since 2004 and the both pacts were considered as the best way to guarantee the Bulgarian territorial integrity and national security. In this sense, Bulgarian foreign and security policy is highly dependent on the international conjuncture.

Preserving the rights of the Bulgarian minorities living abroad, is perceived as a way to create suitable conditions later on the territories, inhabited by Bulgarians, to be incorporated in the Bulgarian state. Even after the realization that this policy is utopian, the preservation of the interest of the minorities abroad remained as a policy. It was, again, highly dependent of the international context, and the Interwar and Cold War period being not very suitable for this policy. The post-Cold War context, related to democratization and European integration provides bigger opportunities for the protection of minority rights abroad.

The well-being of the citizens is the newest national interest. Its realization is in direct correlation to the general economic conditions of the country. During the socialist period in Bulgaria, the country was part of the CMEA.

After the collapse of the Soviet Union and the Eastern Bloc, a painful process of industry transformation and reorientation towards Europe began. Bulgaria was forced to search for new European market and production niches. The country has been a member of the EU since 2007, but it still has unresolved issues related to the economic well-being of parts of the population.

A conclusion could be drawn that from 1878 until 1919 the unification of the Bulgarian territories was the ultimate national interest, but later on it was replaced of the preservation of the territorial integrity and the rights of the Bulgarians abroad in the Interwar period, and the territorial integrity, rights of the compatriots beyond the current state borders after 1945 until now. Economic well-being of the citizens completes the list. Thus, there is certain level of change, but also continuity of the understanding of national interest of Bulgaria in the last 150 years.

Based on the historical review, it could be argued that in the cases of Bulgaria and Serbia, an asymmetry of adverse historical events (the term preferred by the authors) or historical junctures (the term, preferred by the tradition of historical institutionalism) is observed. In Bulgaria, the events, requiring a rethinking of the national interest or the means to pursue it, occurred earlier than in Serbia. Because of the fact that Belgrade was among the winners of the First and Second World Wars, a significant rethinking of national interests occurred later – after the breakup of Yugoslavia at the end of the twentieth century.

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Establishing The Rule of Law as a National Interest of the Republic of Serbia

The rule of law is a 'government by laws and not by men'.
Aristotle

ABSTRACT

Establishing the rule of law in the centuries-old legal and political tradition of the Republic of Serbia is turned out to be an insurmountable *aporia*. Serbia inherits a short history of rule of law, which began in the seventies of the 19th century until the collapse of the first Yugoslavia. The epochs that followed chronologically were embodied in the communist regime, and later in authoritarian populism, and today in an era that is procedurally democratic. The common feature of the mentioned political phases is legal nihilism and abuse of legal order for political purposes. The author underlines that Serbia will become rule of law state when the question of effective respect for rights and the law gains the force of national priority, that is, when the political elite establishes it as a primary national interest.

KEYWORDS: *rule of law, national interest, Serbia, judiciary, European Union*

THEORETICAL STATEMENTS OF THE CONCEPT OF NATIONAL INTEREST

National interest is one of the most important theoretical concepts of foreign policy. From George Washington to Hans Morgenthau, national interest has

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always been the state of art in national and foreign policy.[1] Five decades ago, Nuechterlein defines national interest as "the perceived needs and desires of one sovereign state in relation to other sovereign states comprising the external environment".[2] National interest is not just an abstraction but it is also important determinant in the real process of conducting foreign policy. It is often base for policymakers to implement a particular foreign policy.[3]

National interests are a key pillar of international relations which include political interests, security interests, economic, cultural and other interests of one country. The concept of national interests is a part of making and implementing national strategies. Through the cognitive prism, phenomenon of national interests is related with cultural and political traditions and ideologies. This syntagma can be applied to the political, economic and military spheres.

There is no uniform definition of national interest that would transcend spatial and temporal frameworks and be common to all states. At this point it is important to emphasize two theoretical views of the national interest, the realistic and the constructivist. According to relism, the most important national interest is the survival of the state which depands on the power that the state has at its disposal.[4] Through the prism of constructivism, national interest is product of social construction, not exclusively a material product fact.[5]

There is a plethora of definition about this concept. George Alexander and Robert Keohane in their co-author study on national interest emphasized three key elements: physical survival, political autonomy and economic well-being, which symbolically co-authors designated as life, autonomy and property.[6] In the simplest terms, physical survival refers to the most general physical elements of the state – population and territory. In order to achieve these national goals, as history has shown, population can be sacrificed. Also, part of the territory can be sacrificed and as the blatant example, it is stated

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[1]   Timothy Edmunds, Jamie Gaskarthand and Robin Porter, "Introduction British Foreign Policy and the National Interest", *International Affairs*, Vol. 90, No. 3, p. 504.

[2]   Donald Nuechterlein, "National Interests and Foreign Policy: A Conceptual Framework for Analysis and Decision-Making", *British Journal of International Studies*, Vol. 2, No. 2, p. 247.

[3]   Timothy Edmunds, "Complexity, Strategy and the National Interest', *International Affairs*, Vol. 90, No. 3, p. 530.

[4]   Darko Trifunović and Milica Ćurčić, "National Interest in Security Science: a realist perspective", *National Security and the Future*, Vol. 22, No. 3, p. 77.

[5]   Dragan Simić i Dragan Živojinović, "Konstruktivistička teorija i koncept nacionalnog interesa", u: Dejan Jović (ur.), *Konstruktivističke teorije međunarodnih odnosa*, Fakultet političkih znanosti, Zagreb, 2016, str. 177–198.

[6]   George Alexander and Robert Keohane, "The Concept of National Interests: Uses and Limitations", *Presidential Decision-Making in Foreign Policy*, pp. 217–238.

that with the loss of Alsace and Lorraine after the Franco-Prussian War in 1871, France did not cease to exist, nor did its national interest.[7]

In his observation, Kenneth Waltz starts from the natural tendency of the state to realize its interests, drawing a parallel between the state and the company. Economic actors strive for profit maximization while states strive to ensure survival. He introduces the variable of self-help, which explains the survival of enterprises, within the framework of normative constraints. While they rely on self-help, their survival is a goal superior to profit, since survival is a prerequisite for achieving other goals.[8]

The stream of thought known as structural functionalism approaches the concept of public interest from the aspect of its institutional functionality. The functions performed by the institutions serve as an integrating factor for culture and a form of a common space for the realization of interests, in which everyone can realize own preferences. Resorces are scarce, people s interests are mostly tense and they are resolved by legal means. Hence, some theorists suggest completing the application of law through the concept of "social balance", which implies a balance between the interests of groups in society and the social contradictions caused by them. Legal regulation of such conflict situation is a guarantor of functionality, stability and continuous development of the social structure.[9]

It is crucial that national interests are balanced between social and state needs in achieving the goals of their existence. Due to the multiplicity of the concept of public interest, it is necessary to demarcate its socio-political and legal aspects. From a socio-political point of view, the national interest is a balanced relationship between the interests of the entire society (different social groups and citizens) and the interests of power holders (holders of public authority). From a legal point of view, national interest is a legally based direction of state policy that is in the interest of social development. Therefore, the legal aspect of the national interest represents the consensus of the state and society regarding the realization of their mutual (national) development.[10]

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[7]   Milan Lipovac i Ivan Dimitrijević, "Nacionalni interes kao analitički koncept", *Srpska politička misao*, No. 4, str. 90.

[8]   Kenet Volc, *Teorija međunarodne politike*, CCVO, Beograd, 2008, str. 148.

[9]   Dmitry Afinogenov, "Basic concepts of general and special theories of security", *National Security*, No. 1, p. 18.

[10]   Bela B. Bidova, "The Concept of National Interests in the Modern Theory of State and Law", *4th International Conference on Social science*, Humanities & Education, p. 132.

ANATOMY OF THE RULE OF LAW

In literature there are opinions that reduce the rule of law to legal sentence from Magna Carta Liberatatum *per legem terrae* (law of the land) which postulates: "It was an appeal to a generic civic understanding that principles of fairness and justice must be respected".[11] The rule of law as part of the political system is based on the respect of normative instruments (constitutions, laws and all other regulations) by citizens (addressees of legal norms) and holders of public authority (addressers of legal norms).[12] According to the definition of International Law Commission, rule of law doesn't only mean the formal application of legal regulations, but also the rule of justice and the protection of all members of society from the excessive power of those who rule. The rule of law is based on legal objectivity, which excludes the rule of people, and implies obedience to laws (*sub lege non sub homine*). The establishment of the rule of law implies a hierarchy of legal regulations starting with the constitution as the highest legal act (*lex superior*) which has the function of limiting power and arbitrariness, protecting human rights and basic freedoms. The rule of law also has its Germanic theoretical synonym, known as the construct of the legal state (*Rechstaat*). This concept shifted the focus from the content of legal regulations, to their hierarchy and their compliance. Emmanuel Kant could be labeled as the founder of the *Rechstaat* idea. According to Kant, the supreme value of his idea is individual freedom that correlates with the freedom of others through law. Personal freedom occurs in two forms, as an internal and external category. According to the internal logic, the individual obeys the laws that he accepts, and according to the external logic, he acts according to the laws created by the citizens who take part in the legislative process. There is a symbiosis between law and the state, and the state itself is viewed through the prism of administration. Understood in this way, the rule of law is reduced to mere positivism, with dominant material outlines.[13] However, in the Kelsenian sense, positivist state is any that has a legal order, which per se is not a value judgment.[14] The French theoretical construct (*etat de droit*) is basically similar.

The rule of law is two-dimensional category, which has formal and material component. The formal (procedural) dimension of the rule of law

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[11]   Anthony M. Kennedy, Assoc. Justice, U.S. Supreme Court, Address at the 20th Sultan Azlan Shah Law Lecture: Written Constitutions and the Common Law Tradition (Aug. 10, 2006)

[12]   Zvonimir Lauc, "Načelo vladavine prava u teoriji i praksi", *Pravni vijesnik*, Vol. 32, No. 3–4, str. 48.

[13]   Laurent Pech, "The Rule of Law as a Constitutional Principle of the European Union", Jean Monnet Working Paper 04/09, NYU School of Law 2009, p. 32.

[14]   Hans Kelzen, *Čista teorija prava – uvod u problematiku pravne nauke*, Pravni fakultet – Centar za publikacije, Beograd, 1998, str. 82.

gives primacy to the formal regulation of legal acts, without focusing on their content. Legal certainty is in the centre of the formalist rule of law. On the other hand, the material component of the rule of law focuses on conceptual and metalegal landmarks woven into the structure of legal norm, to the moral and value contents embodied in the idea of justice and truth. Hence, the rule of law is understood as the core of a just society.[15]

In summa, contrary to the positivist tone of the legal state concept, the rule of law is fundamentally anti-positivist. That's why, according to Lidija Basta: "it is very difficult to clearly delineate positive law, moral law and natural law normativity in it".[16] In the literature, there are opinions that the rule of law is poltical while the legal state is a legal principle.[17]

Conceptual link between judiciary as a key pillar of rule of law and national interest is reflected in the primacy of the law. Some important connectors are reflected through: judicial review of decisions and grounds of review; validity of decision making on account of jurisdictional error where a jurisdictional fact necessary for the exercise of the power does not exist; natural justice in determining the basis in which national interest decisions are made; failures to consider relevant factors; and *bona fides* actions not for an improper purpose and the exercise of discretion in the absence of bias (actual or apprehended).[18] Rule of law involves separation of power, independent judiciary, judicial review, equality before the law, right to a fair trial, protection of human and minority rights.

According to some authors, the rule of law is complex concept which constitutes "ultimately a durable system of laws, institutions, norms and community commitment that delivers accountability, just laws, open government and accessible justice to people in the way most appropriate for governance according to the principles that are universal".[19]

Core principles of rule of law are: superiority of the law, separation of powers, known and predictable, equal application, just laws, robust and accessible enforcement, independent judiciary, right to participate. Additional criteria that might be added to the definition of rule of law: protection of persons and property, understandable by ordinary persons, resolving disputes

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[15] Zvonimir Lauc, *Načelo vladavine prava u teoriji i praksi*, op.cit., pp. 51–52.

[16] Lidija Basta, *Politika u granicama prava*, Istraživačko-izdavački centar SSO Srbije i Instutut za uporedno pravo, Beograd, 1984, str. 118.

[17] Dragutin Avramović, "Vladavina prava i pravna država" – istost ili različitost? *Zbornik radova Pravnog fakulteta u Novom Sadu*, Vol. 44, No. 3, str. 421–437.

[18] Fiona McLeod SC, National Interest and the Rule of Law, 2017, Available from https://www.actlawsociety.asn.au/article/national-interest-and-the-rule-of-law (Accessed 15 March 2024)

[19] Prabhakaran Paleri, "Rule of Law and Role of Government: Law Making, Enforcing and National Security" In: *Revisting National Security*, Springer, Singapore, 2022, pp. 303–340.

without excessive costs and delay, independent legal profession, emerging international rule of law.[20]

When it comes to superiority of law, it considers that law should govern than any of the citizens or all persons are subject to the law whatever their social or political station in life. Separation of powers makes distinction between processes of law-making and law-applying institutions. As William Paley once stated that a free state is reflected in fact "that the laws be made by one set of man, and administrated by another"[21] or in short, legislative and judicial branches of government should be separated. Law should be known and predictable in order to avoid arbitrariness and government discretion. Also, predictability is important so that people would be aware of their legal consequences in advance. Equal application is supporting column of rule of law which implies that law must be applied equallly to all people in like circumstances.[22]

In ancient Greece this ideal was known as *isonomia* (equality of all under the law), which was higher and nobler concept than democracy.[23] Just laws is substantive category which means that laws in society must protect fundamenetal human rights and laws that honor the rule of law must be just.[24] For example, substantial justice is standardized in international normative documents such as European Convention on Human Rights, Universal Declaration of Human Rights, International Covenant on Civil and Political Rights. Robust and accessible enforcement means that laws must be enforceable and to guarantee a legal remedies. Ability to access the courts through the application of legal remedies is the backbone of access to justice concept, which is *sine qua non* of rule of law.

Independent judiciary implies institutional and decisional independence. The first ilustrates independence of the judicial branch from the executive and legislative branches of government. Decisional independence implies that a judge as a legal technocratic decision-maker, must decide only on the basis of the law and the facts presented to him/her in a paticular case (*da mihi factum*, *dabo tibi ius*).[25] Right to participate implies that members of society must have the right to participate in process of creation laws which regulate their interests and behavior.[26] In addition to the rule of law concept, it is

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[20]   Robert Stein, "What Exactly Is the Rule of Law?", *Houston Law Review*, Vol. 57, pp. 184–201.

[21]   William Paley, *Of the administration of justice*, in The works of William Paley, D. D.123, 123 (1833).

[22]   Robert Stein, "What Exactly Is the Rule of Law?", op. cit., p. 194.

[23]   Friedrich August von Hayek, *The Constitution of Liberty*, University of Chicago Press Ltd, London, 1960.

[24]   Robert Stein, "What Exactly Is the Rule of Law?", op. cit., p. 195.

[25]   *Ibidem*, p. 197.

[26]   *Ibidem*.

important to underline that law must protect persons and property and it must be accessible and so far as possible intelligible, clear and predictable.

THE RULE OF LAW IN SERBIA – AN INSURMOUNTABLE *APORIA*

In this part of article, the author hypothesizes that in all historical epochs, the Serbia as a state had an ideological rather than a legal character which was an obstacle for establishing and strengthening strong, democratic institutions. The powerful European legislative and rule of law influence has been present in Serbia for centuries. Despite of the Ottoman historical heritage, Serbia has established the first modern civil code under the European influence. Namely, the Austrian Civil Code was the legal source of the Serbian Civil Code from 1844 to that extent that the norm of the Austrian legislator ad verbum was taken over, often without interference in Serbian own legal tradition and social reality. The Serbian state, created by the liberation from Ottoman repression, should have been a defense of the despotic authorities. In its modern history, Serbia has never succeeded rule of law status because the interests of the ruling elites, the kings, and later the party commissars, were above the public interest and the welfare of the community. Establishing legality and the rule of law ideally speaking should be a national priority that never came to life. To that ideal, as a newly constituted civil state, Serbia was the closest to the late 19th century and to the first three decades of the 20th century. In all other historical epochs, the Serbia state had an ideological rather than a legal character. Ideological state is the state of volunteerism and subjectivism, the narrowing thought horizons, politics is beyond the limits of the law and suspension of citizenship.[27]

In addition to the positive characteristics of the Serbian political culture, it is also necessary to look at those negative characteristics that are present in modern world and that support the growth of corruption. One of the negative components is the ubiquitous legal nihilism, that is, the problem of establishing and strengthening the rule of law.[28] The democratic issue of political tradition has always been much more complex in the Serbian being in relation to the arbitrariness and usurpation carried out by the rulers. If we make a historical parallel, the conclusion is drawn that Serbia inherits a short history of the rule of law, which began in the seventies of the 19th

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[27] Tijana Perić Diligenski and Vesna Stanković Pejnović, "Combating Corruption in Serbia: Between European Union requirements and political reality" in: Igor Janev (ed.), *Serbia Current Political, Economic, and Social Issues and Challenges*, Nova Science Publishers, New York, 2019. p. 113.

[28] Tijana Perić Diligenski, "Refleksije o pravnom nihilizmu", *Srpska politička misao*, Vol. 27, No. 2, str. 345–359.

century until the collapse of the first Yugoslavia. [29] The epochs that followed chronologically were embodied in the communist regime, and later in authoritarian populism, and today in the procedurally democratic era. The common feature of the aforementioned political phases is the pursuit of rights and their abuse for political purposes. The reconstruction of the relationship between tradition and modernity testifies to the constant urge of the Serbian people to act within the paradigm of rational choice, i.e. to the need to use the rights and benefits from state laws and regulations while minimally accepting the duties that legal solutions carry with them.

Lack of awareness of the value of laws and institutions and acting outside the law is a significant obstacle in the implementation of anti-corruption measures in the political system of post-socialist Serbia. It seems that the inherited nonchalant attitude towards the rule of law has initiated social fissures that have devalued social justice and trust in the state and its institutional mechanisms. The democratic rule of law will be a mere platitude and proclamation until the issue of effective respect for rights and laws gains the strength of a national priority.[30] The rule of law is constituted by the judiciary, which should be professional, independent, permanent, efficient, then the fight against corruption (preventive and repressive) and respect for basic human and civil rights. The latter includes all rights guaranteed by the constitution, laws and European Convention on Human Rights. Serbia ranks 93rd out of 142 in Rule of Law Index.[31] The key strategic document which promotes the rule of law in Serbia is Action plan for chapter 23 which consists of judiciary, anti-corruption policy and fundamental rights. Judiciary is related with strengthening the independence, accountability, impartiality, professionalism and overall efficiency of the judicial system. Anti-corruption policy includes domains of prevention and corruption repression. Prevention of corruption is related with conflict of interest of public officials, financing political parties and political activities, reporting of income and assets of public officials, public procurement, corruption in vulnerable areas (health, education...). Repression on corruption includes enhancing track record on investigations, indictments and final convictions in corruption cases, including seizure and confiscation of criminal assets. When it comes to fundamental rights, primary strategic goal is creation of an enabling environment for the exercise of fundamental rights, including freedom of expression and media freedom.

The National Anti-Corruption Strategy of the Republic of Serbia, has been waiting like Godot for five years and it hasn't been adopted yet. The draft of

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[29]   Tijana Perić Diligenski, "Koruptivno u srpskoj političkoj kulturi" u: Vladan Stanković (ur.), *Identitet, politička kultura, institucije*, Institut za političke studije, Beograd, 2018, str. 119–120.

[30]   Tijana Perić Diligenski, *Rasprava o političkoj korupciji*, Čigoja štampa, Beograd, 2021, str. 153.

[31]   https://worldjusticeproject.org/rule-of-law-index/country/2023/Serbia/

the third anti-corruption strategy, as the key national normative document in anti-corruption policy is quite descriptive and boils down to standard mantras that is necessary to strengthen the institutional, personnel and infrastructural capacities of bodies responsible for preventive and repressive supression of corruption and their mutual cooperation. Since 2013, the strengthening of the capacity of the Council for the fight against corruption (hereinafter Council) and its cooperation with the Government of the Republic of Serbia has been apostrophized. The Government treats the Council as foreign and oppositional body and not as its own advisory body. For years, the Council has been functioning since the Government refuses to appoint members proposed by the Council. The proposed candidates are considered morally and politically unfit by the Government.

According to the Constitution of Serbia, the rule of law is realised through free and direct elections, constitutional guarantees of human and minority rights, separation of powers, independent judicial authority and obedience of the authorities to the Constitution and the law (Article 3). Instead of the rule of law, the order in Serbia is based on the rule of informal institutions. Serbia is a country where informal institutions have taken precedence as a separate form of regulation of social relations based on customary and cultural paradigms. Informal practices are conceived on expectations regulated by informal rules and sanctions. It often happens that informal forms of actions are more encouraged and approved by citizens, compared to formally constituted rules (corruption, clientelism, patronage, nepotism, sycophancy, etc.).[32] Entering extra-institutional arrangements, people produce anomic behaviors and thus most directly generate social entropy. Privatization of institutions is a consequence of the absence of legal and anti-corruption awareness, at the core of which are small-ownership, narrow-group motives that are mostly of a material nature. Public opinion, public pressure, sense of responsibility, institutional procedures, as well as the rule of law, direct citizens towards those behaviors that significantly reduce anomic conditions.[33] Due to the absence of the rule of law as a barrier to the usurpation of power, in "stabilocratic" Serbia, the phenomenon of partocratic usurpation of the state is at work, based on the abuse of the law-making process and its perverted application. The centripetal forces that lead to this phenomenon are: the ruling political parties, the legislative body that adopts interest-oriented and group-oriented regulations, as well as the judicial authorities (prosecutor and court) that discretionally decide on the opportunity for criminal prosecution.

With this methodology, which is contrary to the constitutional and legal institutional logic, the rule of law is suppressed and the rule of incompetent and immoral personnel is established. Law is placed at the service of politics

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[32] Vladan Stanković, Tijana Perić Diligenski, "Neformalni oblici društvene anomije", *Srpska politička misao*, Vol. 80, No. 2, str. 231.

[33] Tijana Perić Diligenski, "Koruptivno u srpskoj političkoj kulturi", op. cit., str. 112.

and big capital instead of being the guardian of the collective good embodied in the concept of public interest. Political corruption is present at the highest state and political levels and it results in the phenomenon of a captive state, which in the interpretation of Rasma Karklins is reflected in the "*de facto* takeover of the entire state or public institution by a cartel of the political elite and economic oligarchs", i.e. in "systemic corruption on a large scale in which a hidden political regime contrary to the constitutional purpose of state institutions is established".[34]

The Constitutional Court, which should be the guarantor of the rule of law in Serbia, has become a political rather than a legal actor. On a similar line of reasoning are theorists from the realist school of constitutional law who see the constitutional court as a third legislative instance (third chamber) that sends inputs into the domain of the political process, which is known as "judicialization of politics".[35] Alexis de Tocqueville once observed that the Supreme Court is "*essentially judicial, its prerogatives are almost solely political*". I would underline that Serbia is one of the first European countries to receive a court instance of this type in Europe, 61 years ago. The Constitutional Court, which should be an independent body that safeguards constitutionality and legality, has become a classic political actor. The Constitutional Court operates in a reduced composition with 11 instead of 15 judges, does not launch initiatives for the election of missing judges, does not conduct public hearings, does not issue decisions and does not declare the deadlines in which it should decide on the request to annul the election. In Serbia, the rule of law collapsed due to the concentration of power in the hands of the head of state. Independent institutions that should be the first line of defense against the usurpation of power have become trivialized and privatized. The Prosecutor's Office is in the hibernation phase since it does not prosecute those persons involved in corruption affairs and acts on the basis of telephone commands as a selective application of the law. According to theoretical findings, "telephone justice" is informal influence or pressure exerted on the judiciary.[36] The Anti-Corruption Agency has become an accomplice in concealing the corruption of public officials. It does not warn them because of a potential conflict of interest, non-declaration of assets and income of officials, running an official campaign. If attention is drawn to violations of the Law on prevention of corruption, they are reduced to mild warnings and usually do not result in criminal charges.

In the republican, Belgrade and provincial elections held in December 2023, electoral theft occurred, which resulted in the internationalization

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[34]   Rasma Karklins, *Sistem me je naterao: Korupcija u postkomunističkim društvima*, OEBS, Beograd, 2007, str. 32.

[35]   Marko Pejković, "Ustavni sud u političkom sistemu Srbije i komparativna iskustva – teorija i praksa", *Srpska politička misao*, Vol. 29, No. 3, str. 153–174.

[36]   Alena Ledeneva, "Telephone Justice in Russia", *Post-Soviet Affairs*, Vol 24, pp. 324–350.

of this event. The European Parliament adopted the Resolution on the elections in Serbia,[37] calling on state authorities to conduct an independent investigation into election irregularities. In addition, ODIHR made a number of recommendations for improving election conditions.[38] The creation of phantom electoral lists, false voter lists, electoral nomadology, vote buying, blackmail, official campaigns, organizing a distribution and collection center for voters from other states are proof of the collapse of the legal order. In all the mentioned cases, the decisive role was played by state bodies such as the Ministry of Interior and the Ministry of State Administration but also Regulatory Body for Electronic Media, the public media service, the prosecutor's office, the High Court and the Constitutional Court by not announcing it. The connection of national interests and the rule of law is visible in the national strategic document in the field of security. The National Security Strategy (hereinafter Strategy) fully reflects the commitment of the Republic of Serbia to general moral and civilizational values, respect for its state-building tradition, the rule of law, social justice, democracy, human and minority rights and freedoms, economic progress, cooperative security and comprehensive international cooperation. Through the prism of this Strategy, key role of concept rule of law is "strengthening the internal stability and security of the country" and "strengthening the international position, improving the policy of cooperation and strengthening confidence measures in the region".

Summa summarum, the rule of law is one of the basic pillars for preserving the internal stability and security of the Republic of Serbia and its citizens, which also represents common European value. In the Strategy, the rule of law is underlined as one of its starting points, through which the stability of society and internal social cohesion is achieved. Achilles Heel in the implementation of the rule of law in this strategic document is declerative, descriptive and general approach without going into more detail about the means of realization of this fundamental principle. Strategy underlines legislative and institutional frameworks for implementation freedom of expression, pluralistic way of informing and raising the level of objectivity of media reporting. This general observation is not elaborated in detail, so neither the method nor the institutional apparatus is known. In Strategy is also mentioned that efficiency and transparency in the work of legislature, executive and judiciary authorities (as key constitutional and political

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[37] https://www.europarl.europa.eu/news/en/press-room/20240202IPR17327/serbia-did-not-fulfil-its-commitments-to-free-and-fair-elections-say-meps

[38] https://paragraph25.odihr.pl/search?dayOfElection=2023-12-17T00%3A00%3A00.000Z&numberOfTheRecommendationInTheFinalReport=1&numberOfTheRecommendationInTheFinalReport=55&projectBeneficiary=Serbia&typeOfElection=Parliamentary&yearOfElection=2023&yearOfElection=2023

institutions) will be increased. As mentioned above, there is no detailed elaboration of the road map in this segment as well.[39]

CONCLUSION

Quite often, in the Republic of Serbia, the rule of law was sacrificial lamb for the achievement of narrow group interests that were presented to the citizens as national interest. National interest is fluid category that is subject to different interpretations and redefinitions depending on the ideological and subjective preferences of the ruling elite, who turns it into legal categories. In this paper, the author's intention was to point out the social and political necessity of establishing Serbia as a rule of law state that aspires to become the member state of the European Union.

The main obstacles in the implementation of the rule of law in Serbia are: partocratic state, abuse of power and laws for private gains, poor functioning of administrative and judicial mechanisms that would be a barrier to the usurpation of power. Parochial political culture and deficient legal awareness in synergy with civil tolerance of informal institutions influence the formation of Serbia as an illegal state. Well concieved in theory, rule of law concept is not successfull in practice and without teeth. Strenghtening the rule of law does not mean writing strategies, action plans or reports, and it is certainly not a simply copying the international legal standards. Legal reforms need more, they need political will and rethorically social context. Reforms in the rule of law field concern radical, far-reaching, transformational changes. Strenghtening the independence, impartiality and efficiency of the judiciary, strenghtening the fight against corruption and organized crime, creating an environment that guarantees freedom of expression and the media is a key challenge that has a direct and tangible impact on the lives of citizens.

Based on the previous analysis, I conclude that a consolidated democracy is equally important for its own sake and for the state's ability to deal with corruption, especially high level corruption. Through the democratic ethos and rules of the game, the rule of law is established, which is primarily reflected in a politically independent judiciary and strong political institutions that are largely immune to corrupt incentives. Finally, consolidated democracy implies the promotion of political responsibility of the holders of public authority.[40]

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[39]   *Strategija nacionalne bezbednosti Republike Srbije*, Službeni glasnik RS, 94/2019.

[40]   Tijana Perić Diligenski, *Rasprava o političkoj korupciji*, op. cit., str. 169.

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National interests of Serbia through televised presidential addresses 2017–2023

ABSTRACT

Televised presidential addresses are an indispensable form of political communication. Through addressing the public in live TV broadcasts or press conferences, presidents seek to gain the support of citizens, most often in regards to severe crises in foreign and domestic politics. This paper examines 35 major televised addresses of Serbia's president Aleksandar Vučić since he was first elected in 2017 until 2023. The mixed-method approach of the study, based on the analysis on five presidential TV addresses per year, reveals what has been regarded as the "national interest" of Serbia from the perspective of televised presidency as a concept over the years and how national interests have been framed and communicated to the public.

KEYWORDS: *National interests, televised addresses, president, Serbia*

TELEVISED PRESIDENCY

The televised presidency has significantly influenced the nature of political leadership. With the advent of television in the mid-20th century, leaders gained a new platform to communicate with citizens, shaping perceptions, policies, and political discourse in unprecedented ways. From Franklin D. Roosevelt's fireside chats to modern-day press conferences, presidents have used television to convey their messages, agendas, and visions directly to the public. This immediacy and intimacy of communication fostered a sense of

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connection and familiarity between leaders and citizens, blurring the lines between the public and private spheres of governance.[1]

From US presidents Franklin D. Roosevelt's and Dwite Eisenhower to modern-day press conferences, presidents around the world have used television to convey their messages, agendas, and visions to the widest audience. This immediacy and intimacy of communication fostered personalized politics and more connection and familiarity between leaders and citizens, blurring the lines between the public and private spheres of governance.[2] The visual nature of television transformed the presidency into a performative role, where not only words but also gestures, facial expressions, and body language carry significant meaning, influencing perceptions of leadership style, charisma, and authenticity. As a result, presidents have become adept at leveraging the power of imagery and presentation to shape their public personas and cultivate popular appeal.

At the same time, the rise of the televised presidency has also raised concerns about the superficiality and spectacle of modern politics. Critics argue that the emphasis on image and soundbites has led to a prioritization of style over substance, with policy debates often reduced to simplistic narratives and soundbites tailored for mass consumption. This phenomenon, commonly referred to as "theater politics", can obscure the complexities of governance and hinder meaningful dialogue on pressing issues. Televised, or tele-visual politics has transformed the presidency into a highly mediated institution, where public perception is heavily influenced by the framing and editorial decisions of media outlets.[3] The rise of 24-hour news channels and social media platforms has intensified this phenomenon, amplifying

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[1]   Don Livingston, „The Televised Presidency". *Presidential Studies Quarterly*, Vol. 16, No. 1, The Media and the Presidency (1986), pp. 22–30; Albalat-Mascarell, A., and ML Carrió-Pastor, "Self-representation in political campaign talk: A functional metadiscourse approach to self-mentions in televised presidential debates". *Journal of Pragmatics*, (2019), pp. 86–99; Jeffrey E. Cohen, "Presidential Rhetoric and the Public Agenda", *American Journal of Political Science*, Vol. 39, No. 1 (1995), pp. 87–107.

[2]   Eytan Gilboa, "Effects of Televised Presidential Addresses on Public Opinion: President Reagan and Terrorism in the Middle East", *Presidential Studies Quarterly*, Vol. 20, No. 1, Leadership and Crisis Management(1990), pp. 43–53; Erik P. Bucy, "Emotion, Presidential Communication, and Traumatic News: Processing the World Trade Center Attacks", *International Journal of Press/Politics* 2003, 8(4), pp. 76–96.

[3]   Willard M. Oliver, Joshua Hill, and Nancy E. Marion, "When the President Speaks: An Analysis of Presidential Influence Over Public Opinion Concerning the War on Drugs". *Criminal Justice Review* (2011), pp. 1–14; Matthew A. Baum and Samuel Kernell. "Has Cable Ended the Golden Age of Presidential Television?" *The American Political Science Review*, Vol. 93, No. 1 (1999), pp. 99–114; Erik P. Bucy and John E. Newhagen, "The Emotional Appropriateness Heuristic: Processing Televised Presidential Reactions to the News", *Journal of Communication*, 1999, DOI: 10.1093/joc/49.4.59

the president's visibility while also subjecting them to constant scrutiny and criticism.

Mediated presidential addresses represent the opportunity to highlight the accountability, transparency and responsibility of the state and the highest state officials regarding the most important social and political issues. The presidential rhetoric has the power to influence the agenda setting, to change the public communication and direct or divert the public's focus.[4] Direct presidential TV addresses are also important because viewers remember the reactions of the president in specific circumstances. Moreover, when viewers perceive that the president has things under control while addressing the public, they accept it as a message from a "great leader".

Numerous authors have examined how television has affected the presidency, made the presidency news, and affected the Presidency's potential for leadership. In the United States, it started with President Eisenhower in 1960 when he defended the U-2 surveillance mission over the Soviet Union in his television address. In early 1960s President Kennedy continued with the tradition and sought "to convert the major networks into a large presidential megaphone".[5] American presidents have used television as the key channel for communication with audience: "President must first master the media, especially the medium of television, before he can project such an image. If a president cannot deal effectively with the medium of television, he will not be able to convey to the American public the impression that he is able to deal effectively with the problems and crises confronting the country at any given moment".[6]

There are various dimensions and models of televised presidential addresses: direct, State of the Union/nation, obligatory, etc. Previous research has found that there are three dominant topics presidents in the world focus on in their televised addresses: economy, foreign policy and citizens' rights. The most influential presidential addresses are, however, focused on one problem, one politics, one topic which present the president's position on an issue. Presidential speeches related to economy and similar topics have a certain impact on what citizens think about their country's economy even a year after the presidential address. Over time, president's decisions and attitudes regarding the field of foreign policy reach a greater range in society's memory than issues from the economy, civil society or other policies.

Researchers found that the dramaturgy in the presidential speech has almost no influence on the length of human memory. The president

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[4]　Aleksandra Krstić, "Pogled odozgo: vizuelno predstavljanje građana Srbije na Instagram profilu predsednika Aleksandra Vučića". *Političke perspektive*, 11(3), 2022, pp. 7–33.

[5]　Michael Jay Robinson, "Television and American Politics: 1956–1976," *The Public Interest* 48 (1977), p. 10.

[6]　Don Livingston, 1984, p. 24.

can attract the attention of the public by the way he talks about a certain problem, but that does not mean that he can keep that attention for a long time. When the audience sees that the president has things under control and that he expresses himself briefly and effectively, they accept it as a message from a "great leader" – these are referred to as "low-intensity" presidential reactions, or reactions in which the president reacted decently, acceptably, unobtrusively. On the other side, highly expressive non-verbal speech, with too much drama, insecurity or obvious acting, disjointed sentences, jumping from topic to topic, too free or erratic style of expression can cause negative reactions from the audience and influence to forget the president's words and messages immediately.

Authors have found the incredible impact of just one presidential address – it can increase and focus the audience's attention on one topic, for example inflation, even eight times more than television reports on the same topic for a whole month. Also it is important to highlight that the format in which the president looks directly into the camera and speaks directly to the audience has a much greater impact on public opinion (visual closeness), and better control over the content of the message.[7]

Televised presidential addresses have been used sparingly, mostly in times of crises, wars, conflicts, pandemics etc. In the 20th century US politics there were only 159 major presidential addresses broadcast on radio and TV[8] and only 38 were obligatory. Lindon Johnson had only one televised address, on State of the Nation. Beside these, there are other presidential televised addresses that stand out for their historical significance, impact on policy, and rhetorical power. Perhaps the most iconic presidential address in American history is Franklin D. Roosevelt's Fireside Chats during the Great Depression and World War II era. Through radio broadcasts, Roosevelt communicated directly with the American people, explaining complex policies, and rallying support for his New Deal programs and wartime efforts. John F. Kennedy's televised address on civil rights in 1963 was a watershed moment in the struggle for racial equality in the United States. Kennedy delivered a powerful speech advocating for civil rights legislation and his address helped galvanize support for the Civil Rights Act of 1964, marking a significant step forward in

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[7]   Shanto Iyengar, and Donald Kinder, *News ThatMatters: Television and American Opinion*. Chicago: University of Chicago Press, 1987; Christopher J. Anderson, "Citizens and the state during crisis: Public authority, private behaviour and the Covid-19 pandemic in France", *European Journal of Political Research*, (2023), 62, pp. 571–593; Jonathan S. Krasno and Donald P. Green, "Do Televised Presidential Ads Increase Voter Turnout? Evidence from a Natural Experiment", *The Journal of Politics*, Vol. 70, No. 1, 2008, pp. 245–261.

[8]   Lyn Ragsdale, "The Politics of Presidential Speechmaking, 1949–1980". *The American Political Science Review*, Vol. 78, 1984, pp. 971–984; Lyn Ragsdale, "Presidential Speechmaking and the Public Audience: Individual Presidents and Group Attitudes", *The Journal of Politics*, Vol. 49, No. 3, 1987, pp. 704–736.

the fight against racial discrimination.[9] Ronald Reagan's address following the Challenger space shuttle disaster in 1986 is remembered for its emotional resonance. In the wake of the tragic explosion that claimed the lives of seven astronauts, Reagan delivered a heartfelt speech that honored the bravery of the crew and comforted a grieving nation. His words, particularly the closing lines invoking the crew's "slip the surly bonds of Earth," captured the collective grief and resilience of the American people in the face of tragedy.[10] Nelson Mandela's inaugural address as the first black president of South Africa in 1994 marked the dawn of a new era in the country's history. After decades of apartheid rule, Mandela's speech symbolized reconciliation, forgiveness, and the promise of a democratic future. His call for unity and forgiveness resonated deeply with South Africans of all backgrounds, setting the tone for a transition to democracy based on reconciliation and inclusivity. Barack Obama's election night address in 2008, when he became the first African American president of the United States, was a historic moment not only for America but also for the world. Obama's message of hope and unity transcended borders, inspiring millions around the globe with his vision of change and progress. His election signaled a new chapter in American history and a symbol of progress towards a more inclusive and diverse society.[11]

Serbia's president Aleksandar Vučić has had 300 televised presidential addresses in only one year, June 2022-May 2023 (CRTA, 2023). During the period of only 40 days,1st July-9th August 2023, he appeared 30 times on various TV stations to address the audience. In March 2021 President Vučić addressed the nation 29 times in 31 day, including his appearance in TV interviews, direct addresses, press conferences and other televised formats.

Against this background, this paper examines 35 major addresses of Serbia's president Aleksandar Vučić since he was elected in 2017 until 2023. The paper builds on mixed-method approach and analysis of five major presidential TV addresses per year. The aim of the paper is to examine what has been regarded as the "national interest" of Serbia from the perspective of

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[9]   Sue Lockett John, David Scott Domke, Kevin M. Coe and Erica S. Graham, "Going Public, Crisis after Crisis: The Bush Administration and the Press from September 11 to Saddam", *Rhetoric & Public Affairs*, Volume 10, Number 2, 2007, pp. 195–220; David Lewis, "The two rhetorical presidencies: an analysis of televised presidential speeches, 1947–1991", *American Politcs Quarterly*, Vol. 25 No. 3, 1997, pp. 380–395.

[10] Reed Welch, "Was Reagan Really a Great Communicator? The Influence of Televised Addresses on Public Opinion", *Presidential Studies Quarterly* 2003, 33, no. 4.

[11] James W. Ceaser, Glen E. Thurow, Jeffrey Tulis and Joseph M. Bessette, "The Rise of the Rhetorical Presidency", *Presidential Studies Quarterly*, Vol. 11, No. 2, 1981, pp. 158–171; Reed L. Welch, "Is Anybody Watching?" The Audience for Televised Presidential Addresses, Congress & the Presidency, 27:1, (2000), pp. 41–58; Michael Jay Robinson, "Television and American Politics: 1956–1976", The Public Interest 48 (1977)

the president's televised addresses and how the concept of national interest has been framed and communicated to the public via national TV stations.

RESULTS

The main results show that the first year of Vučić's mandate in 2017 started with emotional reflections of Serbia as a happy country deserving a better future. President relied on discourse of fear and hope and framed the national interest as "the unity of the country and its people", as opposed to particular interests that might break up the country and put its people to danger. In televised addresses Vučić often used binary codes of happiness and sadness, fear and hope, win and lose to emotionally reflect on the future of the country.

In 2018, discursive strategies of presidential televised addresses changes as the societal and political contexts diverged from talking bout imagined (happy) teritory and community into the narrative relied on the fear from the external enemy, endangered peace and citizens' security. Therefore, major televised addresses during 2018 were built on the frame of national interest of a long-term peace between Serbs and Albanians, the security and safety of citizens living on Kosovo and Metohija, along with the overall economic prosperity of the nation.

This national interest did not change in 2019, however Serbia's decisiveness to protect its people on Kosovo*[12] was addressed stronger. Addresses were mostly criticizing NATO for not doing its job, at the same time highlighting the compromise and dialogue as the best possible solutions to preserve peace. Interestingly, foreign relations were also very prominent national interest during this period, as Presidents' close friends at theat time, French president Emanuel Macron and German Chancellor Angela Merkel were called to support Serbia and understand the ongoing issues with Kosovo.

However, in 2020, during Covid-19 pandemic, the things and circumstances changed. The main national interest, as highlighted through presidential TV addresses during that year, was the preservation of people's lives. Numerous measures were introduced throughout 2020 to discipline and restrict citizens' movement. At the same time, it was the period of an election campaign in Serbia, where television performance and the aesthetics of presidential addresses changed and adapted to post-Covid context. Namely, Vučić appeared on TV in front of 1000 virtual screens in a special TV studio setting, where even applauding was simulated. Beside preservation of people's lives, President underlined military neutrality as Serbia's position and announced the strengthening and empowerment of its military forces.

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[12]   As per Council of Europe, all references to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nations' Security Council Resolution 1244.

The year of 2021 marked the record breaking in televised presidential addresses. Many of them were triggered by environmental protests of environmental movements and numerous citizens against lithium mining by the Rio Tinto company in western parts of the country. The main national interest framed through the key televised addresses during 2021 was associated with the president's visit to Brussels, after only one main message was highlighted: to keep peace, stability and economic progress, and to cooperate and collaborate closely with the EU. The EU road was marked high on the political agenda in 2022, since all selected TV addresses were dedicated to preservation of peace and Serbs on Kosovo and the collaboration with the EU to maintain that peace.

The year of 2023 appeared more complicated than others. Incidents regarding the situation with Kosovo were multiplied and triggered many televised addresses of Aleksandar Vučić. One of the major incidents were reported in Banjska, which president addressed as the opportunity to prevent bloodshed and preserve peace. National interest was framed as the empowerment of Serbs to act for their freedom in full commitment to international law and norms. Incidents involving Serbs in Banjska were also framed as "Kurti's terror" and the "call for peace and stability". The other incident triggering specific televised address occurred in Zvečan, when brother and sister got attacked by Kosovo police forces. The main president's message was to preserve life of Serbs in Kosovo: „People want to preserve peace and they don't know how to do it", president said in one of addressed in 20203. In May 2023, reflecting on the two tragic events in Belgrade – mass murders of children and young people, Vučić underlined the public disarmament and the raise security in schools as the main national interest, introducing new law enforcement acts to raise safety and decrease violence. Also, one of the main national interests in 2023 was to keep the unity of the country regarding the French-German plan to resolve the Kosovo issue and to keep up with EU integrations.

National interests of Serbia through televised presidential addressed are twofold. Firstly, the main national interest is the economic progress, where the audience is presented with the narrative that Serbia is on the right track, and that the society has been rebuilt and being built at all times. The downfall has been stopped, inflation is falling and that people have enough food and other things necessary for decent living. The aim of this message is to instill the security of economic and financial survival in challenging times. Therefore, Vučić often addresses the role of the EU, highlighting the need of Serbia to remain on the road on the EU integration, although he is often very critical of the EU as a whole. His televised addresses focused on the economic narrative have been often supported by various visual instruments, such as diagrams, graphs and interactive screens with maps, data and figures, supermarket basket, yogurt and other household products to inform the citizens about the reduction in prices, revealing the ever-present populist

political communication in Vučić's addresses on TV. He also often introduces the narrative of the future in his speeches, particularly those related to the aspect of economy, with detailed announcements, plans and decisions regarding future salaries and pension increases, subsidies, infrastructure, building roads, railways, stadiums, concert halls, cultural institutions, hospitals, schools, etc.

The other most important or most prominent national interest revealed through the televised addresses is that of peace and stability regarding Kosovo, which has been a topic triggered by different incidents: the arrest of Serbs, incidents and conflicts, dialogue with Priština, the position of the European Union, and the survival of citizens or a permanent crisis. The aim of this narrative is to emphasize the efforts of the authorities to preserve peace, which is almost always rhetorically opposed to constant threats coming from different sides and conflicts for which others are responsible, and the Serbs are strong people who want stability and a normal life.

The third most prominent televised narrative is the protection of the nation, which has been communicated in relation to various enemies who "lie", "cheat", "want to strike us", weaken the state, etc., regardless of the reason and focus of the address. Also, in relation to the security issues, the topic of arm control has been rather important. In this frame, Serbia is most often represented as the victim, who others attack and do harm. The "other" in discursive strategies of presidential addresses is anyone and everyone, from the European Union, organized crime to opposition politicians who organize protests and "want to seize power" or journalists who criticize the current regime. To highlight the state's determination to fight the enemy and reinforce the narrative of fear, various negative TV images and disturbing footage have been shown on national television prime time address to support these claims.

CONCLUSIONS

Presidential televised addresses in Serbian context are a complex interplay of rhetoric, symbolism, and policy announcements. While they offer insights into Vučić's political persona and policy priorities, they also reflect broader dynamics of power, ideology, and public opinion within the nation. Through these speeches, he aims to project an image of authority, competence, and decisiveness, positioning himself as a strong and capable leader in times of crisis and uncertainty. Whether addressing economic challenges, diplomatic relations, or domestic unrest, Vučić employs a mix of persuasive language and pragmatic solutions to reassure the public and assert his administration's agenda. He often uses emotional appeal to address the audience, specifically addressing issues solidarity, shared values, historical narratives, and collective aspirations to foster a sense of national unity and purpose. Nevertheless, he also evokes the narrative of sacrifice gained in the past or articulates a vision

for the future of Serbia and its citizens, aiming to mobilize public support and legitimize his leadership.

Vučić's televised addresses serve as a platform for policy communication and agenda-setting. From economic reforms to various political and social initiatives, he articulates his government's priorities, strategies, and accomplishments, framing them within a narrative of progress and development. He therefore presents himself as a leader of change and modernization, and the defender of endangered people, seeking to position Serbia on a trajectory of growth, stability, and integration into the European Union. However, Vučić's televised addresses are not without controversy. He has been often accused of manipulating the media, suppressing dissent, and consolidating power through authoritarian means. His speeches, therefore often prioritize propaganda over substance, emphasizing superficial achievements while downplaying systemic issues such as corruption, media censorship, and human rights abuses. Furthermore, some contend that Vučić's rhetoric perpetuates nationalist sentiments and exacerbates ethnic tensions, undermining efforts towards reconciliation and regional cooperation.

Unlike television programs in established democracies of the West, which often feature political talk shows, debates, and interviews with government officials, including the president, in Serbia this is not the case.[13] These platforms allow for critical questioning and debate, providing viewers with a range of perspectives on presidential policies and decisions. However, TV broadcasts in Serbia tend to focus on portraying Vučić and his administration in a positive light, emphasizing achievements and downplaying critical voices. At the same time, opposition leaders and political parties receive limited coverage on state-controlled TV channels. Therefore, president uses televised addresses as a monologue to govern the audience and have control over the overall message. Moreover, he regularly appears in interviews with pro-regime journalists and editors in programs of the controlled national TV stations, with rare interviews to critical media.

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[13]   Aleksandra Krstić, "TV dueli kandidata za predsednika Srbije od 2002. do 2012. godine. U: Milan Jovanović i Dušan Vučićević (ur.), *Koga, kako i zašto smo birali: Izbori u Srbiji 1990–2020*, Beograd: Službeni glasnik, (2020). str. 429–449.

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Divergent National Interests in Contested Statehood: Serbian Perspective on Kosovo

ABSTRACT

This chapter explores the evolving Serbian national interest in Kosovo during the post-conflict period, focusing on the dual objectives of contesting Kosovo's international status and supporting the Serbian minority. It analyzes the attitudes of Serbian citizens in Kosovo towards agreements aimed at normalizing relations with Pristina, revealing a significant disconnect between official policies and local sentiments. This study suggests the contradiction between Belgrade's strategies to block Kosovo's membership in international organizations and Pristina's push to formalize self-governance rights for the Serbian community. The findings highlight the mutual exclusivity of these objectives and the resulting dissatisfaction and resistance among the Serbian community. The author argues that the divergence between state-driven national interest and local preferences stems from a lack of consensus, democratic debate, and transparency in the normalization of relations regarding what constitutes a realistic and feasible national interest.

KEYWORDS: *Serbian national interest, Kosovo, contested statehood, Association of Serb-majority municipalities*

INTRODUCTION

During the post-conflict period in Kosovo, the Serbian national interest has evolved to primarily include passive policies centered around contesting the international legal standing of Kosovo and providing ongoing support

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to the Serbian community within Kosovo. The main strategy revolves around maintaining a frozen conflict or *status quo* until more favorable geopolitical opportunities arise, potentially pressuring authorities in Pristina into compromise with Belgrade. Consequently, it was expected that such an approach would involve providing institutional support to Kosovo Serbs resisting integration into the Kosovo constitutional and legal system. However, the recognition of Kosovo's independence by leading EU member states at the time raises the question of Serbia's stance on the Kosovo issue. Initiated with the dialogue on the normalization of relations in 2011, this process was particularly formalized by opening Chapter 35 in December 2015, establishing a formal link between the normalization of relations with Pristina and Serbia's EU accession process.

Protecting territorial integrity at the international level has been compromised by having Belgrade agree to reach agreements with Pristina within the dialogue led by Brussels. This has created a strategy in which Serbia has two separate national goals regarding the Kosovo issue: first, to prevent the finishing point of Kosovo's state-building process on the international level by blocking membership in international organizations. Second, to ensure self-governance rights for Serbs in Kosovo through formalization by the Pristina authorities. Time has shown that Serbia is unable to simultaneously achieve both goals, meaning these two national interests are mutually exclusive. Especially since Kosovo's authorities have not been interested in implementing a policy of accommodating ethnic differences and establishing an Association of Serb-majority municipalities (ASM) without *de facto* recognition from Serbia.

This paper aims to show, through the results of research on the attitudes of Serbian citizens in Kosovo, how the implementation of the agreed-upon settlements has demonstrated the unrealistic nature of expectations and the dissatisfaction among citizens, who predominantly believe that Serbian institutions, particularly in northern Kosovo, will be preserved. Based on citizens' attitudes, an unintended consequence is that Serbs in Kosovo oppose the latest agreement, known as the Franco-German proposal which offers some form of self-management for Serbs while expecting Serbia to *de facto* recognize an independent Kosovo. Although the Serbian community predominantly believes that the main and fundamental national interest is the continued existence of Serbs in Kosovo, they express two main reservations: first, they do not support *de facto* recognition, and second, they do not see the ASM as a framework that secures their future.

Research shows that the disputed statehood directly affects the ambivalent responses of Serbs in Kosovo. They advocate for the return of the Serbian constitutional framework in Kosovo, respect for Resolution 1244, and believe the ASM is not a good framework as a special corpus of rights within the Kosovo system, but don't oppose the need for some form of self-governance.

In this paper, I argue that Serbia's national interest regarding the contested status of Kosovo has acquired ambivalent characteristics, where two objectives have become mutually exclusive in realpolitik. A dependency path has been created that claims that Kosovo is an integral part of Serbia and demands for the rights of Serbs within an independent Kosovo result in an unintended consequence – the resistance of the Serbian community to such a defined national interest. Therefore, the main question I pose is: why has there been a divergence in the perception of national interest between official Belgrade and the majority of the Serbian community living in Kosovo? As will be illustrated in the sections of this study, the reason for this lies in the absence of broad consensus, democratic debate, and transparency in the ongoing dialogue process on the normalization of relations regarding what constitutes a realistic and feasible national interest.

THEORETICAL AND METHODOLOGICAL FRAMEWORK

Theory

Within the framework of institutional argumentation[1], I elucidate that Serbia aimed to preserve two objectives defined as national interests regarding Kosovo. The first was to challenge state-building by blocking Kosovo's acceptance on the international stage, and the second was to secure special rights for Serbs within Kosovo. Over time, a dependence path emerged in which Serbia presented these two national goals that gradually became mutually exclusive. An unintended consequence of this dynamic is that Serbs in Kosovo, believing in the feasibility of the first objective, showed little interest in achieving the second, which pertains to their daily lives. Despite formal commitments to establishing the ASM, the reality has shifted such that Serbs are opposed to such an institutional framework if it implies abandoning the parallel system where healthcare, education, and other institutions continue to operate under the Serbian system and become an integral part of the Kosovo institutional framework. According to research findings, which will be presented later in this paper, the prevailing perception is that fulfilling the second objective would only weaken the first, meaning that establishing the ASM within the Pristina administration would effectively affirm Kosovo's statehood.

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[1] James G. March and Johan P. Olsen, "The New Institutionalism: Organizational Factors in Political Life", *American Political Science Review*, 1984, no. 78, pp. 734–749; David Collier and Ruth Berins Collier, Shaping the Political Arena, Princeton University Press, Princeton, 1991.

   To demonstrate the divergence in Serbian national interest regarding Kosovo, I will first define what national interest means and later explore why a divergence in understanding this interest has occurred between Belgrade and the Serbian community. According to Nuechterlein, the national interest is fundamentally defined as "the perceived needs and desires of one sovereign state in relation to other sovereign states comprising the external environment".[2] This definition, while concise, opens several avenues for further discussion. Initially, the breadth with which the needs and desires of a sovereign state can be interpreted in determining national interest is considerable. The Kosovo issue, in particular, has prompted a reevaluation of the concept of national interest in the United States, allowing for very broad interpretations. As Nye highlights, conflicts in the former Yugoslavia (Bosnia and Kosovo) "combine both humanitarian values and the strategic concerns of European allies and NATO".[3] However, for Serbia, the Kosovo issue undeniably falls within the realm of its main strategic priorities since it considers this territory an integral part of its country that has unilaterally seceded, and another reason is the substantial Serbian community that continues to strive for the implementation of its rights within post-conflict Kosovo.

   The second dilemma concerns how national interest is formed. The national interest is essentially about perception, indicating that identifying what constitutes the national interest is "the result of a political process in which a country's leaders may hold different views on what that interest is, but ultimately conclude the importance of a specific issue".[4] This highlights the subjective nature of national interest, shaped through political discourse and leadership consensus. In this instance, despite a formal consensus in Serbia on adhering to the status-neutral nature of negotiations and refusing to recognize Kosovo's independence, concessions have been made that aim to prevent international isolation of the country and further complicate the position of the Serbian community in Kosovo. Serbia, like other states, is "more easily penetrated today", resulting in "political leaders finding it more difficult to maintain a coherent set of priorities in foreign policy, and more difficult to articulate a single national interest".[5]

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[2]   Donald E. Nuechterlein, "National interests and foreign policy: A conceptual framework for analysis and decision-making", *British Journal of International Studies*, vol. 2, no. 3, 1976, p. 247.

[3]   Joseph S. Nye Jr., "Redefining the National Interest", *Foreign Affairs*, vol. 78, no. 4, 1999, p. 33.

[4]   Donald E. Nuechterlein, "National interests and foreign policy: A conceptual framework for analysis and decision-making", *British Journal of International Studies*, vol. 2, no. 3, 1976, p. 247.

[5]   Joseph S. Nye Jr., "Redefining the National Interest", *Foreign Affairs*, vol. 78, no. 4, 1999, p. 25.

However, in the case of Serbia, it is not apparent that any attempt was made to articulate a coherent national interest, particularly concerning the Serbs living in Kosovo. One of the key principles of national interest is the principle of inclusiveness which emphasizes that national interest should encompass the nation broadly, surpassing narrow group interest.[6] In this instance, if the authorities determined that Serbia's interest was greater than the demands of the Serbian community's interest, this could also be a legitimate decision, but there was a lack of a transparent process for articulating such an interest, primarily with the unquestionably interested party – the Serbs from Kosovo.

Therefore, a potential redefinition of the Serbian national interest could be justified if we accept that the national interest encompasses the holistic aspirations of the nation-state rather than different groups' interests.[7] The mutual exclusivity of two national goals related to the issue of Kosovo leads to a decision on which goal prevails. Such a choice seems to have been made with the acceptance of the "Franco-German proposal", at the expense of claims to Serbia's territorial integrity over Kosovo, but it was not the result of a broader political or social debate.

In this paper, I begin with a definition of national interest based on the approach defined by Nincic, which "argues that our ability to judge whether a policy does serve the national interest is intimately connected to how democratic the decision behind the policy is".[8] Nincic proposes that the definition of national interest should be guided by the principles of political process, which hold normative values, particularly those grounded in democratic procedures.[9] As will be stated in the research results, there is a dominant belief that the communication between Belgrade and the Serbian community in Kosovo is conducted exclusively at the level of the current government and the dominant Serbian party in Kosovo without transparency in the process. Additionally, most members of the Serbian community, besides feeling excluded, also express dissatisfaction with the current dialogue process, specifically how the agreements have affected their status. In this context, it can be concluded that the divergence of national interest is a direct consequence of the absence of a democratic procedure in which members of the Serbian community would be informed about Serbia's main stances in the normalization process.

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[6]   Miroslav Nincic, "The National Interest and Its Interpretation", *The Review of Politics*, vol. 61, no. 1, 1999, p. 31.

[7]   Donald E. Nuechterlein, "National interests and foreign policy: A conceptual framework for analysis and decision-making", *British Journal of International Studies*, vol. 2, no. 3, 1976, p. 247.

[8]   Miroslav Nincic, "The National Interest and Its Interpretation", *The Review of Politics*, vol. 61, no. 1, 1999, p. 30.

[9]   *Ibidem*, p. 48.

The first assumption is that national interest is most accurately identified when it reflects the nation's collective preferences.[10] In this case, the dominant preferences of the Serbian community in Kosovo do not align with the identified interest as articulated in the most recent agreements achieved. Secondly, the legitimacy of these preferences hinges on their formation through processes deemed acceptable by the national community.[11] In democratic contexts, this suggests that societal mechanisms for defining national interest should be adaptable, allowing changes when they fail to accurately mirror societal interests. In this paper, we do not attempt to dispute the necessity of the actions taken by official Belgrade on the international stage within what it has defined as the national interest. The problem is that there has been no official adjustment or redefinition of the national interest regarding Kosovo. There has been no process that the national community would consider acceptable, not only referring to Serbs living in Kosovo. The strategy chosen by the leaders is to present the national interest through populist patterns as unchangeable.

Ultimately, the concessions Serbia made by accepting the "French-German proposal" can be categorized as decisions made under significant international pressure. Without delving into the validity of this claim, any form of defining national interest, even one adjusted due to potential consequences from international sanctions, should reflect a societal consensus. As Nincic highlights "a society's interests are best articulated internally, rather than being interpreted by external observers, regardless of their assumptions or methods".[12]

Method

The research is designed as an in-depth content and document analysis employing the process tracing method. This methodology aims to identify the intervening causal mechanisms. Process tracing is crucial for elucidating political phenomena and evaluating causal claims. In this study, the causal mechanism that needs to be identified is the correlation between the divergent perceptions of national interest by official Belgrade and the Serbian community in Kosovo.

A field survey, as part of a project carried out by the Center for Affirmative Social Actions, using face-to-face interviews was conducted from April 29th to May 16th, 2023, with a targeted sample of 800 respondents, adult citizens of Serbian nationality across Kosovo. Qualitative research was conducted from March 29th to August 20th, 2023, through face-to-face semi-structured

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[10]   *Ibidem*, p. 48.

[11]   *Ibidem*, p. 48.

[12]   *Ibidem*, 48.

interviews. A total of 58 citizens of Serbian nationality were interviewed on the territory of Kosovo. The criterion for selecting participants was their relevance and contribution to their field of expertise (civil sector, education, economy, media, politics, legal studies, etc.).

SERBIA'S POSITION IN THE POST-CONFLICT PERIOD

Following the NATO bombing and subsequent withdrawal of Serbian forces in 1999, the United Nations mission was mandated with the establishment and administration of institutions in Kosovo. The position of the international community, "standards before status", was changed at the beginning of 2006, when the first official negotiations between Belgrade and Pristina took place. Serbia's proposal for granting Kosovo a special status, similar to the models of Hong Kong, the Aland Islands, or South Tyrol, was declined by the Albanian representatives, who resolutely demanded full independence for Kosovo[13].

Given that the foundation of the socio-political order in post-conflict Kosovo was the UN Security Council Resolution 1244, which formally treats Kosovo as an integral part of the former Yugoslavia, Western countries continue with diplomatic initiatives aimed at achieving internationally recognized independence for Kosovo. In 2007, the "Ahtisaari Plan", officially titled the "Comprehensive Proposal for the Kosovo Status Settlement", outlines a concept of "supervised independence" for Kosovo and wide-ranging autonomy for Kosovo Serbs, including the creation of new municipalities in areas where Serbs are a majority, ensuring significant self-governance in healthcare, education, and social issues, as well as the official use of the Serbian language throughout Kosovo.[14] The plan also envisages the possibility of association among Serbs in Kosovo, including financing from Belgrade.[15]

However, authorities in Belgrade reject this proposal because, despite containing certain affirmative solutions for the status of the Serbian community, it fundamentally represents a form of de facto recognition of Kosovo's independence. This stance was politically formalized through the Resolution on the Protection of Sovereignty, Territorial Integrity, and Constitutional Order[16], adopted by the National Assembly of the Republic of

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[13] Džejms Ker-Lindzi, *Kosovo – put ka osporenoj državnosti na Balkanu*, Zavod za udžbenike, Beograd, 2011.

[14] Martti Ahtisaari, "Comprehensive Proposal for the Kosovo Status Settlement (Ahtisaari Plan)", *United Nations Office of the Special Envoy for Kosovo*, 2007. http://www.unosek.org/unosek/en/statusproposal.html.

[15] *Ibidem*.

[16] "Resolution of the National Assembly on the Protection of Sovereignty, Territorial Integrity, and Constitutional Order of the Republic of Serbia", *Government of the*

Serbia. Nevertheless, this did not prevent Kosovo Albanians from adopting the Declaration of Independence in February 2008[17], subsequently leading to Kosovo being recognized as an international legal state by the United States and the majority of EU countries.

After the proclamation of Kosovo's independence, the situation on the ground for Serbs has led to the reemergence of institutional parallelism. This phenomenon involves the isolated Serbian community living in a separate political system while simultaneously defending Serbia's sovereignty over Kosovo. Belgrade's diplomatic activity to prevent any international presentation of Kosovo was hindered by the situation on the ground, that is, the attempt of the authorities in Pristina to establish control over the north of Kosovo, where the majority is made up of the Serbian population entirely loyal to the authorities in Belgrade. The months-long barricades of the local population were removed by the initiation of negotiations between Belgrade and Pristina in 2011 under the auspices of the EU, on technical issues in the area of registers, free movement of the population, cadaster, customs clearance of goods, mutual recognition of university diplomas, etc.

The European Union as part of its indisputable "strategic commitment" assumed the role of mediator as well as of a direct actor in the resolution of the status dispute and at the same time the construction of separate political systems – Serbia and Kosovo, insisting that the two sides should not block each other on the way to full membership. That is officially mentioned in the First Agreement on Principles for the Normalization of Relations, also known as the Brussels Agreement, which was achieved in 2013 and outlined the creation of the ASM.[18] This agreement, although status neutral, entailed the integration of Serbian police and judiciary in the north into the Kosovo system, as well as the holding of the first local elections according to Kosovo laws.[19]

Although the dialogue under the auspices of the EU was started in 2011[20], with the opening of negotiations on EU accession in January 2014 and Chapter 35 in December 2015, the link between the normalization of relations with Pristina and the accession process of Serbia to the EU became official. Thus, in the negotiation process with Serbia, the European Union used Chapter

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Republic of Serbia, accessed March 22, 2024, Available from: https://www.srbija.gov.rs/kosovo-metohija/index.php?id=80729.

[17] Assembly of Kosovo. 2008. "Kosovo Declaration of Independence." *Refworld*, Available from: https://www.refworld.org/legal/legislation/natlegbod/2008/en/56552.

[18] "Prvi sporazum o principima koji regulišu normalizaciju odnosa", *Vlada Republike Srbije*, Kancelarija za Kosovo i Metohiju, 2013, Available from: https://www.kim.gov.rs/p03.php.

[19] *Ibidem*.

[20] United Nations General Assembly [UNGA], A/RES/64/298 (2010), Resolution adopted by the General Assembly on 9 September 2010.

35 in order to monitor and evaluate the progress in the dialogue between Belgrade and Pristina[21]. Accordingly, the negotiating framework established a mechanism through which a lack of progress in negotiating Chapter 35 could lead to a blockage of EU accession.

The dialogue concerning technical issues, which Serbia insisted maintain status neutrality, was no longer yielding results. Western actors concerned about the further normalization of relations at the beginning of 2023 imposed the so-called "Franco-German", and then "European proposal", which soon became an unsigned agreement with a clause requiring compliance with all points. The agreed text of the agreement is in many ways similar to the agreement between the two Germanys from 1972, and the coincidence is clear in Article 2, which mentions the UN Charter, including "sovereign equality of all states, respect for independence, autonomy, and territorial integrity, the right to self-determination, the protection of human rights, and non-discrimination".[22]

A particularly likely change in the previous policy of Serbia is brought by Article 4, which states that no party can represent the other in the international sphere or act on its behalf, emphasizing that "Serbia will not oppose the membership of Kosovo in any international organization"[23]. Following this unsigned but accepted agreement, the ASM is defined as the final step for the full integration of the Serbian community into Kosovo's political system, serving as a form of limited self-governance about Kosovo's central authorities.

In this context, Serbia finds itself in an unenviable position on its European path, where two of the most crucial concepts of national interests are in direct conflict: the accession to the European Union and the preservation of its territorial integrity. This directly leads to a weakening of support for the idea of EU accession in Serbia and places political leaders in the uncomfortable position of "balancing" between two political ideas that are, according to the EU's position, mutually exclusive.

Serbian representatives attempt to negotiate solutions within "Brussels dialogue" that essentially entail the concessions sought by the „West" while simultaneously bearing the potential to be portrayed in domestic media as diplomatic successes in line with the prevailing perceptions of Serbian national interest over Kosovo. Naturally, this dissonance between reality and fabricated public interpretations has had its consequences. It raised the

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[21] Pregovarački okvir EU za vođenje pristupnih pregovora sa Srbijom, Poglavlje 35 CONF-RS 2/14, Available from: https://eupregovori.bos.rs/progovori-o-pregovorima/uploaded/General%20EU%20position_EN_2.pdf /.

[22] "Belgrade-Pristina Dialogue: Agreement on the path to normalisation between Kosovo and Serbia", *European Union External Service* (*EEAS*), Brussels, 2023, Available from: https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-agreement-path-normalisation-between-kosovo-and-serbia_en.

[23] *Ibidem.*

expectations among the population, especially in northern Kosovo, that the achieved solutions would maintain Serbia's presence and influence on the ground and bring compromises that limit Pristina's attributes of sovereignty over this part of Kosovo.

RESEARCH FINDINGS

The prevailing number of distinguished members of the Serbian community responded to the question formulated: "Considering the current international political constellation around Kosovo, Serbia's position, and the position of Kosovo Serbs, how would you define the Serbian national interest in Kosovo in one sentence?" They defined this interest as the creation of conditions for ensuring the sustainable presence of Serbs in Kosovo. The formulation of the question itself aimed to steer away from ethno-mythological concepts of the Serbian national interest, prompting respondents to seek their answers within the realm of realpolitik, while taking into account the existing relationships in Kosovo and the broader region.

Due to the qualitative nature of the study and the open-ended question styles, the formulations used by respondents varied based on personal viewpoints, priorities, or how respondents chose to articulate their stances. By far, the largest number of them either explicitly defined the interest as the perseverance[24] (remaining, survival) of the Serbian community in Kosovo or indicated socio-political changes that would ultimately lead to the cessation of negative migration trends.[25] This viewpoint held by representatives of the Serbian community was subject to quantitative testing in the later part of the study, through surveys conducted on randomly selected adult members of the Serbian community across Kosovo. The results indicate that a significant 97.4% of respondents concur with this definition of Serbian interest.[26]

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[24] Respondent 2, politician: "The national interest of Serbs in Kosovo, alongside the many other problems they face living in these areas, is currently exclusively focused on survival and preserving the population." Respondent 6, civil activist: "The preservation and creation of necessary conditions for a dignified and prosperous life in Kosovo, as well as the return of displaced individuals." Quote from research archives. Respondent 4, journalist: "The perseverance of Serbs in Kosovo through the provision of economic, educational, healthcare, and security conditions for a normal life."Quote from research archives.

[25] Goran Avramović, Editor-in-Chief of Radio KiM, Gračanica: "Building sustainable and functional systems free from any forms of corruption within the autonomy for Serbs that will stabilize the community and halt the exodus of Serbs from Kosovo." Miloš Subotić, social activist from North Mitrovica: "The greatest national interest is to preserve this number of Serbs in Kosovo". Quote from research archives.

[26] Research archive, "Interests of Serbs in Kosovo in the Process of Normalization of Relations between Belgrade and Pristina", March-May 2023.

In terms of securing the continued presence of Serbs in Kosovo, a notable majority of respondents (44.1%) believe that the most suitable approach would involve reverting the status of Kosovo to that of the Autonomous Province of Kosovo, as outlined in the Constitution of the Republic of Serbia and UN Resolution 1244.[27] A slightly smaller proportion (33%) highlights the importance of maintaining the status quo, wherein Serbia does not recognize Kosovo's independence, precluding its UN membership and obstructing both Serbian and Kosovo accession to the EU.[28] Additionally, this approach involves forgoing the establishment of the ASM in southern municipalities and refraining from granting a distinct status to the Serbian Orthodox Church and monasteries.

Taking a different perspective, the analysis of desired political outcomes in the Kosovo dispute reveals intriguing interpretations based on the respondents' residency, notably the viewpoints of Kosovo Serbs residing on either side of the Ibar River. Taking a closer look at the analysis, we can discern significant disparities in how the desired political outcome for the Kosovo issue is perceived. Notably, the Serbian community living north of the Ibar River demonstrates a clear inclination towards the option of reintegrating Kosovo into the constitutional framework of the Republic of Serbia, with a substantial majority of respondents (64.3%) favoring this approach.[29] On the other hand, among respondents residing south of the Ibar River, the prevailing choice (56.1%) leans towards maintaining the status quo, even if it means forgoing the establishment of the Association of Serb-majority Municipalities.[30]

These contrasting viewpoints can be attributed to distinct socio-political dynamics within these two communities. The narratives emanating from Belgrade continue to influence the Serbian community in the north, where the idea of a territorial exchange – involving the integration of the northern region into the constitutional order of the Republic of Serbia – is considered a viable solution. Conversely, the same idea evokes considerable apprehension among the Serbian community south of the Ibar River. This apprehension is rooted in concerns over the potential loss of affirmative rights and administrative ties with Serbia, leading respondents from this community to favor the status quo as the more favorable option.

Finally, the conclusion of this segment of the study is – that Kosovo Serbs fear the changes.[31] Among them, the prevailing belief is that the majority of solutions and agreements reached throughout the negotiation process since

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[27] *Ibidem.*

[28] *Ibidem.*

[29] *Ibidem.*

[30] *Ibidem.*

[31] Respondent 12: "All the changes we have witnessed have made our lives worse and worse". Quote from research archives.

2013 have been detrimental to their interests, while the few agreements intended to enhance their quality of life have remained unimplemented.[32] Due to mistrust towards the authorities in Pristina, it can be concluded that the majority of the Serbian community members perceive their future in Kosovo as only viable through the continued functioning of Serbian institutions. Under these circumstances, any agreement that appears to jeopardize such a scenario would not garner their support.

An additional issue is the absence of dialogue and debate concerning the future status perspectives of the Serbian community in Kosovo. The desired consensus around the national interest has been supplanted by a particularistic approach in which Belgrade supports only one political option. The political representation of the Serbian community is predominantly shaped by the privileged relationship between Belgrade and the "Srpska lista", accompanied by systematic suppression of dissenting voices that are often publicly discredited as mere opposition propaganda.[33] This obvious democratic deficit can be traced back to the party-centric approach in addressing the Kosovo issue, or more specifically, the "entanglement" of such a pivotal matter concerning Serbia's national interests within the intricate web of inter-party rivalry.

The result of such an approach is a dissonance between state policy and the genuine needs of its beneficiaries, specifically the Serbian community in Kosovo. This dissonance is distinctly illustrated by the findings of this study. The survey results reveal that a total of 77.1% of Serbs in Kosovo view reintegration into Serbia's constitutional framework or the preservation of this perspective through maintaining the status quo, as a solution to the Kosovo issue.[34] This outcome can be indirectly interpreted as a strong opposition among Kosovo's Serbs to the provisions of the Franco-German proposal, accepted by the leadership of the Republic of Serbia, that centers on the normalization of relations between Pristina and Belgrade with the inevitable "acknowledgment" of Kosovo's independence.[35]

A similar conclusion arises from the analysis of results related to the option defined as "Acceptance of Kosovo's membership in international organizations without UN membership and formal recognition by Serbia, in exchange for the establishment of the ASM and special status for the Serbian

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32   Trend Analysis, NGO Aktiv, 2020. Available from: https://ngoaktiv.org/wp-content/uploads/2023/01/Analiza-trendova-2020-SRB1.pdf.

33   Respondent 44 (requesting anonymity), Research archive.

34   Research archive, "Interests of Serbs in Kosovo in the Process of Normalization of Relations between Belgrade and Pristina", March-May 2023.

35   Respondent 42: "The Franco-German plan is not recognition of Kosovo but rather an acknowledgment that there are no other options". Quote from research archives.

Orthodox Church and monasteries".[36] This option is precisely aligned with the familiar premises of the Franco-German proposal. The survey results indicate that only 20% of Kosovo's Serbs support such a solution. Slightly higher support is observed in Serbian communities south of the Ibar River, with 25.1% of respondents, while the support is around 15% in the northern part. We are witnessing a discrepancy between the latest concessions made by official Belgrade and the dominant beliefs of the Serbs in Kosovo regarding the national interest.

The insights gathered from interviews with prominent figures of the Serbian community and the survey of opinions among Kosovo Serbs have revealed a consensus (97%) which underscores the core national interest: the imperative of securing the Serbian presence in Kosovo and ensuring the establishment of viable living conditions. The research findings indicate that the Serbian community in Kosovo perceives autonomy as a fundamental avenue for realizing their national interest. Furthermore, a key facet of this autonomy encompasses the upholding of the Republic of Serbia's institutions in fields like education, healthcare, and social welfare (supported by 84.7%), which continue to function within Kosovo.[37] Amidst the considerable endorsement of prerequisites like security, autonomy, property rights safeguarding, cultural heritage preservation, and anti-corruption efforts, the connection to Serbia in these crucial domains emerges as a paramount and pivotal precondition influencing the majority of Serbs to persist in residing within Kosovo.[38] However, this demand appears unfeasible, given that the most recent agreements have moved towards achieving limited autonomy, but within the framework of Kosovo's institutions.[39]

In light of the recent agreements achieved through the dialogue between Belgrade and Pristina, it is evident that the Kosovo Serbs, despite formally supporting the process, do not fully grasp the ramifications of the political decisions undertaken. In aggregate, a substantial 77.1% of the surveyed Kosovo Serbs envisage the future of Kosovo within the framework of an autonomous province as outlined by Serbia's Constitution and UN Security Council Resolution 1244.[40] Moreover, a remarkable 90.3% of Kosovo Serbs

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[36]   Research archive, "Interests of Serbs in Kosovo in the Process of Normalization of Relations between Belgrade and Pristina", March-May 2023.

[37]   *Ibidem.*

[38]   *Ibidem.*

[39]   "Gërvalla: Nacrt statuta za ZSO u skladu sa Ustavom Kosova" *Kosovo Online*, May 16, 2024, Available from: https://www.kosovo-online.com/vesti/politika/gervala-nacrt-statuta-za-zso-u-skladu-sa-ustavom-kosova-16-5-2024, (Accessed May 17, 2024).

[40]   Research archive, "Interests of Serbs in Kosovo in the Process of Normalization of Relations between Belgrade and Pristina", March-May 2023.

express opposition to Serbia's potential membership in the European Union, should it entail relinquishing or acknowledging Kosovo's independence.[41]

There are also apprehensions that the Association of Serb-majority Municipalities might lack genuine democratic legitimacy, potentially being manipulated by the current political faction for appointing exclusively partisan members and serving narrow party interests, rather than prioritizing the interests of the Kosovo Serb community. As emphasized by one of the Serbian representatives: "Unless a lasting institutional solution is found that ensures political and economic stability, along with a degree of decision-making autonomy, the perspective of Kosovo Serbs will be grim, with the community's number steadily declining. However, should both political and economic stability be attained, alongside the continuation of special connections with Serbia, there exists the potential to curb or even reverse this trend."[42]

CONCLUSIONS

A concise overview of the Serbian national interest complexity regarding the Kosovo issue underscores several fundamental challenges. The initial observation is that the notion of the Serbian national interest in Kosovo has never been formally established as a state-strategic framework that guides the long-term actions of state institutions. Instead, it exists as a political stance rather than a comprehensive formulated political interest that emerged as a product of broader societal discussions and consensus that shaped enduring state policies. In the absence of such a framework, the Serbian national interest towards Kosovo is channeled through concessions often merging interests that may not necessarily be directly related to Kosovo's Serbs. Consequently, this leads to inconsistencies in Serbia's policies towards Kosovo, which tend to shift with changes in the international and domestic arena, giving rise to political improvisation and populism.

The research findings reveal a pronounced divergence between the national interests articulated by Belgrade and those held by the Serbian community in Kosovo. While Belgrade seems to navigate the geopolitical landscape with a focus on negotiations and potential concessions, such as the Franco-German proposal which indirectly leans towards acknowledging Kosovo's independence, the community in Kosovo holds a more "traditional" view of Serbian national interest. This view prioritizes the maintenance of substantial ties to Serbia and the preservation of Serbian institutions within Kosovo, which are seen as vital for their cultural and social sustainability.

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[41]   *Ibidem*.

[42]   Respondent 19 (requesting anonymity), Research archive.

This dichotomy is highlighted by the overwhelming support within the community for maintaining Kosovo's status as an autonomous province under the Serbian Constitution and UN Security Council Resolution 1244, with 77.1% of respondents advocating for this perspective. Contrastingly, Belgrade's acceptance of frameworks that hint at integration into broader Kosovo institutions suggests a strategic shift that does not resonate with the majority of Kosovo Serbs. Such disparities underscore a critical disconnect that complicates the dialogue process. The community's firm opposition to major aspects of international proposals-where only 20% support concessions for broader international integration-signals deep-seated fears of eroding autonomy and cultural identity.

In this paper, I have attempted to demonstrate that the concept of Serbian national interest in the Kosovo issue remains fundamentally deprived of a wider social consensus. Within Serbian society, there is no initiative to at least partially articulate national interest through suitable strategies and policies concerning the Kosovo issue within the current foreign policy context. Constructive dialogue is absent within Serbian society, reducing the issue of Serbian interests in Kosovo to internal political disputes, non-transparent actions of government officials, and the deliberate suppression of critical viewpoints regarding visible aspects of Serbia's policy toward the matter. Given the absence of broader societal processes aimed at defining these interests and devising policies and strategies for their realization. The ambivalence in the Serbian national interest could be overcome only if Serbian leadership redefines its approach by fostering democratic debate, inclusive dialogue, and transparent decision-making processes.

The Serbian national interest regarding Kosovo remains with a critical divergence between the goals pursued by official Belgrade and the preferences of the Serbian community living in Kosovo. This divergence has been evident in the acceptance of the Franco-German proposal. Acknowledgment of this document by Serbia's representatives illustrates a national strategy that appears disconnected from the actual needs and sentiments of the Serbian community in Kosovo. As a result, there is considerable dissatisfaction among the Serbs in Kosovo, who see their fundamental interests-particularly the preservation of their community and their rights-being compromised by agreements they perceive as forcing them to accept Kosovo's independence and achieve rights within the Kosovo system.

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The Kosovo Crisis and Serbian National Interest in the Light of the Global Power Dispersion

ABSTRACT

This paper analyses the conditions for preserving Serbian state and national interests in Kosovo and Metohija amidst the Kosovo crisis and the factors prevailing on the international political scene, particularly in light of the intersection of interests of major world powers. The paper also addresses the newly emerged conditions in the functioning of international politics, security, and diplomacy caused by the imbalance of power on the global level and the increasingly evident process of de-globalisation as a parallel process to globalisation. This topic allows for the assessment of the situation and a more detailed examination of the facts concerning the ability of the Republic of Serbia to articulate, protect, and realize its national interest within the current constellation of international relations.

KEYWORDS: *Serbia, Kosovo, national interests, globalisation, Russia, USA, international power and diplomacy*

INTRODUCTION

Kosovo is a region of exceptional geostrategic importance in the Balkans and one of the most contentious territories in Europe. Since the breakup of the former Yugoslavia, Kosovo has been the site of numerous political, cultural, and ethnic problems. The crisis in relations between the authorities in Belgrade and Kosovo Albanians culminated in 1998 when repressive measures, including police and military forces, were launched, resulting in

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the expulsion of a large number of Albanians from Kosovo and Metohija. In response to this repression, the United States and its Western European allies began a three-month bombing campaign against the Federal Republic of Yugoslavia on March 24, 1999, with the stated aim of preventing further humanitarian crises, military repression, and the expulsion of the Albanian population, thus necessitating the neutralisation of Serbia's state, political, and military leadership, its defensive capabilities, and social infrastructure. Thus, 19 NATO member countries launched an action that represents the first of its kind since the establishment of the North Atlantic military-political alliance, conducted without the decision and approval of the United Nations Security Council. In the 78 days of the bombing campaign, according to data from the International Red Cross, hundreds of civilian casualties were recorded, while according to the Serbian authorities, over 1,500 civilians were killed and thousands injured. Notwithstanding, it should be emphasized that only military targets and armaments in Kosovo and Metohija, as well as in other parts of Serbia and Montenegro, were designated as legitimate targets. Civilian casualties caused thereof were categorized by NATO officials as unavoidable collateral damage. Approximately 60 bridges, over 100 kilometres of railways, and numerous military and civilian facilities, including hospitals and schools, were destroyed. The building of Radio Television Serbia in the centre of Belgrade was significantly damaged, resulting in the death of several journalists and other RTS staff. Among other civilian buildings, the Chinese embassy in Belgrade was also hit.

The Kosovo crisis in international relations primarily reflects the process of complex ethnic and political conflicts in the post-communist period in the Balkans. This secessionist crisis opened up new and specific questions regarding the legitimacy of actions involving the use of force to resolve crisis situations, military intervention without UN approval, and the principles of self-determination of peoples. The effects of this crisis are still felt in the region, and the issue of Kosovo's status remains a source of tension in international politics. The Kosovo crisis has long surpassed territorial boundaries and the framework of the national interest of the Republic of Serbia. Through Kosovo's unilaterally declared independence as a state in February 2008, and even more through its swift recognition by the USA and its allies on one hand, and the energetic rejection of this independence by Russia and China on the other, it has become a regional as well as a global crisis with unforeseeable consequences for broader international relations and geopolitical circumstances at the beginning of the 21st century. This paper will discuss the impact of the dispersion of global power on Serbia's ability to protect and preserve its national interest in relation to this crisis under changed geopolitical conditions.

HYPOTHESES

Considering the theme and subject of this research, we aim to formulate hypotheses that we will test in its continuation.

Hypothesis 1:
Contemporary geopolitical processes of dispersion of global power lead to multipolarisation and de-globalisation at the regional and global levels. This increases Serbia's need to diversify its foreign policy and security partnerships to safeguard its interests in Kosovo and Metohija, as the traditional reliance on a single great power becomes less sustainable in the emerging international order.

This hypothesis is logical, testable, and sustainable as it focuses on a specific change in Serbia's strategy in international relations, directly connected to global geopolitical shifts. In a multipolar world, where global power is no longer concentrated in one or a few powers, Serbia must seek balance among different international actors rather than relying on a single partner.

Hypothesis 2:
In the context of increasingly pronounced multipolarity and geopolitical competition between Western powers (USA, EU, NATO) and Eastern blocs (BRICS, Eurasian Union), Serbia will adopt a strategy of patient waiting and political manoeuvring, adjusting its position towards the side that prevails so as to maximize the chances for a favourable resolution of the Kosovo and Metohija issue and the preservation of its overall national interests.

This hypothesis precisely articulates the idea that Serbia, aware of the current imbalance of power and uncertainty in international relations, may pursue a policy that includes patient waiting and readiness to seize a favourable moment on the international stage. This approach requires constant monitoring of geopolitical changes and flexibility in foreign policy actions, allowing Serbia to address its key interests, particularly regarding the status of Kosovo, in a way that best suits its long-term goals.

SERBIA BETWEEN EURO-ATLANTIC
AND EURASIAN INTEGRATIONS

Kosovo is a disputed territory and a unilaterally declared state on the territory of the Republic of Serbia, contrary to the Constitution of Serbia and UN Security Council Resolution 1244. According to UN Security Council Resolution 1244, the entire territory of Kosovo and Metohija is legally considered part of Serbia until a permanent solution is reached.[1] Nineteen countries

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[1]   *United Nations Resolution 1244*, Available from: https://unmik.unmissions.org/sr/rezolucija-ujedinjenih-nacija-1244, (Accessed 15.3.2024).

maintain their embassies in Pristina, and Kosovo was initially recognized as an independent state by 108 out of 193 (56%) UN member states, and 23 out of 28 (82%) EU member states, although some countries later withdrew their recognition. In the changed geopolitical circumstances, cooperation among the provisional authorities in Kosovo and Metohija, Serbia, and the European Union has become only one of many important issues. The EU has played the role of mediator in the dialogue between Belgrade and Pristina, making the normalisation of relations a prerequisite for Serbia's further progress in European integration. However, the EU-led dialogue between Belgrade and Pristina has not yielded significant results so far. Moreover, this process is burdened with an additional political stigma concerning the status and positions the EU currently holds. The EU conducts its foreign policy in close, if not complete, alignment with the geopolitical principles and objectives of the United States, and is therefore perceived as a "long arm" of the U.S. and its exponent in Europe.

Relations with the EU are also shaped by the lens of regional stability, as the Union has been committed to preventing further escalation of tensions and supporting peaceful resolutions. Serbia has highlighted EU integration as a priority in its foreign policy, while maintaining its right to continue cooperation with its traditional allies, the Russian Federation and the People's Republic of China. This approach has so far proven to be a relatively good and effective way to maintain autonomy in its international relations. Furthermore, Serbia has not imposed sanctions on Russia, under EU and U.S. pressure, following Russia's military aggression against Ukraine in February 2022. On the other hand, despite friendly relations with Russia, Serbia has not missed the opportunity, primarily for principled reasons, to support the territorial integrity of Ukraine. However, this principled stance in Serbia's foreign policy has neither been respected nor rewarded by international actors. On the contrary, neither the U.S. with its allies on one side nor the Russian Federation on the other, following their own interests above all, have refrained from occasionally taking actions and using arguments in their foreign policies that conflict with the principles of the UN Charter and international law, and which directly harm the national interests of the Republic of Serbia, especially concerning the status of Kosovo and Metohija.

Russia, China, and other non-Western countries are interested in cooperating with and supporting Serbia's prosperity. Russia and China have not recognized Kosovo as an independent state, and Serbia views them as allies both politically and economically. Economically, Serbia is increasingly turning towards these countries, despite criticism for "sitting on multiple chairs." It does not forgo cooperation with the U.S. and the EU. In fact, the recognition of Kosovo is a condition for Serbia's EU accession[2], further

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2   Marko Sekulovic, "Srbija, Evropa, Evropska unija (kulturno-istorijski kontekst)" in: Veselin Vukotic and Danilo Sukovic and Mirjana Rasevic and Slobodan Maksimovic

complicating its position on the international stage. However, the question arises of how long Serbia will be able to balance in international politics, or as is often colloquially said, "sit on multiple chairs". This question, in its more explicit form, represents a demand that Serbia, for the sake of European integration, must turn away from cooperation and close political and even economic relations with the Russian Federation and the People's Republic of China.

The Kosovo Crisis and Serbia's National Interest

In the context of the modern geopolitical landscape, the dispersion of global power causes significant changes in the structure and dynamics of international relations. These processes have a crucial impact on the ability of contemporary states to protect their national interests and reach their goals on the international political stage. In the case of Serbia, this dispersion of power profoundly and complexly affects various aspects of its domestic and foreign policy, diplomacy, and international relations, both bilaterally and multilaterally. Serbia's diplomatic strategy is certainly one of the key tools in its struggle to protect and preserve its national interest in general, and particularly in relation to the Kosovo crisis. Serbia has directed its foreign policy towards European integration, but not Euro-Atlantic one, while also maintaining close ties with traditional allies, such as Russia and China. Additionally, through vigorous diplomatic efforts, Serbia should establish close relations with as many countries as possible worldwide, to create room for action aimed at protecting its territorial integrity and national sovereignty.

Here, it is necessary to focus primarily on one of Peter Marshall's definitions of diplomacy, which is "the management of international relations by negotiation"[3], as well as Ernest Satow's view that diplomacy is "the application of intelligence and tact to the conduct of official relations between the governments of independent states"[4], meaning that diplomacy involves the nurturing of inter-state relations through peaceful means. Regarding the status of Kosovo, it is also significant to note the success of Serbia's diplomatic efforts, as demonstrated by the fact that "from 2017 to 2019, as many as 13 countries withdrew their recognition of Kosovo as an independent state"[5]. The Kosovo crisis is one of the most significant issues for

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and Vladimir Goati (eds.), *Globalizacija i kultura*, Institute of Social Sciences, Belgrade, 2015, p. 139.

[3]   Sasa Knezevic and Todor Lakic, „Osnovi diplomatije", University of Montenegro, Podgorica, 2024, p. 9.

[4]   *Ibidem*, p. 10.

[5]   Edah Henic, *Koje države (ne) priznaju nezavisnost Kosova*, Al Jazeera Media Network, available from: https://balkans.aljazeera.net/interactives/2018/6/8/koje-drzave-ne-priznaju-nezavisnost-kosova, (Accessed 8 May 2022).

Serbia's national interest, given the historical, cultural, and political ties of the Serbian people to Kosovo and Metohija. This region is not only the cradle of Serbian statehood but also of Serbian identity, culture, and spirituality. Without this premise, it is impossible to fully understand and interpret the fundamental principles of Serbia's national interest concerning the Kosovo crisis and in general. Therefore, strategic guidelines for Serbia include goals such as preserving territorial integrity and sovereignty, protecting the remaining Serbian population in Kosovo and Metohija, preserving national identity and the remarkably rich cultural heritage in the area, continuously and effectively addressing security challenges, strengthening the policy of regional stability, and, notably, activities that enhance and further develop Serbia's reputation and influence on the international stage.

Huntington's predictions about the clash of civilisations[6] should not be overlooked, as the religious conflict in Kosovo and Metohija could be seen as a point of collision between Asia and Europe, which historically occurred and forms the basis of Serbian collective memory. Huntington also points to conflicts of superpowers at the planetary level among leading states of different civilisations that "may occur outside the fault lines of conflicts when superpowers get involved"[7], highlighting the additional dimension of major powers' relations with small independent states. It is self-evident that a complete and irreversible loss of control over the territory of Kosovo would constitute a severe blow to Serbia's territorial integrity and national sovereignty, representing a direct attack on the very essence of the national interest for every internationally recognized and sovereign country with internationally established borders. Instability in Kosovo poses a direct security challenge for Serbia. The issue of recognizing Kosovo's independence, the presence of international military and civilian missions, and the protection of the Serbian community in Kosovo present security threats that require Serbia's continuous attention and engagement.

GLOBAL POWER AND INTERNATIONAL RELATIONS

Contemporary global relations are predominantly characterized by the dynamics among the major global powers: the USA, China, and Russia. The question arises regarding the national power of the USA as a hegemonic state in relation to China, which is undergoing significant economic and military

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[6]   Samuel P. Huntington, "The clash of civilizations and the remaking of world order", *Touchstone*, New York 1996.

[7]   Samuel P. Huntington, "Chapter 9: The Global Politics of Civilizations", "The Clash of Civilizations and the Remaking of World Orde" (The Free Press). London: Simon Schuster, 2002, p. 207.

expansion, and Russia, which plays a major role on the global stage due to its natural resources, vast territory, and nuclear capabilities. Additionally, in the context of great powers, especially the USA, it is important to note that the cultural aspect of foreign policy operates "only in conjunction with military strategic considerations"[8]. The interplay among these three great powers, as well as the relationships between the blocs formed around them—NATO and the G7 on one side, and BRICS on the other—has significant implications for the development of the situation in the Western Balkans, including the region of Kosovo and Metohija. "When considering the central issue in the practice and theory of international relations, one often asks what makes certain states more powerful than others. The influence of the state has been more prominent in international relations since the beginning of the 21st century, in contrast to the last decade of the previous century. In the period after 1990, reduced autonomy in decision-making and state sovereignty, particularly in the former Eastern Bloc, became a standard in international relations. The restoration of state sovereignty, a new distribution of influence among world powers, and processes that redefine the behaviour of state actors represent the constants of the 21st century and the direction in which interactions among states will evolve."[9]

Authors Lovic and Timotijevic, examining the redistribution of power on a global scale and the consequences of these processes for the status of Kosovo, emphasize economic, political, and military power as crucial factors shaping global politics as a whole, thereby influencing regional political and social processes. "Individuals tasked with the difficult responsibility of decision-making in states, as well as theorists in prominent academic circles, seek various methods to find reliable ways of measuring power, by understanding others' power and comparing it to their own. This is derived from the fact that power is the essence of global politics, comparable in importance in international relations to energy in physics or money in economics. However, according to Joseph Nye Jr., 'power, like love, is much easier to experience than to define or measure'."[10]

In today's world, the dispersion of global power is a fundamental phenomenon shaping geopolitical relations and the dynamics of the international scene. This concept denotes the decentralisation and fragmentation of power among various actors in global affairs, whether they are states, multinational corporations, or international organisations. While traditional powers still retain their influence, an increasing number

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[8]   Mladen Lisanin, "Kulturna diplomatija Sjedinjenih Američkih Država: osobenosti i delovanje u Srbiji", *Kultura*, Belgrade, 2021, pp. 69–81.

[9]   Vladimir Lovic and Goran Timotijevic, "Odnos nacionalnih moći svetskih sila i uticaj na Republiku Srbiju", *Megatrend revija ~ Megatrend Review*, Vol. 20, No. 1, 2023, p. 244.

[10] *Ibidem*, p. 244.

of factors – including economic development, technological advancement, and social changes – contribute to the growing heterogeneity and diversification of power. The concept of the dispersion of global power refers to the decentralisation of traditionally centralized power that characterized international relations from the dissolution of the Soviet Union and the end of the bipolar order in 1991 until the mid-2010s. The contemporary era, marked by the decline of unipolarity and the emergence of a multipolar world order, is characterized by the absence of absolute American dominance in political, economic, and security realms. The United States is no longer the hegemonic state but rather one of several key geopolitical players. Now, alongside the USA, other countries like China, Russia, and India hold positions of power on the global stage. Such a dispersion of power manifests through economic centres, security infrastructures, technological innovations, and cultural influences worldwide. This leads to shifts in the distribution and balance of power, as well as the redistribution of influence on the international stage. Traditional concepts of geopolitics, which relied on hierarchical relationships between great powers, are now constantly challenged. Instead of clearly defined blocs of power, we now witness a complex web of interactions among various players, often resulting in uncertain and fluid situations. Here, we must not overlook the concept of "soft power", because "with the development of global information infrastructure, two significant changes occur in the philosophy of international relations: first, the use of 'soft power' gains an advantage over the use of 'hard power', with public diplomacy taking precedence over military operations; second, information becomes one of the four fundamental instruments of national power"[11].

Therefore, in an era of contemporary geopolitical processes characterized by the dispersion of global power across various fields, it is impossible to achieve any respectable outcome if the significance and role of soft power, media and cultural patterns, and even internet technologies—including their latest forms such as social media, digital platforms, and artificial intelligence—are neglected.

SERBIA'S NEW FOREIGN POLICY AS A RESPONSE TO GLOBAL GEOPOLITICAL TRENDS

With regards to the status of the Kosovo region, it is important not only to define a strategy for the protection and preservation of Serbia's national interests but also to address the question of its national power as a basic tool and fundamental premise for designing, creating, and implementing that strategy. Every country in the world has a certain level of power, and

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[11]   Miroslav Tudjman, "Izvještajne službe i meka moć", *National Security and the Future*, Vol. 14, No. 1, 2013, pp. 9–22.

the magnitude of that power affects almost all aspects of its internal and external policies, as well as its approach to resolving open issues, overcoming crises and other challenges, and ultimately preserving national interests. In this context, it is first necessary to briefly address the meaning of the term national power. "National power is a complex ability to survive, develop, and find a balanced way of exerting influence in the environment in interaction with other holders of power,"[12] say authors Lovic and Timotijevic, adding that this term should be abstracted in two ways. "One perspective analyses and examines the possibility of utilizing one's own resources with the aim of increasing the level of power within the national space. The other pertains to the expression of national power in relation to external, international entities, and the pursuit of national interests in relation to the immediate environment, the region, and the world. In this regard, it is noticeable that for smaller countries, the internal aspect of national power is more important. This stems from the fact that they lack the potential to project influence over a broader area. They are focused on defending their national interests from malicious external influences. Large countries with a developed, strong economy and imperial ambitions focus on projecting their power potential beyond national borders, which does not mean they do not maintain internal peace at the highest level."[13]

Should we take into account the political and economic challenges that Serbia is currently facing, it is easy to observe that the state and its entire system must continually work on improving their democratic capacities and political institutions in general, as there is significant room for progress in this regard. This directly affects the future and further development of the country, its progress, and the proper conduct of political struggle to achieve national interests, not only in relation to the Kosovo crisis but overall. "Serbia represents a weak and unfinished state that, at the end of the 20th and beginning of the 21st century, was exposed to numerous challenges, neo-imperial ambitions of great powers, regional instabilities, the neoliberal model of delayed, postponed, and blocked transition that essentially began only after 2000, as well as constant redrawing of borders."[14]

In such a situation, which cannot be described as favourable in terms of the establishment and development of democratic capacities and with certain weaknesses in the field of value criteria of consolidated democratic societies, Serbia cannot possess all the social capacities and national potentials that it would have as a state of democratic standards to face open issues, among

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[12]   Vladimir Lovic and Goran Timotijevic, „Odnos nacionalnih moći svetskih sila i uticaj na Republiku Srbiju", u: *Megatrend revija*, Vol. 20, No. 1, 2023, p. 244.

[13]   *Ibidem*, p. 245.

[14]   Zvojin Djuric; Misa Stojadinovic, "Država i neoliberalni modeli urušavanja nacionalnih političkih institucija", *Srpska politička misao*, Institute for political studies, Belgrade, 4/2018, p. 41.

which the status of Kosovo represents a political and social challenge of the first order. On the other hand, the European Union, which Serbia has defined as its main foreign policy priority, is not without serious challenges and weaknesses, which makes the story of Serbia's EU integration process even more complex. "In the 21st century, Serbia is trying to find its position in international relations by following the principles of neutrality on its course towards European integration. However, numerous problems arise here that stem from the geopolitical complexity of the situation. One of them is certainly that Serbia is surrounded by NATO member states, which creates additional pressure on the sustainability of the policy of neutrality. Another is the question of how European integration would be implemented in practice. We are witnessing numerous conditions on this path that seem endless. The first and main problem is the significant pressure to conclude European integration with the recognition of the independence of the so-called 'Republic of Kosovo'. The second major problem is that this would greatly deteriorate relations with Russia. Serbia would most likely be forced to join economic sanctions against Russia. However, EU member states are not united on this issue either, as they also suffer significant losses from these sanctions – which they had to impose under the coercion of the USA – not only economically but also energetically."[15] All of this, according to the authors Stojadinovic and Raskovic Talovic, could in reality mean a cause for conflict between two different and largest geopolitical blocs. "By accepting only one of the geopolitical concepts (Euro-Atlantic or Eurasian), the Republic of Serbia would have much to lose, so the only solution for it is to maintain its policy of neutrality in an attempt to represent some kind of bridge between these two irreconcilable concepts. (...) And perhaps this is the more difficult path to take, but it should always be kept in mind that there are successful examples that have managed to secure their place within the European Union as neutral states (Switzerland, Sweden, Finland, and Austria)."[16]

Authors Misa Stojadinovic and Violeta Raskovic Talovic conclude their observations on the Kosovo crisis and Serbian national interest by stating that the constant strengthening of Serbia's democratic and national capacities is the only guarantee of its survival and continued progress[17], and provides the conditions and opportunities for the continuation of its struggle to protect and preserve its national interests. Every state emphasizes its primary national interests as: the preservation of peace, the realisation of absolute national security, and the permanent development of the state, as discussed in more

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[15]   Misa Stojadinovic and Violeta Raskovic Talovic, "Srbija i aktuelni geopolitički procesi na Balkanu", *Vojno delo*, 7/2019, p. 43.

[16]   Misa Stojadinovic, "Evropa i multipolarni svet", *Politika nacionalne bezbednosti*, Institute for Political Studies, Belgrade, 1/2018, p. 169.

[17]   Misa Stojadinovic; Violeta Raskovic Talovic, "Srbija i aktuelni geopolitički procesi na Balkanu", *Vojno delo*, 7/2019, p. 36.

detail by Radovan Vukadinovic[18]. When it comes to full national security, theorists usually define it as the "irreducible core of national interest"[19], or its foundation.

The dispersion of global power represents a complex set of challenges and opportunities for every country in the world, including Serbia. Its ability to successfully cope with these challenges depends on how quickly and effectively it can adapt to new geopolitical trends, including primarily diplomatic activity and subsequently dispersive action in the economic and security fields. By analysing changes in Serbia's foreign policy, we can explore the nature of the connections of these changes and whether they are a response to global geopolitical trends. Serbia, as a country in the central part of the Balkans, has a rich cultural and historical heritage but also complex relations with neighbouring countries and the wider international community. In the context of global geopolitical changes, Serbia is adapting to new circumstances in order to preserve its interests and achieve internal as well as regional political, economic, and security stability. Here, one should keep in mind Kissinger's understanding of the phrase national interest. "The doctrine of raison d'état implies that the welfare of the state justifies all means used to achieve it; the medieval idea of universal morality was replaced by national interest. The nostalgia for universal monarchy was replaced by the idea of balance of power, which provided comfort that somehow general security and progress would be achieved by every state following its own selfish interests."[20]

Considering the overall geopolitical context, we see that there are continual changes in the world that affect international relations and increased geopolitical dynamics. From the rise of multipolarity to the increased importance of regional processes, such as the Balkans in global movements, the geopolitical scene is constantly changing. In this sense, Serbia, as a state within this turbulent environment, must adapt its political strategies in order to achieve its goals. When we talk about changes in Serbia's foreign policy, we can observe several key trends. First, Serbia is increasingly oriented towards strengthening regional cooperation, especially within the Western Balkans. This is a response to the global trend of strengthening regional integration and cooperation as a mechanism for establishing and enhancing stability and prosperity. Serbia actively participates in initiatives such as the Berlin Process and the regional initiative Open Balkan, thereby strengthening regional cooperation and building trust among neighbours. University professor Vladimir Prvulovic believes that "no membership in supranational alliances, organisations, or institutions should eliminate or suppress our national and

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[18]   Radovan Vukadinovic, *Međunarodni politički odnosi*, Barbat, Zagreb, 1998. p. 145–151.

[19]   Dragan Simić, *Nauka o bezbednosti*, FRY Official gazette/Faculty of Political Sciences, Belgrade, 2002. p. 32.

[20]   Henry Kissinger, *Diplomatija 1*, Verzal press, Belgrade, 1999, p. 41.

cultural identity, which is not in conflict with our political, economic, and other ambitions to become a modern, developed environment and society."[21] Considering Prvulovic's approach, as well as the current circumstances in the region and on a global scale, Serbia, in formulating a strategy to defend and preserve its national interests, as well as in relation to the overall platform for foreign policy creation, should consider the concept of military neutrality under the current conditions. According to authors Lovic and Timotijevic, military neutrality is viewed as a part of Serbia's military power, i.e. as a means of positively influencing the overall national power of the Republic of Serbia. Such an approach should, at the very least, enable Serbia to delay the final resolution of the status of Kosovo and Metohija until the current geopolitical trends are more fully and concretely defined.

> "The situation in the region will reflect the dynamics between the two leading world powers. As long as the USA maintains parity with China, the Republic of Serbia will maintain the status quo in the region, which works in its favour in terms of creating conditions to achieve its interests on its territory—Kosovo and Metohija—and strengthening its economy to ensure sustainable development in the future. The role of the military factor, particularly in the Republic of Serbia, lies in preserving the status of a permanently neutral state by deterring warring parties from committing aggression, primarily relying on the military capabilities that a state possesses. Further strengthening of military power provides an adequate response to threats, particularly those originating from Kosovo and Metohija, but also from neighbouring countries."[22]

Finally, Serbia faces challenges in preserving its own state sovereignty, territorial integrity, and resolving the issue of Kosovo. This topic remains central to its international policy and affects Serbia's position in the region and beyond. For this reason, Serbia seeks support from various international actors and strives to find a sustainable solution that will satisfy the interests of all parties involved in the dispute.

CONCLUSION

To protect its national interest, Serbia will continue to balance between East and West in order to preserve its territorial integrity and sovereignty over Kosovo and Metohija, which will further delay its progress toward European Union membership and give it additional time to adopt a strategy that offers

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[21] Vladimir Prvulovic, "Srpski nacionalni interes", *Politika*, 13 October 2019, p. 11.

[22] Vladimir Lovic and Goran Timotijevic, "The relationship between the national powers of the world powers and impact on the republic of Serbia", *Megatrend revija ~ Megatrend Review*, Vol. 20, No. 1, 2023, p. 255.

the best chances to resolve this issue in the most favourable way. The lack of U.S. support for Serbia regarding Kosovo will further deteriorate relations between Serbia and the West, leading to increased dependence on Russia, despite the differences in priorities and interests between Serbia and Russia. This makes a strategy of diversifying Serbia's international policy and turning to more than one or two major geopolitical players inevitable. If Serbia's neutral position between the collective West on one side and Russia and China on the other becomes unsustainable or untenable due to growing pressures from both the EU and Russia, which would force Serbia to choose a side, the status of Kosovo will be a crucial factor in its strategic decision-making and positioning on the international political scene to protect and preserve its overall national interests, including the issue of the status of Kosovo and Metohija.

Therefore, as we have repeatedly pointed out in this work, under conditions of global power dispersion, Serbia's international policy should, through wise policy-making and the selection of the best possible strategy, build a position from which it can address its most pressing security and political problem—the issue of Kosovo's status, which is also its primary challenge concerning overall national sovereignty and territorial integrity. Based on the above, we believe that both of our premises are justified and have been confirmed precisely in the way they were presented.

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Strategic Environment and National Interest: The Impact of the War in Ukraine on Serbia's National Interests***

ABSTRACT

The strategic environment has always been an unavoidable determinant in formulating national interests. Both great powers and small states consider political, security, economic, and cultural relations at the global and regional levels and their position in such an environment when defining national interests. However, unlike national interests that are permanent, the strategic environment is full of uncertainty and constant change. Serbian national interests are determined by the National Security Strategy of the Republic of Serbia from 2019 in such a way that they take into account existing challenges, risks, and threats, as well as the strategic environment and international position of Serbia. Since 2019, the strategic environment and global relations have changed significantly. The Russian aggression against Ukraine represents an event that drastically changed great powers' relations and increased rigidity in the international order. For Serbia, which relies on foreign policy on all interested sides – the European Union, the United States, and Russia – the period from February 24th, 2022, was quite challenging. All of the above

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justifies research on the strategic environment's influence on Serbia's national interests. The main research question in the paper will be: How did the change in the strategic environment, specifically the War in Ukraine (2022), impact the realization of Serbia's national interests? The delineation of a methodological approach anchored in expert survey and analysis underscores a commitment to rigor and depth in probing the multifaceted dimensions of the research question. This methodological triangulation promises to afford a comprehensive appraisal, blending both quantitative data and qualitative insights garnered from authoritative voices within the field.

INTRODUCTION

The strategic environment has always been an unavoidable determinant in formulating national interests. Both great powers and small states consider political, security, economic, and cultural relations at the global and regional levels and their position in such an environment when defining national interests. However, unlike national interests, which are stable, the strategic environment is characterized by uncertainty and constant change. This underscores the enduring relevance of the maxim from Carl von Clausewitz's seminal work 'On War,' published more than two centuries ago: "Everything in strategy is very simple, but that does not mean that everything is very easy".[1] In other words, the traditional formula in strategic studies—Ends (to achieve objectives following state policy) – Ways (how leadership will use the power) – Means (available to the state to exercise control over sets of circumstances and geographic locations)—is straightforward. However, in today's dynamic landscape, it is insufficient and must be upgraded by introducing factors of the strategic environment.[2]

In the last thirty-five years, the world has weathered numerous turbulences. First, the collapse of the Soviet Union precipitated the breakdown of the bipolar system, giving rise to an international order dominated by a single superpower. Such a configuration, unprecedented since the Peace of Westphalia, marks a significant anomaly in the historical trajectory of the international system. Subsequently, following a 'unipolar moment'[3] that endured slightly longer than anticipated by realist theorists yet fell short of

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[1] Carl von Clausewitz, *On War*, Oxford University Press, Oxford, 2007, p. 134.

[2] On the Ends-Ways-Means formula more in: Arthur F. Lykke, Jr., "A Methodology for Developing a Military Strategy", in: Arthur F. Lykke, Jr. (ed), *Military Strategy: Theory and Application*, U.S. Army War College, Carlisle Barracks, 1993.

[3] Charles Krauthammer, "The Unipolar Moment", *Foreign Affairs* (America and the World 1990), Vol. 70, No. 1, 1990/1991, pp. 23–33.

the expectations of liberals, the global landscape transitioned into an era characterized by 'emerging multipolarity'.[4] Moreover, the proliferation of military, economic, migrant, and other crises has injected an additional layer of uncertainty into the international arena. These upheavals, both at the global level and within regional dynamics, have exerted a profound influence on the strategic environment of the Republic of Serbia, consequently shaping its strategic posture and foreign policy orientation.

Serbia's foreign policy, often characterized as 'four-pillar' or 'multi-vector', presents a puzzle to external observers due to its perceived ambiguity and contradictions. Catchphrases like 'Both Kosovo and the European Union' and 'Both East and West', which ostensibly encapsulate national interests, may appear idealistic amidst the tumultuous currents of world politics. However, a closer examination reveals that Serbia's foreign policy and national interests are shaped by various factors, including its geographical position, constrained military capabilities, significant diaspora populations, intricate historical legacies, and enduring stigmas from the 1990s.

These factors, compounded by the frequent upheavals in global and regional relations, underscore the paramount importance of the strategic environment in shaping Serbia's foreign policy calculus and national interests. Navigating a landscape marked by geopolitical complexities and historical intricacies, Serbia must contend with the imperatives of balancing multiple interests and reconciling divergent objectives. Thus, while Serbia's foreign policy may appear enigmatic and puzzling to external observers, it reflects a pragmatic response to the intricate web of influences and constraints that define its strategic reality.

Serbian national interests are determined by the National Security Strategy of the Republic of Serbia from 2019. This strategic framework meticulously considers extant challenges, risks, and threats alongside Serbia's prevailing strategic environment and international positioning. However, since 2019, there have been seismic shifts in the global strategic landscape, notably catalyzed by events such as the Russian aggression against Ukraine. This aggression has fundamentally altered the dynamics among great powers, engendering heightened rigidity within the international order. For Serbia, a nation reliant on a nuanced foreign policy approach that engages with diverse stakeholders – including the European Union, the United States, China, and Russia – the period following February 24th, 2022, has presented significant challenges. In this context, the imperative to examine the influence of the evolving strategic environment, particularly precipitated by the War in Ukraine, on Serbia's national interests becomes apparent.

The primary research question we seek to address is: How did the change in the strategic environment, specifically the War in Ukraine (2022),

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4   Barry R. Posen, "Emerging Multipolarity: Why Should We Care?", *Current History*, Vol. 108, No. 721, 2009, pp. 347–352.

impact the realization of Serbia's national interests? The delineation of a methodological approach anchored in expert survey and analysis underscores a commitment to rigor and depth in probing the multifaceted dimensions of the research question. This methodological triangulation promises to afford a comprehensive appraisal, blending both quantitative data and qualitative insights garnered from authoritative voices within the field.

This paper comprises an introduction, a conclusion, and four chapters. In the first chapter, the authors delineate the concepts of strategy and the strategic environment, elucidating their interconnection. The second chapter delves into an analysis of the Republic of Serbia's strategic environment and national interests before the Russian aggression against Ukraine. The third chapter is dedicated to scrutinizing the changes in Serbia's strategic environment following the events of February 24th, 2022. Specifically, it delves into the ramifications of the war in Ukraine on the global and regional levels, highlighting the consequential shifts in strategic dynamics. This chapter aims to provide a nuanced understanding of the evolving geopolitical landscape and its implications for Serbia. Finally, the last chapter undertakes an in-depth analysis of the impact of these changes in the strategic environment on the national interests of Serbia.

STRATEGY AND STRATEGIC ENVIRONMENT

The concept of strategy, akin to other fundamental notions in international relations, such as war, peace, balance of power, or aggression, has been subject to ongoing debate and divergence among theorists. Historically, strategy was largely synonymous with warfare, with its primary aim perceived as attaining victory on the battlefield. Indeed, Clausewitz's seminal work characterizes strategy as "the use of engagements for the object of the war",[5] encapsulating the prevailing paradigm of his time. More than a century later, almost nothing has changed. Liddell Hart, one of the founders of modern strategic studies, defines strategy as "...the art of distributing military means to fulfill the ends of policy".[6] However, contemporary strategic thought recognizes that goals, methods of attainment, and means have evolved alongside the dynamic geopolitical landscape. The strategies employed by states today encompass a diverse array of tools and tactics, extending far beyond the realm of armed conflict. To reduce contemporary state strategies exclusively to the domain of war would be both myopic and perilous.

Since the mid-20th century, a consensus among strategists and theorists has emerged, recognizing that the objectives of strategy extend far beyond the realm of warfare, although they do not preclude it. Indeed, contemporary

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[5]   Carl von Clausewitz, *On War*, op. cit., p. 74.

[6]   Liddell Hart, *Strategy: The Indirect Approach*, Faber, London, 1967, p. 351.

strategic thinking acknowledges that strategic goals encompass broader imperatives such as peace, development, and stability, reflecting a more holistic understanding of statecraft. Regarding dimensions or areas, the purview of strategy has expanded to encompass not only the military domain but also political, economic, diplomatic, and other spheres. The emergence of the concept of 'polystrategy' underscores this multidimensional approach, emphasizing the need for integrated strategies that address the complexities of modern challenges.[7]

Various factors have contributed to this conceptual shift. The advent of nuclear weapons, with their existential implications, has compelled strategists to adopt a broader view of security that transcends traditional military considerations. Additionally, the profound effects of globalization have interconnected global affairs in unprecedented ways, necessitating strategies that account for complex interdependence.[8] Furthermore, the proliferation of actors in global relations, ranging from state and non-state actors to international organizations and transnational corporations, has underscored the need for nuanced and adaptive strategies that account for diverse interests and capabilities. In sum, the evolution of strategic thought reflects a recognition of the multifaceted nature of contemporary challenges and opportunities.

It is challenging to offer a sufficiently precise and, at the same time, sufficiently comprehensive definition of the strategy. It seems even more demanding to formulate a sustainable strategy. Colin S. Gray presents seventeen interrelated dimensions or factors, interrelated, without which any strategy is necessarily insufficient. He separates them into three categories. The first category, which he calls 'People and Politics', encompasses elements such as "people; society culture politics; and ethics. "[9] In the second category, 'Preparation for War', Gray delineates elements crucial for readiness and capability-building: "...economics and logistics; military administration (including recruitment, training, and most aspects of armament); strategic theory and doctrine; and technology".[10] Finally, the 'War Proper' category comprises "military operations; geography; the adversary".[11] While Gray's framework does not explicitly mention the strategic environment, it implicitly underscores its pervasive influence across all dimensions, particularly within the realm of 'War Proper'.

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[7]   Dragan R. Simić, *Svetska politika*, FPN i Čigoja štampa, Beograd, 2009, str. 151.

[8]   Robert O. Keohane and Joseph S. Nye, Jr, *Power and Interdependence* (4th edition), Longman, New York, 2012.

[9]   Colin S. Gray, *Modern Strategy*, Oxford University Press, Oxford, 1999, p. 24.

[10]   *Ibidem*.

[11]   *Ibidem*.

While strategy often begins with identifying desirable goals, its execution rarely follows a linear path with clearly defined steps leading to the intended destination. Edward N. Luttwak aptly illustrates this phenomenon by likening strategy to the construction of a bridge over a river. Despite the skill of the builders, the river often changes its course, and staying on the planned route would not take us to our desired destination.[12] Indeed, as highlighted previously, the Ends-Ways-Means model offers a seemingly straightforward framework for crafting strategy. However, "the nature of the strategic environment makes it difficult to apply".[13]

Every country endeavors to "advance favorable outcomes and preclude unfavorable ones".[14] However, this task is often challenging, particularly amidst the complex interactions with other actors, and at times, it may even seem impossible. The strategic environment is marked by instability and chaos due to defining characteristics such as volatility, uncertainty, complexity, and ambiguity (VUCA).[15] As a result of these VUCA factors, the task of strategizing becomes exceedingly difficult. It involves predicting instabilities, managing uncertainties within the international system, simplifying the complex reality of international relations, and interpreting ambiguity by successfully connecting perception with reality.

STRATEGIC ENVIRONMENT AND NATIONAL INTERESTS OF THE REPUBLIC OF SERBIA

It's almost axiomatic that significant changes in the strategic environment impact state strategies, consequently shaping their policies and national interests. This holds for both great powers and small countries. However, small states are particularly susceptible to external pressures due to their limited resources. As a small country, Serbia has historically been sensitive to shifts in the strategic landscape. Its geographical position, inadequate military strength, significant Serbian populations in neighboring countries, complex historical ties, and the lingering stigma from the 1990s imbue its strategic environment with all the hallmarks of VUCA characteristics:

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[12] Edward N. Luttwak, *The Grand Strategy of the Byzantine Empire*, The Belknap Press of Harvard University Press, London, 2009. and "Strategy vs. Everyday Logic", *Edward Luttwak Interview*, Conversations with History, Institute of International Studies, University of California Berkeley, Available from: http://globetrotter.berkeley.edu/conversations/Luttwak/luttwak-con1.html, (Accessed: June 6th, 2024)

[13] Harry R. Yarger, *Strategic Theory for the 21st Century: The Little Book on Big Strategy*, Strategic Studies Institute, U.S. Army War College, Carlisle Barracks, 2006, p. 17.

14 *Ibidem.*

15 *Ibidem*, pp. 17–19.

- Volatility – Significant global changes, such as the shift from a unipolar to a multipolar international system, influence political processes in the Western Balkans, introducing volatility into the region's dynamics.
- Uncertainty – The anarchic nature of the international system[16] reduces trust between states, while the region's turbulent history fosters suspicion among neighbors, contributing to uncertainty about their intentions.
- Complexity – Serbia's adoption of a multi-vector foreign policy further complicates any instability in the strategic environment, amplifying its complexity. This approach prompts scrutiny regarding the sustainability of Serbia's key foreign policy priorities
- Ambiguity – Serbia's complex relations with great powers and neighboring countries, along with its turbulent history, result in ambiguous interpretations of impulses from the strategic environment, as well as those Serbia projects outward.

Serbia currently lacks a codified strategic document specifically addressing foreign policy. Therefore, the determination of its strategic environment can be inferred from the National Security Strategy (NSS) adopted in 2019.[17] Bearing in mind that it was adopted only a little more than two years before the Russian aggression against Ukraine and that in the period from December 2019 to February 2022, there were no dramatic events that would shake the international order, we can take the mentioned document as relevant for defining the strategic environment of the Republic of Serbia. It delineates circumstances at both the global and regional levels, ultimately identifying critical factors from the strategic environment that have the most significant impact on Serbia.[18]

Among the circumstances that contribute to the creation of challenges, risks, and threats from the external environment that Serbia faces are poverty, social vulnerability, regional and local conflicts, ethnic and religious extremism, terrorism, organized crime, the proliferation of weapons of mass destruction, illegal migration, hybrid and cyber threats, limited availability of natural resources and climate change.[19] Additionally, the Strategy highlights

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[16] Kenneth N. Waltz, *Theory of International Politics*, Addison-Wesley Publishing Company, London, 1979.

[17] "Strategija nacionalne bezbednosti Republike Srbije", Narodna skupština Republike Srbije, *Službeni glasnik RS*, br. 94, 27. decembar 2019.

[18] Certain authors indicate the importance of Euro-Atlantic integration for overcoming the negative effects of the War in Ukraine: Dragan Đukanović, "Current Security Challenges in the Western Balkans and Consequences of the War in Ukraine", *Security Dialogues*, Vol. 14, No. 2, 2023, pp. 135–148.

[19] *Ibidem*.

the challenges posed by violations of the Charter of the United Nations and norms of international law.

The National Security Strategy highlights positive regional trends such as states' commitment to democratic values, improved economic and social stability, dialogue, and progress in European integration. However, it also acknowledges persistent challenges, risks, and threats, including separatism, ethnic, religious, and political extremism, economic and social issues, migration, organized crime, inadequate development of state institutions, and vulnerability to natural disasters.[20]

NSS also underscores the impact of changed geostrategic circumstances on Serbia, highlighting its exposure to numerous challenges, risks, and threats. These include separatism, ethnic and religious extremism, covert actions by foreign entities, organized crime, and illegal migration.[21] Additionally, the Strategy emphasizes the importance of addressing terrorism, economic and demographic development issues, consequences of natural disasters, and high-tech crime.[22]

The National Security Strategy of Serbia underscores a holistic approach to security, effectively listing various challenges, risks, and threats from the external environment that could impact the nation's strategic priorities. However, despite carefully identifying influencing factors, recent events have revealed a slight oversight. While the Strategy acknowledges that "there is a worrying trend of tightening relations between the great powers ",[23] it also expresses optimism about "integrative processes in the field of security, as well as growing political, economic and cultural cooperation, significantly reduce the risks of conflict between states, as well as the possibility of the emergence of uncontrolled crises and the transfer of conflicts from one area to another"[24] suggesting a reduction in the risk of conflicts and crises. Moreover, it emphasizes the modern understanding of security, which promotes peaceful conflict resolution and cooperation at global and regional levels. Events such as the war in Ukraine have challenged these optimistic views, highlighting the complexities and uncertainties inherent in global security dynamics.

A combination of national heritage, fundamental values, and external incentives shapes foreign policy and national interests. The National Security Strategy of the Republic of Serbia delineates seven vital national interests, reflecting these factors:

1)   "preservation of sovereignty, independence, and territorial integrity;
2)   preservation of internal stability and security;

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20   *Ibidem.*

21   *Ibidem.*

22   *Ibidem.*

23   *Ibidem.*

24   *Ibidem.*

3) preserving the existence and protection of the Serbian people wherever they live, as well as national minorities and their cultural, religious, and historical identity;
4) preservation of peace and stability in the region and the world;
5) European integration and membership in the European Union;
6) economic development and overall prosperity and
7) preservation of the environment and resources of the Republic of Serbia".[25]

In comparison with the National Security Strategy from 2009,[26] there were no significant changes in the determination of vital national interests, but the only changes can be read in the hierarchization and way of formulation. This confirms that there have been no significant deviations in the challenges, risks, and threats from the strategic environment in the ten-year interval and, consequently, not even in the basic directions of Serbia's foreign policy. In the next chapter, we will analyze Serbia's strategic environment after February 24th, 2022, and try to determine how the War in Ukraine affected Serbia's national interests.

CHANGES IN SERBIA'S STRATEGIC ENVIRONMENT AFTER THE RUSSIAN INVASION OF UKRAINE

A little more than two years have passed since the Russian invasion of Ukraine, but we can already conclude that this is a pivotal event whose effects will significantly affect the state of the world order. Although the comparison of the situation in Ukraine with the fall of the Berlin Wall or the dissolution of the Soviet Union is exaggerated because after February 24th, 2022, the structure of the existing order did not collapse, Serbia's strategic environment changed significantly. At the global level, there have been three significant changes: first, the risk of major power conflict has increased dramatically; secondly, there is pressure on all countries to align themselves into camps and choose a side in the conflict (the West or Russia), and thirdly, the world was faced with significant economic uncertainties and adversities.

The war in Ukraine is not the first event to cause tensions between major powers. American arbitrariness in the War on Terror, NATO expansion, Russia's invasion of Georgia, the construction of artificial islands in the South China Sea, and the Chinese government's threats to Taiwan have all produced uncertainty and turbulence between the United States and its rivals. Nevertheless, Russian aggression against Ukraine has produced consequences

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[25] *Ibidem.*

[26] "Odluka o usvajanju Strategije nacionalne bezbednosti Republike Srbije", Narodna skupština Republike Srbije, *Službeni glasnik RS*, br. 28, 28. oktobar 2009.

that increase the risk of escalation and direct conflict on several scales. The question of Russia's failure in the war or the collapse of the Ukrainian defense became possible triggers for the conflict between NATO and Russia. Also, the facts that NATO sends equipment to the Ukrainian army in abundance, that the use of equipment from certain NATO countries on the territory of Russia was recently approved, and that NATO and Russia share a border longer than 2500 km further deepen the insecurity and can create a spark that would make a flame of unimaginable proportions. Even if the war ends soon, the fear will not disappear for a while.

Although not a NATO member, the United States and its allies sent tens of billions of dollars in military aid to Ukraine. They also implemented "a broad sweep of sanctions focused on isolating Russia from the global financial system, reducing the profitability of its energy sector, and blunting its military edge".[27] In addition, at the same time, an international coalition is being built against Russia and efforts are being made to make it a pariah in international relations, and countries that do not join the sanctions against Moscow are viewed with great suspicion. At the same time, Russia is looking for global support and is trying to diversify trade. Moscow mainly focused her attention on the countries of the Global South and the European countries she considers friendly, among them Serbia and Hungary. In such circumstances, fence-sitters and countries that use a non-alignment or hedging strategy[28] and want maximum flexibility in choosing international partners are in a challenging situation. Serbia is in exactly such a situation and is trying to balance by condemning Russian aggression against Ukraine and refusing to impose sanctions on Moscow.

The third important consequence of the War in Ukraine is global economic challenges. The world was still recovering from the economic and financial woes caused by the COVID-19 pandemic when the Russian invasion of Ukraine slowed worldwide growth and led to inflationary shocks around the world. In addition to Ukraine and Russia, whose economies fell into recession, Europe suffered the most damage. For example, "The European Commission's 2021 Autumn Forecast predicted 4.3% growth in gross domestic product (GDP) for the EU for 2022, and 2.5% for 2023, but growth finally registered at 3.5% for 2022 and an estimated 0.5% for 2023".[29]

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[27] Noah Berman, *Two Years of War in Ukraine: Are Sanctions Against Russia Making a Difference?*, Council on Foreign Relations, Available from: https://www.cfr.org/in-brief/two-years-war-ukraine-are-sanctions-against-russia-making-difference, (Accessed June 2nd, 2024)

[28] Matias Spektor, "In Defense of Fence Sitters: What the West Gets Wrong about Hedging", *Foreign Affairs*, Vol. 102, No. 3, 2023, pp. 8–16.

[29] EPRS, *Economic impact of Russia's war on Ukraine: European Council response*, Available from: https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/757783/EPRS_BRI(2024)757783_EN.pdf, (Accessed: June 6th, 2024)

The EU also experienced a severe energy and a cost-of-living crisis in 2022, with ripple effects that are still being felt today".[30] The United States was not without consequences either, and in 2022, it recorded an inflation rate of 7.99%.[31] Ultimately, one of the most essential and lasting outcomes is the re-creation of the Cold War economy, which is certainly not conducive to global growth and development.[32]

The consequences of changes in the strategic environment have been transferred from the global to the regional level. In recent decades, the Western Balkans have been particularly sensitive to impulses from the global level due to its turbulent past, exposure to external influence, internal fragility, and incomplete democratization of societies. Russia's aggression against Ukraine further fueled the anxieties of the states in the region and produced three critical consequences: first, the fear of the revival of old and the emergence of new conflicts in the Western Balkans was developed; secondly, it created pressure to choose one of the sides, the West or Russia, and reduced the possibility of fence-sitting, and thirdly, it affected the rise of inflation and economic well-being. By monitoring the political discourse from 2022, one can observe a tightening of rhetoric and fear in the countries of the region, although Serbia can be excluded, that Russia will try to undermine the influence of NATO and the EU, generate instability, and incite conflicts.[33] On the other hand, the fear of the political elite spread to society. According to research conducted by the Belgrade Center for Security Policy, a few months before the war in Ukraine, anxiety about the conflict was growing in the region. Slightly less than half of the respondents stated that they are afraid or mostly afraid of conflict in the next five years, and the status of Kosovo and the struggle for the influence of NATO and Russia are seen as the two biggest challenges.[34] Meanwhile, fear, uncertainty, and mistrust continued to grow.

The geopolitical landscape following the Ukraine conflict outbreak has engendered intricate diplomatic dynamics, particularly within the Balkan region. Serbia, characterized by its historical affinity with Russia and its non-

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[30]   *Ibidem*.

[31]   Statista, *Estimated inflation rate of the main industrialized and emerging countries in 2022*, Available from: https://www.statista.com/statistics/256630/inflation-rate-in-selected-global-regions/, (Accessed: June 5th, 2024)

[32]   Brian Michael Jenkins, *Consequences of the War in Ukraine: The Economic Fallout*, RAND, Available from: https://www.rand.org/pubs/commentary/2023/03/consequences-of-the-war-in-ukraine-the-economic-fallout.html, (Accessed: June 5th, 2024)

[33]   James McBride, *Russia's Influence in the Balkans*, Council on Foreign Relations, Available from: https://www.cfr.org/backgrounder/russias-influence-balkans, (Accessed: June 5th, 2024)

[34]   Luka Šterić i Maja Bjeloš, „Raste strah od sukoba, ali i nada u saradnju i solidarnost: kako javnost u Srbiji vidi odnose u regionu?", *Western Balkans Security Barometer*, No. 2, Belgrade Center for Security Policy, 2022.

membership in NATO, finds itself navigating a complex foreign policy terrain marked by intensified pressures from both Western powers and Moscow. The Western Balkans, historically characterized by competing spheres of influence, have witnessed a discernible amplification of pressure exerted on non-NATO states, notably Serbia. Given its longstanding strategic partnership with Moscow, Serbia's foreign policy calculus is challenged by the imperative to uphold its relations with Russia while simultaneously addressing Western expectations.

The balancing strategy or multi-vector foreign policy, which seemed rational in peacetime, became difficult to manage after February 24th. During the first months of the war, Serbia faced significant pressure to impose sanctions on Moscow, but Belgrade decided to label and condemn Russian actions as aggression without imposing sanctions. In the meantime, Western pressure on Serbia was decreasing. Many attribute such a move to the suspicion that Serbia is selling weapons to Ukraine through other countries. However, it should be said that such a policy of Serbia did not pass without consequences and that the pressure was transferred to the process of normalization of relations between Belgrade and Pristina, where Serbia agreed to numerous concessions, especially in the so-called French-German plan.

In the end, the Western Balkans, still recovering from the consequences of the Covid-19 virus pandemic, faced new economic and energy challenges. Slow growth during 2022 (3.4%) and especially in 2023 (2.6%) came as a result of the slowdown of the EU economy, which is the region's largest trading partner.[35] At the same time, the inflation rate during 2022 and 2023 reached a level unseen for decades, which in 2022 exceeded the increase in wages, resulting in a decline in living standards. Finally, bearing in mind the gas and oil dependence of the major states of the region on Russia, the War in Ukraine increased the fear of energy shortages, increased prices, and forced the search for alternatives, which are difficult to achieve in the short term.

THE IMPACT OF CHANGES IN THE STRATEGIC ENVIRONMENT ON THE NATIONAL INTERESTS OF SERBIA

The strategic environment of the Republic of Serbia has undergone significant changes over the past two and a half years, influenced by several key events and phenomena. There were other black swans[36] and gray rhinos[37] that shaped

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[35] World Bank Group, "Western Balkans Regular Economic Report: Invigorating Growth", No. 25, IBRD, Washington DC, 2024.

[36] Nassim Nicholas Taleb, *Black Swan: The Impact of the Highly Improbable*, Random House, New York, 2010.

[37] Michele Wucker, *The Grey Rhino: How to Recognize and act on the Obvious Danger We Ignore*, St. Martin's Press, New York, 2016.

the geopolitical landscape. However, the war in Ukraine stands out as having the most dramatic impact on Serbian national interests. This conflict has reshaped global dynamics, raising the potential for great power conflicts and increasing the pressure on countries like Serbia to align with either the West or Russia. Additionally, it has led to economic challenges and uncertainties that affect both the global and regional landscape. These changes have had a pronounced spillover effect on regional dynamics in the Balkans, reviving fears of renewed hostilities and instability. The evolving strategic environment has unequivocally influenced Serbia's national interests.

The authors of this paper aimed to analyze the influence of the war in Ukraine on the process of realizing Serbia's national interests. Given the lack of public opinion surveys on these issues and insufficient material to analyze the discourse of top political decision-makers, we opted to rely on the method of expert surveys and analysis. We created a survey with questions about national interests (7) and indicators (32) to achieve each national interest defined in the National Security Strategy of the Republic of Serbia. The survey was completed by thirty researchers and scholars employed at academic institutions in the Republic of Serbia.

Question: How did the War in Ukraine impact the realization of the national interests of the Republic of Serbia?

National interest 1 – Preservation of sovereignty, independence and territorial integrity
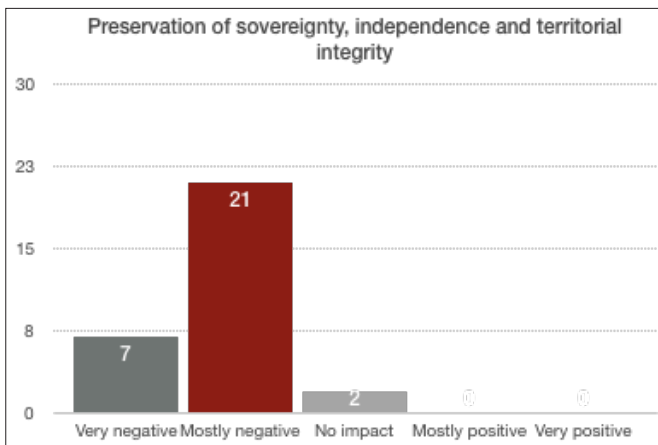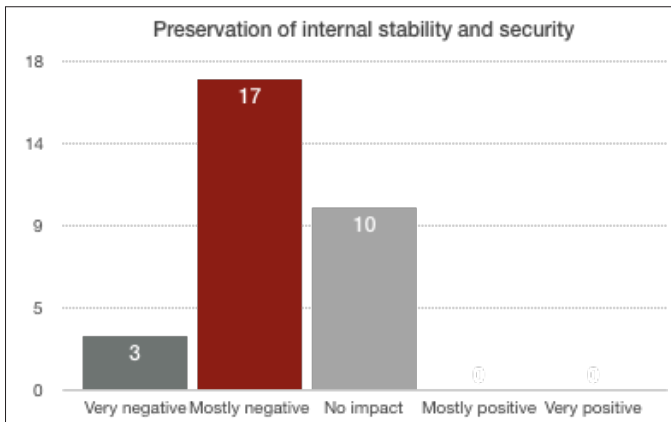
National interest 1 – Indicators (1, 2, 3, and 4)

Categories/ Indicators	Deterrence from armed threats and effective defense	Preservation of the Autonomous province of KiM in the Republic of Serbia	Strengthening the reputation and international position of the Republic of Serbia	Prevention and elimination of separatist activities
Very negative	2	6	7	2
Mostly negative	17	21	21	11
No impact	8	3	1	15
Mostly positive	2	0	1	2
Very positive	0	0	0	0
Not relevant	1	0	0	0

It is astonishing that 28 out of 30 respondents believe that the basic elements of the statehood of the Republic of Serbia or any other country – sovereignty, independence, and territorial integrity – have experienced deterioration due to the War in Ukraine. Almost two-thirds of those surveyed pointed out that the war in Ukraine had a very or mostly negative effect on deterring armed threats and effective defense, nine out of ten stated the same for the preservation of the Autonomous Province of Kosovo and Metohija in the Republic of Serbia, and even more than that, for the strengthening of the reputation and international position of the Republic of Serbia. In fact, the only division exists over the prevention and elimination of separatist activities.

The key factors that could have influenced the determination of the surveyed scholars and researchers include:

- **Western Pressure**: The pressure from Western powers on Serbia for a quick resolution of the Kosovo issue.
- **Military Arming of Neighbors**: The arming of immediate neighbors, primarily Croatia and Kosovo*.
- **Conflict Escalation and instability in Kosovo and Metohija:** The escalation of the conflict in Kosovo and Metohija and the deterioration of the position of the Serbian community there.
- **Abolition of Serbian Symbols in Kosovo and Metohija**.
- **Rising Inter-Ethnic Tensions throughout the region**.
- **Deterioration of International Position**: The deterioration of Serbia's international position due to its refusal to enforce sanctions on Russia and its alignment with Western powers.

National interest 2 – Preservation of internal stability and security

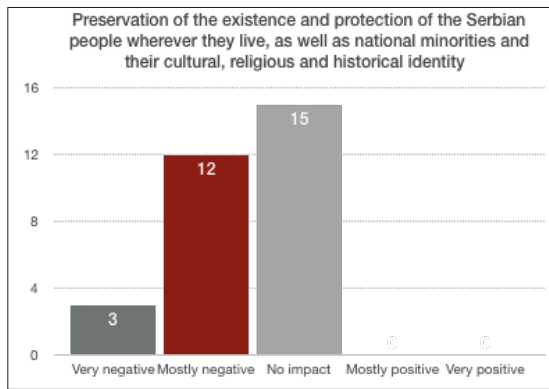National interest 2 – Indicators (5, 6, 7, 8, and 9)

Categories/ Indicators	Protection of human and minority rights and freedoms of citizens	Rule of law and further de- velopment of democracy and democratic institutions	Improving the security of citizens, the state and society	Normalization of conditions and relations in the Autonomous Province of Kosovo and Metohija	Efficient state admini- stration
Very negative	1	3	4	8	1
Mostly negative	6	16	16	18	3
No impact	21	11	9	4	21
Mostly positive	1	0	0	0	0
Very positive	0	0	0	0	0
Not relevant	1	0	1	0	5

Two-thirds of those surveyed believe that the war in Ukraine has had a very negative or mostly negative impact on the internal stability and security of the Republic of Serbia. The largest number of respondents think that Russian aggression has had a very negative or mostly negative effect on the rule of law, the further development of democracy and democratic institutions, the improvement of citizen, state, and societal security, and the normalization of conditions and relations in the Autonomous Province of Kosovo and Metohija. On the other hand, the majority of respondents believe that there were no significant positive impacts on the protection of human and minority rights and freedoms of citizens or on efficient state administration.

Factors that could influence such determinations of the respondents include:

- **Deterioration of Conditions for Kosovo Serbs**: The continuous deterioration of the conditions and position of Kosovo Serbs over the last two years.
- **Abolition of Serbian Institutions and Symbols**: The ongoing abolition of Serbian institutions and symbols in Kosovo*.
- **Western Prioritization of Stability**: The prioritization of stability over further democratization of the state and society by Western powers, in response to Russian influence.
- **Deterioration of Ontological Security of Serbian citizens**.
- **Deterioration of Security of the state due to the strengthening of the security dilemma in the region**.

National interest 3 – Preservation of the existence and protection of the Serbian people wherever they live, as well as national minorities and their cultural, religious and historical identity


National interest 3 – Indicators (10, 11, 12, 13, and 14)

Categories/ Indicators	Development of demographic potential	National unity and development of cultural, religious and historical identity	Improving the position of the national minorities	Improving the position and protecting the rights and interests of the diaspora and Serbs abroad	Protection of cultural and historical assets important for the Republic of Serbia and its citizens
Very negative	0	1	1	0	0
Mostly negative	3	9	5	11	9
No impact	17	18	21	18	20

Mostly positive	5	0	1	0	0
Very positive	0	0	1	0	0
Not relevant	5	2	1	1	1

A look at the graph leads to the conclusion that the respondents are divided about the impact of the war in Ukraine on the preservation of the existence and protection of the Serbian people wherever they live, as well as national minorities and their cultural, religious and historical identity. It is also important to note that this national interest is not well-defined, as it encompasses at least two elements: the protection of Serbs wherever they live and the protection of national minorities and their heritage. However, a deeper analysis of the indicators suggests that respondents generally believe Russian aggression had no significant impact on this national interest. Interestingly, the "development of demographic potential" received the highest positive score among all the indicators. This positive score can be attributed to the significant number of refugees and migrants from Ukraine and Russia.

National interest 4 – Preservation of peace and stability in the region and the world

Preservation of peace and stability in the region and the world
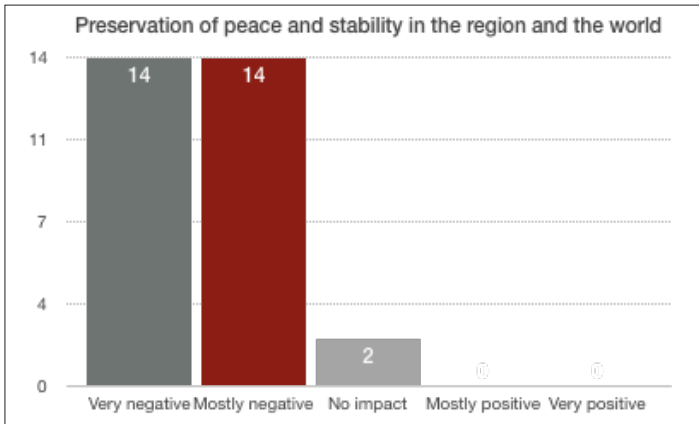
National interest 4 – Indicators (15, 16, 17, 18, 19, and 20)

| Categories/ Indicators	Contribution to the development of international relations in accordance with internationally assumed obligations	Contribution to the preservation of international peace and security	Respect for international law and improvement of mutual trust	Contribution to strengthening regional stability and improvement of good neighborly relations	Strengthening comprehensive bilateral relations with all countries, while respecting mutual interests	Strengthening active participation in the work of international organizations
Very negative	3	10	7	6	5	3
Mostly negative	21	15	18	22	21	16
No impact	5	5	4	2	3	7
Mostly positive	1	0	1	0	1	4
Very positive	0	0	0	0	0	0
Not relevant	0	0	0	0	0	0

The opinion of those surveyed (28 out of 30) is nearly unanimous that the war in Ukraine affects the national goal of preserving peace and security in the region and the world. For each achievement indicator, between 63.3% and 93.3% of respondents indicated that Russian aggression had a very negative or mostly negative impact on these indicators of national interests. According to those surveyed, the war had the least impact on "strengthening active participation in the work of international organizations" (19 out of 30) and the most impact on "contribution to strengthening regional stability and improvement of good neighborly relations" (28 out of 30).

Some important factors that could have influenced the decisions of the surveyed scholars and researchers include:

- **Ignorance of International Commitments**: The disregard by certain countries for commitments made in the Budapest Memorandum and/or the Minsk Agreement, and the potential spillover of such behavior to other international agreements and commitments.
- **Possible Escalation of the War**: The potential escalation of the war in Ukraine into a global conflict and its spillover effects on regional dynamics.
- **Lack of Respect for International Norms**: The lack of respect for international norms, which deepens mistrust between states.
- **Tense Regional Relations**: Tense relations in the region, largely influenced by the global atmosphere.

- **Western Perceptions of Serbia**: The decreasing belief among key Western powers that Serbia politically and value-wise belongs to European structures, leading to a loss of credibility in important international bodies.

National interest 5 – European integration and membership in the European Union
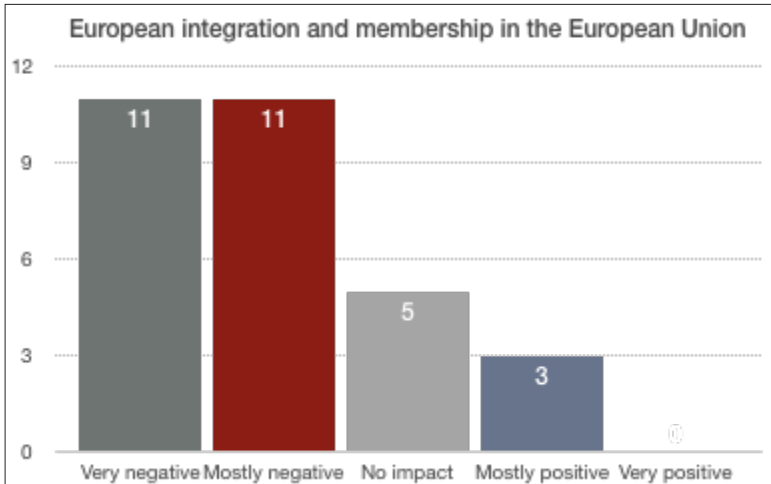
National interest 5 – Indicators (21, 22, and 23)

| Categories/ Indicators	Shaping a modern and developed society based on common European values that are part of the Serbian national identity and historical heritage	Achieving internal readiness for membership in the European Union	Improvement of national security and defense through the process of European integration
Very negative	2	6	4
Mostly negative	14	15	20
No impact	13	8	6
Mostly positive	1	0	0
Very positive	0	0	0
Not relevant	0	1	0

Although the respondents' answers regarding "European integration and membership in the European Union" are not completely uniform, seven out of ten respondents believe that the war in Ukraine had a very negative or mostly negative impact on the realization of this national interest. Regarding

specific indicators, while there is doubt about the impact on the formation of a modern and developed society based on European values, the respondents estimate that the war in Ukraine produced significant consequences for the other two indicators.

It can be assumed that the respondents' decisions were influenced by the following factors:

- **EU Focus on Ukraine**: The European Union's focus and massive resource allocation to Ukraine, with an asymmetrical allocation of time to the Western Balkans.
- **EU's Commitment to Stability**: The EU's emphasis on stability and curbing Russian influence in the region, at the expense of advancing readiness for membership through the implementation of the acquis.
- **Non-Alignment with EU Policies**: Serbia's non-alignment with the EU's Common Foreign and Security Policy, which is currently one of the vital criteria for admission to membership according to Brussels.

National interest 6 – Economic development and overall prosperity
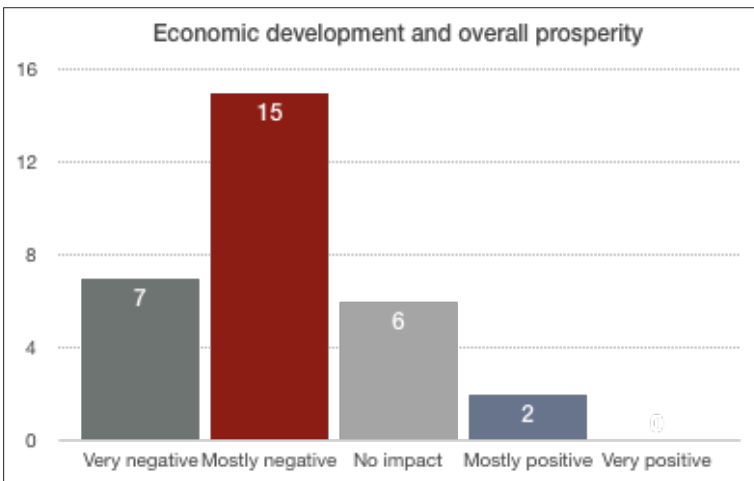
National interest 6 – Indicators (24, 25, 26, and 27)

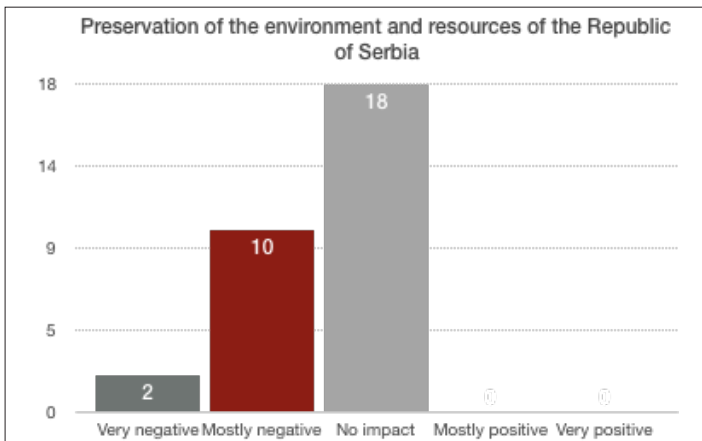| Categories/ Indicators	Improving the standard of living of citizens	Economic progress	Improvement of education, scientific and technological development;	Improvement of economic and energy security
Very negative	4	2	1	6
Mostly negative	17	19	5	15
No impact	8	6	22	6

Mostly positive	1	3	0	3
Very positive	0	0	0	0
Not relevant	0	0	2	0

The majority of surveyed scholars and researchers believe that the war in Ukraine negatively influenced the "economic development and overall prosperity" of the Republic of Serbia. While the respondents state that Russian aggression has no effect on the "improvement of education, scientific, and technological development", most of them conclude that it had a very negative or mostly negative effect on "economic progress" and "improvement of economic and energy security".

Factors that could influence the attitude of the respondents include:

- **Growing Inflation**: The rising inflation that Serbia faced during 2022 and 2023.
- **Economic Slowdown**: The slowdown in Serbia's economic growth and the recovery from the consequences of the COVID-19 pandemic in the region.
- **Jeopardized Energy Security**: The jeopardizing of energy security due to price increases and the uncertain supply of gas and oil to Serbia, resulting from sanctions against the Russian Federation
- **Supply chains**: Disrupted supply chains of certain products or components from Russia and Ukraine.

National interest 7 – Preservation of the environment and resources of the Republic of Serbia

National interest 7 (Indicators 28, 29, 30, 31, and 32)

Categories/ Indicators	Monitoring, assessment, planning and taking measures to mitigate the impact of climate change	Flood and fire protection	Improving the quality of the environment	Efficient management of hazardous waste	Improving the ability and capacity for resource management
Very negative	0	0	0	0	0
Mostly negative	5	1	8	2	4
No impact	19	23	17	22	23
Mostly positive	2	1	2	1	1
Very positive	0	0	0	0	0
Not relevant	4	5	3	5	2

In the end, four out of ten surveyed scholars and researchers concluded that the war in Ukraine had neither a negative nor a positive impact on the realization of the national interest of "preservation of the environment and resources of the Republic of Serbia". When looking at respondents' answers to individual indicators, the perception of impact is even lower. In fact, the respondents estimated that the war had the least negative impact on "flood and fire protection" (1 out of 30) and the most on "improving the quality of the environment" (8 out of 30).

CONCLUSION

At the end of the research, we will present several conclusions we have reached, some of which are not directly related to the main research question. *In medias res*, our findings unequivocally indicate that the war in Ukraine had a significant impact on the realization of the national interests of the Republic of Serbia, specifically a negative impact. The results of the expert survey showed that the war had a very negative or mostly negative impact on five of the seven Serbian national interests. Opinions were divided about one national interest, while experts believed that only the preservation of the environment and resources was not negatively affected by the war in Ukraine. The surveyed experts did not identify any positive impact of the war on Serbia's national interests. The most positive score was only 3 out of 30 for the national interest of European integration and membership in the European Union, and 5 out of 30 for the individual indicator of the development of demographic potential.

The experts' answers indicate that the realization of national interests concerning the preservation of the basic elements of statehood – sovereignty, independence, and territorial integrity – as well as the preservation of peace and stability in the region and the world, are most at risk. Although the survey suggested that national interests related to economic progress, European integration, and the position of national minorities are also at risk, it confirmed that for Serbia, the war in Ukraine is primarily a colossal security problem. The fear of jeopardizing the state's security through the spillover of the conflict to the region, overshadows all other fears and uncertainties.

Serbia's sensitivity to changes in the strategic environment has also been confirmed. As stated in previous parts of this paper, Belgrade relies on four pillars in its foreign policy: the EU, China, Russia, and the USA. In a situation where three of the four pillars are direct or indirect participants in the war in Ukraine and on opposing sides, the so-called multi-vector policy reveals its fragility and systemic flaws. While such a foreign policy course may be suitable for peacetime, it shows serious shortcomings in crises and turbulent situations. Over the last two years, Serbia's foreign policy has lacked a clear strategy, being reduced to the incendiary rhetoric of political decision-makers and constant ad hoc adjustments that often seem confusing even to the expert public.

In the end, the war in Ukraine proved to be a dramatic moment for the state of the world order. While February 24, 2022, may not be remembered and mentioned in history like November 9, 1989, it will certainly have consequences even after the war ends, whenever that may be.

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Serbia's cooperation with the Visegrad Group states after 2000

ABSTRACT

After the political changes in Serbia at the end of 2000, Serbia, then within the Federal Republic of Yugoslavia, began to renew its bilateral and multilateral relations. It was logical that the priority countries with which Serbia wants to restore relations should be neighboring countries and countries in the immediate vicinity. That is why the countries of the Visegrad Group were an important partner for Serbia. In addition, the countries of the Visegrad Group had already entered the transition process, and had a similar political legacy. The experiences of the countries of the Visegrad Group and their capacities for cooperation were important for Serbia, where the transition process has just begun, with Serbia's determination to embark on the path of joining the European Union. By the year 2000, the countries of the Visegrad Group had already taken significant steps on their way to joining the European Union, and had a significant place in regional initiatives. By cooperating with them, Serbia was able to speed up its process of political reforms, and accordingly there was a need to join regional initiatives, which it could more easily realize in cooperation with these countries. By establishing cooperation with the countries of the Visegrad Group, Serbia took one of the first and most important steps in its change of foreign policy direction after internal political changes.

KEYWORDS: *Serbia, Visegrad Group, European Union, regional cooperation, political cooperation, regional organizations*

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INTRODUCTION

After the changes in 2000, Serbia had to start the transition process of its political and economic system. In addition, Serbia's determination was to join European integration, which should have resulted in its full membership in the European Union (EU). That is why Serbia had to find partners with whom to establish stable cooperation in order to more easily achieve the defined goals. More specifically, Serbia needed partners who have the same goals regarding the reform of the political and economic system, as well as the same foreign policy goals. Accordingly, the most natural step was for Serbia to give priority to establishing cooperation with its neighbors. Neighboring countries defined during the 90s of the 20th century the same political, foreign policy and economic goals that Serbia wanted to achieve after the year 2000. After the political isolation, it was necessary to establish cooperation with neighboring countries on a new basis. Some of the neighboring countries have already taken important steps towards joining the European Union, but also in the area of reforming the political system and transforming economic relations. Establishing good relations with neighbors was also important for political stability in the region. This had the same importance for Serbia and for its neighbors who have not yet completed all political and economic reforms. It was precisely the experiences of neighboring countries that were useful for Serbia in the best way to overcome the problems encountered after the change of the political system. One of the best ways to overcome the problem represented the Visegrad Group (V4), which was formed after the end of the Cold War by Poland, the Czech Republic, Slovakia and Hungary. These countries had similar experiences in the past in relation to political relations and economy, and in their characteristics they are similar to Serbia, with the exception of Poland, which has a significantly larger territory and population. During the Cold War, the V4 countries had a highly centralized economic system, with an identical organization of the political system. After the Cold War, these countries embarked on reforming the political system and economy in imitation of the countries of Western Europe, while joining the Euro-Atlantic integrations. That is why it was natural that the V4 countries should be important partners that Serbia should rely on during the implementation of political and economic reforms. After establishing stable political and economic cooperation with the V4 countries, Serbia could count on their support on the foreign policy front, that is, in the process of joining the European Union. Also, the V4 countries had an interest, in order to establish stability in the region and their economic development, to establish stable relations with Serbia. In 2000, Serbia had economic capacities that could be connected without major problems to the economic capacities of the V4 countries, which would speed up the development of Serbia and the countries of this regional initiative. In addition, joining Serbia, as well as other countries from Southeast Europe, to European integration would

strengthen the position of the V4 countries. Coordination of foreign policy steps between Serbia and the V4 countries in connection with harmonization with European standards was supposed to speed up their accession to the European Union. Hungary, as a neighboring country, was an important partner among the V4 countries not only because of its proximity, but also because of the numerous Hungarian national minority living in Serbia. This would significantly affect the greater integration of the Hungarian national minority in social and political relations in Serbia, which would contribute to strengthening the stability not only of Serbia, but also of the region as a whole. Of course, such relations would also contribute to a better position of the Serbian national minority in Hungary and their greater participation in Hungarian state institutions. The rapprochement of Serbia and Hungary was supposed to strengthen respect for human and minority rights, which would additionally affect the fulfillment of European standards. Since 2000, the V4 countries have been one of the most important political and economic partners of Serbia during the implementation of reforms whose goal was the formation of modern political institutions, the establishment of a market economy and membership in the European Union.

POLITICAL COOPERATION AND MUTUAL RELATIONS IN THE EUROPEAN INTEGRATION OF SERBIA

Poland's interest in the events in the Balkans stems primarily from its membership in the V4. In the second place, Poland wants to contribute to the European security policy and the stability of the EU, and this often depends on the stability of the Balkans. As a third factor, it can be stated that the greater influence of Poland and other EU countries would reduce the influence of Russia in the Balkans. That is why Serbia, as the largest country in the Balkans that is not a member of the EU, is one of Poland's important partners in the field of international cooperation. In accordance with the mentioned reasons, Poland is one of the big supporters of Serbia's entry into the EU. With the entry of Serbia into the EU, it is certain that Poland would strengthen its partnership in its eastern parts, thereby strengthening its position in the EU. Given that Serbia borders Hungary, a member of the V4, the stability of the Balkans and cooperation with Serbia were one of the priorities of this country's foreign policy. Accordingly, Poland, as Hungary's partner in the V4, provided support to this country. This strengthened the solidarity among the countries of this regional initiative in their policy towards Serbia and providing support for it to join the EU as a full member. The problem in relations between Poland and Serbia appeared after the authorities in Pristina declared independence in 2008. At first, Poland was hesitant, but first waited for the United States of America (US) and the largest EU countries to do so. Only after that did Poland decide on recognition, because it was afraid of the emergence of instability

in the Balkans. Another reason for Poland's reluctance was the possibility of strengthening Russian influence in Serbia, which happened after Serbia handed over control of its energy system to Russia. As a third reason, it can be stated that Poland was afraid that similar aspirations of the Russian national minority would not strengthen in its close neighborhood, that is, in the area of Transnistria, Abkhazia and South Ossetia. Poland, regardless of recognition, has not established diplomatic relations with the authorities in Pristina. With this, Poland wanted to show Serbia that it supports it in its foreign policy activities, or at least that it does not want to make it more difficult for it. Consular relations between Poland and the authorities in Pristina were only established at the end of 2022, but with the primary goal of providing consular assistance and protection to Polish citizens.[1] In 2011, Poland assumed the presidency of the Council of the European Union. Poland considered the continuation of European integration as a priority of its presidency. This was an excellent follow-up to the very positive results achieved by Hungary before Poland during its presidency, such as the provision of great support to the neighboring countries, Serbia and Croatia, in their activities in the EU accession process. One of the three main goals of Poland during its transition was to grant Serbia the status of a candidate state. It should be emphasized that in this period, that is, from 2012 to 2016, the Western Balkans was not one of the priorities for Polish diplomacy. Poland developed its attitudes and activities towards the Western Balkans in accordance with its policy within and towards the EU.[2]

After the political changes in Hungary after the end of the Cold War, the Hungarian authorities based their foreign policy orientation on three points, namely: joining the North Atlantic Treaty Organization (NATO) and the EU, strengthening relations with neighbors and providing support to the Hungarian national minority in abroad. The Western Balkans has an important place in Hungary's foreign policy, but Serbia is one of its most important partners because of the large number of Hungarians living in Serbia. That is why Hungary was involved in calming tensions during the conflict in the former Yugoslavia, because Croatia also has a certain number of members of the Hungarian national minority. Hungary's relations with Serbia, as well as with other countries of the Western Balkans, are based on EU legal documents and bilateral agreements. After the authorities in Pristina independently declared independence in 2008, Hungary recognized this decision and

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[1]   See: "Establishment of consular relations between the Republic of Poland and the Republic of Kosovo", *Website of the Republic of Poland*, Internet: https://www.gov. pl/web/diplomacy/establishment-of-consular-relations-between-the-republic-of-poland-and-the-republic-of-kosovo, (Accessed 22 January 2024).

[2]   See: Artur Adamczyk and Olga Barburska, "Relations with the Balkans as a Part of Poland's Foreign Policy", in: Artur Adamczyk, Goran Ilik and Kamil Zajączkowski (eds.), *Balkan Ambitions and Polish Inspirations: Experiences, Problems and Challenges*, Centre for Europe, University of Warsaw, 2022, pp. 52–57.

opened diplomatic missions in Pristina. This significantly burdened its relations with Serbia.[3] Cross-border cooperation is an important item in the mutual relations between Serbia and Hungary. This cooperation, which began in 2003 under the supervision of the EU, encouraged the development of people-to-people contacts, which contributed to the development of civil society organizations in both countries. In the following period, i.e. from 2004 to 2006, Serbia, Hungary and Romania established the Neighborhood Cooperation Program. In Serbia, this program covered the territory of the city of Belgrade and the Autonomous Province of Vojvodina (AP Vojvodina). Within this program, 46 programs with a total value of around 4 million euros were implemented. With this, Serbia took a positive step towards joining the EU, because the EU pays great attention to the development of cross-border cooperation. The reason is the fact that about 30% of the territory of the EU belongs to the border regions. About 40% of the EU population lives in these regions, so EU institutions are constantly increasing the level of funds intended for the development of cross-border cooperation among member states, but also between member states and neighboring states that are not in the EU. From 2007 to 2013, within the framework of the Instrument for pre-accession assistance (IPA) program, Serbia and Hungary acted together. This implied the existence of joint financial resources and management, as well as joint decision-making. The joint cooperation had two main areas. The first area was infrastructure and environment, while the second area included economy, education and culture. The financial resources that the partners from Serbia and Hungary received within this program amounted to over 50 million euros.[4]

The Czech Republic through the V4, primarily supporting Hungarian and Polish policies in the Balkans, supported Serbia's entry into the EU. Nevertheless, one of the most important areas of international cooperation for the Czech Republic with the countries of the Western Balkans is border protection. Since 2015, Serbia and the Czech Republic have developed and stable bilateral cooperation in this area. It is about cooperation between the police of two countries, which resulted in the presence of about 20 Czech policemen in Negotin. In this case as well, regardless of the fact that it is bilateral cooperation, the Czech Republic supported Serbia in the security of its borders based on the efforts of the V4 and Austria. With this, the Czech Republic supported Serbia's fight against organized crime, as well as in building a system in which there is a rule of law. Regarding political issues related to the European integration of Serbia and other countries of the

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[3]   See: Spasimir Domaradzki, Tomasz Fronczak, Tomas Strazay, Michal Vit and Anna Orosz, "Visegrad Group and the Western Balkans countries", *European Movement in Montenegro*, Podgorica, June 2018, pp. 17–18.

[4]   See: "Serbia and Hungary – Political and Economic Perspectives", *Policy Study*, ISAC Fund and Friedrich Ebert Stiftung, Belgrade, 2013, pp. 14–15.

Western Balkans, a lack of interest from Czech institutions is noticeable. That is why there is a small share of the Czech Republic in improving the process of European integration in Serbia, that is, bilateral cooperation in this area. Accordingly, there is a lack of presence of civil society organizations from the Czech Republic and Serbia that would accompany and give a new dimension to the developed police cooperation with Serbia. Thus, perhaps the developed police cooperation would have more influence on the development of civil society in Serbia. The combination of the problem of the migrant crisis, which affects the democratic conditions in the EU, and the developed police cooperation between Serbia and the Czech Republic was an opportunity for greater involvement of the Czech Republic in the field of European integration in the Western Balkans. However, there was no greater interest in the Czech Republic, nor within the Visegrad Group, to connect these issues.[5] The Czech Republic supports Serbia's entry into the EU and opposes the EU slowing down the European integration of Serbia and other countries of the Western Balkans. The Czech Republic wants to deepen cooperation with the EU, and it considers Serbia a key country in the Western Balkans. That is why the Czech Republic's position is that Serbia should be the most important factor in the stability of the region, the development of regional cooperation and the preservation of good bilateral relations in the region. On the other hand, it is necessary for Serbia to invest more effort in harmonizing legal regulations with the EU, strengthening the rule of law, as well as in harmonizing with the EU's foreign and security policy.[6]

Relations between Slovakia and the countries of the Western Balkans have not always been stable, and the last significant imbalance in these relations occurred in 2004 after Slovakia's entry into the EU. The focus of Slovakia's foreign policy in the Western Balkans region is Serbia as the largest country in this region, which was especially visible until 2006. In addition, a certain number of members of the Slovak national minority live in Serbia. The third reason is the great potential for the development of economic cooperation. How important Serbia's place in Slovakia's foreign policy activities is evidenced by the fact that Serbia and Montenegro, when they formed a state union, were the first to receive development aid from this country. After Montenegro gained its independence in 2006, the focus of Slovakia's foreign policy shifted a little more towards this country, and Slovakia's assistance to Montenegro during the preparation for the referendum contributed significantly to this. Slovakia did not recognize the decision of the authorities in Pristina in 2008

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[5]   See: Spasimir Domaradzki, Tomasz Fronczak, Tomas Strazay, Michal Vit and Anna Orosz, "Visegrad Group and the Western Balkans countries", op. cit., pp. 11–12.

[6]   See: Nikola Pavlović, "H.E. Tomáš Kuchta, Ambassador of the Czech Republic to Serbia: We have such deep friendly relations", *Diplomacy & Commerce*, 9. March 2022, Internet: https://www.diplomacyandcommerce.rs/we-have-such-deep-friendly-relations/, (Accessed 31 January 2024).

to independently declare independence. This significantly strengthened the mutual relations between Serbia and Slovakia, which made Slovakia an important foreign policy partner of Serbia. A significant project supported by Slovak Aid was the establishment of the National Convention on the EU. The goal of the project was the institutionalization of the debate on issues related to the EU, and it was based on the partnership of governmental, non-governmental and business entities. Also, the goal was to open opportunities for experts to acquire additional knowledge about European integration. This project was successfully implemented by the Slovak Foreign Policy Association in the period between 2003 and 2007. Serbia is one of the countries where this project was implemented.[7]

ECONOMIC COOPERATION AND INVESTMENTS FROM V4 COUNTRIES

After 2000, there were several reasons for the beginning and development of cooperation between Serbia and the V4 countries. The first reason was the geographical position, and the second was the fact that Serbia and the V4 countries, with the exception of Poland, are located in the Danube basin. Other reasons are mutual foreign policy relations and common economic interests. Due to the interest in the development of foreign political and economic relations in the Western Balkans region, as well as due to geographical proximity, Hungary, the Czech Republic and Slovakia have more developed economic relations with Serbia than Poland. Due to its geographical position, Poland is more focused on the Baltic region. Regardless, Poland is present on the Serbian market, and mutual trade between the two countries is on the rise. Poland has a positive trade balance with Serbia, but its presence is still modest. From 2000 to 2018, mutual trade has grown significantly, but this is little if we take into account the capacities of Poland and the potential of both countries for the further development of trade relations. Also, if Poland's capacities are compared with other V4 countries, the trade exchange with Serbia is still small. Of all the V4 countries, Hungary is convincingly in the first place when it comes to the development of trade relations with Serbia. Hungary ranks high when it comes to countries from which Serbia imports essential goods. On the other hand, the Czech Republic is very important for Serbia as an export market. It should be pointed out that 2/3 of Serbia's trade exchange is with the EU, which means that the V4 countries are an important trade partner of Serbia from that point of view as well. Regardless of the development and constant growth of mutual trade relations, Serbia is not one of the significant trade partners of the V4 countries. For example, in 2018,

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7   See: Spasimir Domaradzki, Tomasz Fronczak, Tomas Strazay, Michal Vit and Anna Orosz, "Visegrad Group and the Western Balkans countries", op. cit., pp. 45–47.

Hungary placed only 1% of its total production on the Serbian market, while the figures for Poland and Slovakia are 0.39%, and for the Czech Republic 0,32%. On the other hand, in the total import of Hungary, goods from Serbia have a share of only 0,67%. As for the other V4 countries, the share of goods from Serbia in the total imports of Slovakia is 0,45%, the Czech Republic 0,25% and Poland 0,19%. The economic structure of the V4 countries is very similar, and their common feature is a high level of industrial products. The share of industrial products that Serbia exports to the market of the mentioned countries is significant, but the level of industrial capacity in Serbia is not at a high level. This is why Serbia is in an inferior position when it comes to foreign trade relations with EU countries.[8]

After 2000, one of Serbia's plans was to attract foreign direct investments (FDI), primarily through the process of privatization of economic entities. The goal was the influx of large financial resources and the modernization of the economic system in accordance with modern standards. It was believed that FDI would enable Serbia to acquire modern technologies and new knowledge, but also to introduce modern management methods and reform the market. After a certain amount of time it was seen that the desired reforms were not implemented to the extent that was necessary. A large number of dubious privatizations and capital whose origin could not be easily determined appeared. After privatization, many companies ceased to exist or changed their field of business. It should be emphasized that most of the investments were not aimed at the development of the economy through modernization and building of new industrial capacities. Instead, a large number of foreign banks and insurance companies appeared on the Serbian market. The share of the service sector in total FDI is 60%, while 26% of total FDI is directed towards the financial market. Before 2014, the share of FDI in the financial market was higher and amounted to 28%. The share of FDI in the trade sector is 14%, while this share in the transport and storage sector is 13,6%. These data also indicate that the labor market in Serbia is very small and that there is not a satisfactory level of opening new production capacities. That is why it is difficult for Serbia to strengthen its export capacities, and accordingly the trade deficit is growing due to the import of foreign goods into Serbia. The development of the service sector in Serbia does not contribute to the development of industrial production, the reduction of unemployment and the increase of exports, because the greater part of the service sector belongs to consumption.[9]

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[8] See: Ivana Božić Miljković, "Economic Cooperation between the Republic of Serbia and the Member States of the Visegrad Group", *Ekonomický časopis*, 69, č. 2, 2021, pp. 166–169.

[9] See: Ivan Radenković, "Foreign Direct Investments in Serbia", *Research Series Paper*, No. 6, Rosa Luxemburg Stiftung Southeast Europe, Belgrade, 2016, pp. 29–31.

In Serbia, there are investments from the V4 countries, and this is another aspect of mutual cooperation. The inflow of investments from the V4 countries to Serbia is regulated by mutual bilateral and multilateral agreements. Compared to the countries of Western Europe, investments from the V4 countries are not high. For example, until 2014, Hungary's investments in Serbia amounted to slightly over 370 million euros, and most of them were directed towards the oil industry, the production of raw materials and the financial sector. Czech investments in Serbia amounted to between 35 and 36 million euros until 2017, and until that moment there were about 200 companies in Serbia whose owners were from the Czech Republic. Investments from this country were directed towards sectors such as telecommunications, finance, construction, automotive industry and mineral water production. Over time, Serbia and the Czech Republic began to develop cooperation in the field of environment. The amount of investments from Slovakia in Serbia reached over 62,5 million euros in 2017. The largest part of investments from Slovakia is directed towards the energy sector, renewable energy sources, food production, and a smaller part towards the auto industry and construction. Polish investments in Serbia are most present in the auto industry, energy sector, construction, chemical industry and in the information technology sector. Investments by companies from Serbia in the V4 countries are very small, and this trend will probably continue, because there are currently no such large companies in Serbia that can easily invest abroad.[10] At the end of this part of the text, it should be pointed out that in the cooperation between Serbia and the V4 countries, Hungary stands out the most in the field of economy. About 15 large companies from Hungary have their representative offices in Serbia. Also, there is a continuous and stable growth of Hungarian investments in Serbia, and the most important should be mentioned the presence of OTP Bank on the Serbian market and the oil company Mol-Intermol.[11]

OTHER FORMS OF COOPERATION AMONG CENTRAL GOVERNMENTS AND OTHER SUBJECTS

Hungary is one of Serbia's most important partners in its European integration and a country that fully supports Serbia's entry into the EU. The problem for Serbia may be the current relationship between Hungary and the European administration in Brussels, so Hungary currently does not have the status of a reliable member of the EU. A negative impression for Serbia's European integration is left by Serbia's policy, which is very much directed

[10] See: Ivana Božić Miljković, "Economic Cooperation between the Republic of Serbia and the Member States of the Visegrad Group", op. cit., p. 169.

[11] See: "Serbia and Hungary – Political and Economic Perspectives", op. cit., pp. 34–35.

towards China, which is also the case with Hungary. EU pressures on Serbia and Hungary are motivated by similar reasons, because the EU points to the weakening of institutions and democracy in both countries. The closeness of the two regimes exists, which additionally strengthens the support for Serbia in its relations with the EU, and there is also a great connection between the two countries through a significant number of the Hungarian national minority in Serbia. We should not forget the similar historical circumstances in which the relations between the two countries developed. Because of all of the above, Serbia and Hungary are great allies in the process of European integration of Serbia.[12] An important aspect of mutual cooperation is the bilateral agreement between the two countries in the field of defense. This agreement was implemented immediately in practice by joining the peacekeeping contingent from Serbia to the joint peacekeeping mission of Hungary and Slovakia in Cyprus. This laid the groundwork for holding joint military exercises between the two countries, and it should also be noted that compared to other countries, Serbia has the largest number of joint military exercises with Hungary and Romania. On a micro level, in Serbia there is continuous and solid cooperation between the main political parties and the parties representing the Hungarian community in Serbia. From 2000 until today, it has often happened that Hungarian minority parties participate in the government in Serbia at different levels.[13] There is a developed cooperation between Serbia and Hungary in many areas. Infrastructure projects in the field of transport can be taken as an example. For example, the construction of the Belgrade-Budapest high-speed railway with a length of about 350 kilometers is underway. It is a joint project of two states that directly contributes to the improvement of the trans-European railway network.[14]

Between the ministries of defense of Serbia and Poland, the Bilateral Military Cooperation Plan was signed for the first time in 2012, and the primary goal was the development of international military cooperation.[15] Over time, this cooperation developed, so education, medicine, archiving and religious services were included as other areas of mutual cooperation.

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[12]   See: Marko Drajić, "Serbia and Hungary: Hammering Democracy", *Brief Analysis*, Belgrade Center for Security Policy, https://bezbednost.org/en/publication/serbia-and-hungary-hammering-democracy/, pp. 8-9, (Accessed 15 January 2024).

[13]   See: Igor Novaković and Anna Orosz, "Overcoming the legacies of the past together: Serbia and Hungary", *Policy Paper*, Institut pro evropskou politiku EUROPEUM, November 2019, pp. 4–5, https://europeum.org/domains/europeum.org/www/data/articles/policy-paper-srb-hngr.pdf, (Accessed 22 January 2024).

[14]   See more about that: András Gulyás and Áron Kovács, "Accessibility and Network Changes of the Planned Budapest-Belgrade High-speed Railway", Proceedings of 7th Transport Research Arena TRA 2018, April 16–19, 2018, Vienna, Austria.

15   See: „Потписан план војне сарадње Србије и Пољске", *Радио телевизија Војводине*, 15. мај 2012, https://rtv.rs/hu/politika/potpisan-plan-vojne-saradnje-srbije-i-poljske_319340.html (Accessed 8 February 2024).

With regard to the European integration of Serbia, an important area of cooperation is the transfer of Poland's experience on the defense and security aspects of joining the EU. More specifically, it is about Poland's experiences in cooperation with the European Defense Agency and activities within the EU's Common Security and Defense Policy. During 2014, most activities were carried out in the field of education, and one of the proposals for further development of cooperation proposed by Serbia was the establishment of cooperation in the field of atomic-biological-chemical defense.[16] At the end of 2022, Serbia established cooperation with Poland in the field of energy. Namely, the Polish company SBB Energy and the company Pro TENT signed the Strategic Partnership Agreement. The main areas of cooperation are innovation, renewable energy sources and low-emission energy sources.[17] This cooperation will certainly include the application of new technologies and scientific results in order to improve energy efficiency in Serbia. Another important aspect is that on the basis of this cooperation, Serbia will more easily harmonize the functioning of its energy system with the regulations that exist in this area in the EU.

In mid-2009, the then ministers of justice of Serbia and Slovakia signed an agreement in Bratislava on cooperation in the reform of the judicial system, enforcement of criminal sanctions and the fight against organized crime, corruption, human and drug trafficking. In addition to the above, cooperation in the exchange of experiences related to the functioning of the notary system was agreed upon.[18] At that moment, the notary system already existed in Slovakia, while Serbia was planning to introduce it, so Slovakia's experiences were significant for it. At the end of 2026, Serbia and Slovakia signed an Agreement on Defense Cooperation. From 2012 to 2016, the Embassy of Slovakia was the Contact Embassy for Serbia's cooperation with NATO, so this Agreement was an excellent continuation of the cooperation between the two countries in the field of defense. The positive experiences of cooperation between the two armies in the United Nations peacekeeping mission in Cyprus were highlighted and further participation of the Serbian Armed Forces contingent in this mission was agreed upon. Further cooperation in the field of defense was agreed upon in accordance with the economic capacities of the two countries, and Slovakia's support for Serbia in European

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[16] See: „Plan saradnje sa vojskom Poljske", *B92*, 15. decembar 2014, https://www.b92.net/info/vesti/index.php?yyyy=2014&mm=12&dd=12&nav_category=12&nav_id=935494 (Accessed 8 February 2024).

[17] See: „Potpisivanje ugovora o strateškom poslovnom partnerstvu u oblasti energetike", *Veb strana Republike Poljske*, 20.12.2022 https://www.gov.pl/web/srbija/potpisivanje-ugovora-o-stratekom-poslovnom-partnerstvu-u-oblasti-energetike (Accessed 9 February 2024).

[18] See: „Saradnja Srbije i Slovačke", *Radio-televizija Srbije*, 5. maj 2009, https://livecache.rts.rs/page/stories/sr/story/9/politika/59599/saradnja-srbije-i-slovacke.html (Accessed 12 February 2024).

integration was also confirmed.[19] In November 2007, Serbia and Slovakia signed an Agreement between the Government of the Republic of Serbia and the Government of the Slovak Republic on cooperation in the fight against crime. The agreement included cooperation in the areas of: international organized crime, terrorism, narcotics, weapons, human trafficking, counterfeiting of money and documents, illegal financial activities, serious crimes, theft and manipulation of motor vehicles, theft and trade of cultural goods, people smuggling and illegal migrations, crime on the Internet and endangering the environment. Cooperation on the exchange of information on the legal provisions of the two countries on the mentioned criminal acts was also agreed upon. Also, the possibility of extending cooperation to other criminal acts is left open.[20]

There is good cooperation between Serbia and the Czech Republic at the regional level, that is, between local self-government units. There are currently two agreements on cooperation with local self-government units from Serbia and the Czech Republic. The Autonomous Province of Vojvodina (AP Vojvodina) has cooperation agreements with the Olomouc and Ustec regions. AP Vojvodina and the Olomouc region have been cooperating since 2003 in areas such as: development of entrepreneurial activities, tourism, culture and art, science, technological development, education, sports, health and social care and joint participation in exhibitions and fairs. It was agreed to form a joint Council whose task is to monitor and evaluate the implementation of mutual cooperation. The council is made up of representatives of the AP Vojvodina and the Olomouc region, with each side providing one representative for defined areas of cooperation. The agreement is concluded for an indefinite period of time, and it can be changed and supplemented if necessary, but with the consent of both parties.[21] In the middle of 2018, AP Vojvodina and the Ústí Region signed a Memorandum of Cooperation. The areas of cooperation defined by this Memorandum are: joint projects in production, professional education and scientific research,

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[19]   See: „Потписан Споразум о сарадњи у области одбране између влада Србије и Словачке", *Политика*, 5.12.2016, https://www.politika.rs/scc/clanak/369357/ Potpisan-Sporazum-o-saradnji-u-oblasti-odbrane-izmedu-vlada-Srbije-i-Slovacke (Accessed 12 February 2024).

[20]   See: „Споразум између Владе Републике Србије и Владе Словачке Републике о сарадњи у борби против криминала", *Братислава*, 16.11.2007, http:// www.mup.gov.rs/wps/wcm/connect/27e2ffd8-ce7e-49ae-96e3-35c61f003589/ Slova%C4%8Dka+-+Sporazum+o+saradnji+u+borbi+protiv+kriminala+sa+Protok olom.pdf?MOD=AJPERES&CVID=ncakCxu (Accessed 12 February 2024).

[21]   See: „Споразум о сарадњи између Аутономне покрајине Војводине (Република Србија, Србија и Црна Гора) и Покрајине Оломоуц (Чешка Република)", *Република Србија – Аутономна Покрајина Војводина*, https://region.vojvodina. gov.rs/wp-content/uploads/2020/05/Sporazum_Olomouc_410.pdf (Accessed 14 February 2024).

health and social policy, development through the implementation of EU-funded projects, tourism and culture. A joint body has not been formed, but the closer ways of implementing this Memorandum and the conditions for realizing cooperation in defined areas are determined at joint meetings that are held periodically. Each of the signatory parties can terminate cooperation at any time without giving a specific reason for such a decision.[22]

Cooperation between Serbia and the Czech Republic also exists in other areas. For example, in 2012, the Bilateral Plan on Military Cooperation between Serbia and the Czech Republic was signed. The main areas of cooperation covered by this Plan included military education and student exchange, logistics and atomic-biological-chemical protection.[23] During the visit of the President of the Czech Republic, Zdenek Zeman, in 2019, two cooperation agreements were signed. One agreement was signed in the field of defense, and the other in the field of technological development and innovation. The defense cooperation agreement was signed by the then defense ministers of the two countries. A Memorandum of Understanding on cooperation in the field of innovation, artificial intelligence and robotics was signed between the Cabinet of the Minister for Innovation and Technological Development of the Republic of Serbia and the Ministry of Industry and Trade of the Czech Republic.[24]

CONCLUSION

After 2000, Serbia had to start with the complete transformation of its internal system and the redefinition of its foreign policy direction. In that period, the V4 countries became an important partner of Serbia in many areas. That cooperation developed in connection with the reform of the internal system, but it was also expressed at the international level. This included, of course, the support of the V4 countries to Serbia in its European integration and the transformations that Serbia had to carry out in order to become a member of the EU at one point. The V4 countries are constantly present as

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[22] See: „Меморандум о сарадњи између Устечког региона (Чешка Република) и Аутономне покрајине Војводине (Република Србија)", *Република Србија – Аутономна Покрајина Војводина*, https://region.vojvodina.gov.rs/wp-content/uploads/2020/05/Ustecki_region___20180607_11952.pdf (Accessed 14 February 2024).

[23] See: "Bilateral Military Cooperation Plan with the Czech Republic Signed", *Ministry of Defence – Republic of Serbia*, 18.05.2012, https://www.mod.gov.rs/eng/3878/potpisan-plan-bilateralne-vojne-saradnje-sa-ceskom-republikom-3878 (Accessed 14 February 2024).

[24] See: "Cooperation with Czech Republic in field of defence, innovation", *The Government of the Republic of Serbia*, Belgrade, 11 September 2019, https://www.srbija.gov.rs/vest/en/145053/cooperation-with-czech-republic-in-field-of-defence-innovation.php (Accessed 14 February 2024).

Serbia's partner in solving many problems, but it can be said that the level of their presence is not particularly high. This is normal considering that the V4 countries are not major European and global powers. Their role in the EU is very significant, but not decisive. Nevertheless, the V4 countries are an indispensable partner of Serbia in its cooperation with the EU. It is noticeable that between Serbia and the V4 countries in solving European problems there is cooperation based on the principle of equality. The V4 countries strive to solve current problems through dialogue with Serbia, while using the opportunity to expand cooperation with Serbia. It must be emphasized that the V4 countries are ready to selflessly share their experiences with Serbia related to European integration and reforms of the internal political system. This was very important for Serbia, because it was necessary to find a direction in the implementation of reforms in many areas.

In the field of economy, the situation is similar. There is a significant presence of companies from the V4 countries on the Serbian market, but their share is not large if compared to the most developed EU countries. However, considering that Serbia needs further economic development, and especially for improving the situation on the labor market, economic cooperation with the V4 countries is one of the bases for its further development. It is noticeable that companies from the V4 countries are focused on investing in services and the financial sector on the Serbian market. Certainly, such investments of theirs contribute to the economic development of Serbia, but it would be necessary to involve more companies from the V4 countries operating in industry and production. This would enable the development of Serbia's production capacities, and the cooperation of companies would rise to a higher level. Serbia's investments in the V4 countries are not at a satisfactory level. One of the reasons is the weak production and industrial capacities of Serbia, and another reason can be cited is that a lot of developed Western European companies are present on the markets of the V4 countries. Those companies represent very strong competitors for companies and goods from Serbia.

Relations between Serbia and the V4 countries exist and are stable even outside of political and economic cooperation. This primarily refers to areas such as defense, police cooperation, protection of minority rights and the judiciary. The exchange of experiences with the V4 countries in the field of defense and police is important for Serbia because of the alignment with the Common Foreign and Security Policy of the EU. It can be assumed that the political and economic strengthening of the V4 countries will have an impact on the better position of Serbia due to the close ties that have been established. By better positioning the V4 countries in the EU, the possibility of Serbia's entry into the EU will be greater. With the economic strengthening of the V4 countries, investments from these countries in Serbia will probably grow, because there is a mutual interest in expanding economic cooperation. It would be very important for Serbia to find new modalities for cooperation

with the V4 countries, as well as to consider the possibility of additional rapprochement with these countries.

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„Споразум о сарадњи између Аутономне покрајине Војводине (Република Србија, Србија и Црна Гора) и Покрајине Оломоуц (Чешка Република)", *Република Србија – Аутономна Покрајина Војводина*, https://region.vojvodina.gov.rs/wp-content/uploads/2020/05/Sporazum_Olomouc_410.pdf (Accessed 14 February 2024).

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Evolving Hegemony: Examining Iran's Pursuit of Regional Dominance and Its Alignment with National Interests

ABSTRACT

This study examines the shifting dynamics of power in the Middle East from 2003 to 2020, with a focused analysis on Iran's strategic hegemony in contrast to Saudi Arabia. It explores how Iran has adeptly navigated the complex interplay of regional rivalries and international sanctions to assert its influence and realign power structures within the region. Despite facing significant geopolitical challenges, Iran has employed a combination of asymmetric warfare and sophisticated proxy engagements to enhance its regional posture, directly challenging the interests of the United States, Israel, and Saudi Arabia. This research delves into Iran's strategic objectives and assesses their alignment with its national interests, investigating how Tehran's actions have both stabilized and destabilized the Middle Eastern geopolitical landscape. By employing a multidisciplinary approach, the study critically evaluates the implications of Iran's evolving hegemony and its adherence to, or divergence from, international norms, offering nuanced insights into the interconnections between Iran's internal political dynamics and its external geopolitical maneuvers. This analysis contributes significantly to the discourse on International Relations and Middle Eastern Studies, providing a deeper understanding of the complex relationships and strategic calculations that define the region.

KEYWORDS: *Iran, Regional Hegemony, National Interests, Saudi Arabia, United States, Middle East, International Relations, Asymmetric Warfare, Proxy Strategy*

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INTRODUCTION

Since the event of US invaded Iraq in 2003, Iran has strategically navigated through multifaceted challenges, both from within the region and beyond, enhancing its stature amidst shifting global dynamics. The dissolution of the bipolar world order with the fall of the Soviet Union ushered in new opportunities for regional influence, which Iran has adeptly exploited to recalibrate regional power structures. As these geopolitical shifts unfolded, the United States, seeking to maintain a global hegemonic stance, has often been perceived by the Middle Eastern states as a monopolistic threat. This perception has propelled regional actors, particularly Iran, to assert their dominance in diverse and strategic manners.[1]

The Islamic Republic of Iran, endowed with significant oil wealth yet burdened by severe economic sanctions, has uniquely positioned itself as a stable and secure regional state.[2] The enduring rivalry and strategic competition between Iran and Saudi Arabia, accentuated by the Islamic Revolution and Iran's assertion of its Shi'a ideological stance, have become pivotal elements defining the region's political and security dynamics. This rivalry has notably influenced the regional geopolitics, as evidenced by Riyadh efforts, often with Western support, to curtail Tehran's influence and prevent its hegemony as a regional leader. Moreover, Iran's strategic pursuit of nuclear technology and uranium enrichment has significantly bolstered its regional influence, surpassing that of Saudi Arabia in several aspects.

Recent analyses suggest that the perception of Iran as a rising power in the Middle East may be overstated and based on three main misconceptions. The first is that Iran's power is overestimated, both its hard power (military and economic) and soft power (cultural and ideological). The second is that internal instability will limit Iran's bid for regional dominance, and the third is that the other regional powers and the West have the ability to balance and contain Iran, even if it acquires nuclear weapons[3].

This perspective aligns with the broader debate regarding the level of threat posed by Iran, where opinions among analysts vary significantly. Some contend that Iran's nuclear program and rising power pose a serious threat to regional and global stability. However, others believe that this perception is unjustified and Iran is not as strong or hostile as it is sometimes portrayed to

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1   Pedersen, T. (2002). Cooperative Hegemony: Power, Ideas and Institutions in Regional Integration. *Review of International Studies*, *28*(4), 677–696. http://www.jstor.org/stable/20097821

2   Saikal, A. (2016b). Iran and the Changing Regional Strategic Environment. In S. Akbarzadeh & D. Conduit (Eds.), *Iran in the World: President Rouhani's Foreign Policy* (pp. 17–31). Palgrave Macmillan US. https://doi.org/10.1007/978-1-137-58577-6_2

3   Ali Rahigh-Aghsan, P. V. J. (2010). The Rise of Iran: How Durable, How Dangerous? *The Middle East Journal*, 16.

be.[4] The critical consensus suggests the importance to consider all viewpoints and conduct an unbiased analysis of the situation to consider all perspectives and evaluate the situation objectively.

Thus, this research seeks to unpack Iran's tactical and strategic objectives, exploring its influence through both state and non-state actors across the Middle East. By examining Iran's potential to either stabilize or further destabilize the region, this article aims to provide a comprehensive analysis of Tehran's evolving hegemony, its alignment with its national interests, and its implications for regional and global geopolitics.

FROM REVOLUTION TO REGIONAL ASCENDANCY: TRACING IRAN'S HISTORICAL RISE

Historically, the concept of the balance of power in the Middle East initially dealt with the competition between the Ottoman Empire and external powers before the World War I.[5] Thereafter, the attention shifted to the balance between external players and colonial powers, including the deployment of regional proxies and puppets until decolonization and the emergence of the Cold War. Martin Indyk pointed out four different balances of power in the region after the bipolar balance of power emerged after World War II: the balance between the United States and the Soviet Union, the inter-Arab balance of power, the balance between the Arab states and Iran, and the balance between Israel and the Arab states with US support for Israel.[6]

Prior to the work of Krasna and Meladze, the role of the United States since the end of the Cold War largely played a significant role and has been the dominating player in the Middle East. However, it was not until over the past decade, that the United States has adopted a more inward-looking foreign policy, limiting its military commitment to the Middle East, and focusing on domestic matters. Not only that, but the U.S. government has also cut back on its military involvement in the region for various reasons, such as the cost of the Iraq War in 2003 and the Arab Spring in 2011. Due to this fact, countries like Iran, Saudi Arabia, and Turkey have become more assertive in matters

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[4]   Etzioni, A. (2010). Can a Nuclear-Armed Iran be deterred'. *U.S. ARMY*. https://www.army.mil/article/41586/can_a_nuclear_armed_iran_be_deterred

[5]   Nexon, D. H. (2009). Review: The Balance of Power in the Balance [Review Article]. *61*(2). (Reviewed Works: War and State Formation in Ancient China and Early Modern Europe by Victoria Tin-bor Hui; The Balance of Power in World History by Stuart J. Kaufman, Richard Little, William C. Wohlforth; Balance of Power: Theory and Practice in the 21st Century by T. V. Paul, James J. Wirtz, Michael Fortmann; Unanswered Threats: Political Constraints on the Balance of Power by Randall L. Schweller)

[6]   Indyk, M. (1993). *Beyond the Balance of Power: America's Choice in the Middle East*. Farrar, Straus and Giroux.

of regional security. Thus, this transition has enabled regional countries like Iran, Saudi Arabia, and Turkey to express themselves more aggressively in the region's security matters, resulting in a more multipolar balance of power.[7] This view is also supported by Mehran Kamrava as he described in recent years the United States has proven increasingly reluctant to get engaged in several wars in the Middle East, as a result, the U.S. has reduced its military presence in the region and relied on local allies to preserve regional security.[8] This has allowed regional countries like Iran, Saudi Arabia, and Turkey to play a larger role in the Middle East's security dynamics.

IDEOLOGICAL AMBITIONS AND NATIONALISTIC DRIVES: DECODING IRAN'S REGIONAL STRATEGY

Building on this analysis, it is argued that the increasing autonomy of regional actors and the emergence of a multipolar balance of power in the Middle East is clear evidence of the absence of an effective hegemon. However, the lack of shared values, political structures, and effective regional norms and institutions has made it difficult for the region to establish a coherent regionalism, resulting in what is describes as a "region without regionalism".[9] However, the concept that the world is multipolar is also challenged, with assertions that the world is neither truly multipolar nor wholly dominated by the United States. It is claimed that other countries like China, India, and Russia exert just as much power in the region.[10] Hence, the idea that the world is strictly multipolar is somewhat inconsistent with this argument. In their midst, Iran is gradually gaining strength, demonstrating that it aspires to become a regional force and is no longer only surviving.

Amid this analysis, Iran is strategically positioned to enhance its role on the international stage, owing to its geographic location between Central Asia, the Persian Gulf, and the Indian Ocean Rim. This advantageous positioning provides Iran with unique opportunities to assert itself as a regional force, transitioning from mere survival to active regional leadership. The complex

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7   Joshua Krasna, G. M. (2021). The "Four Plus One": The Changing Power Politics of the Middle East. *The Moshe Dayan Center for Middle Eastern and African Studies.* https://dayan.org/content/four-plus-one-changing-power-politics-middle-east

8   Kamrava, M. (2018). Multipolarity and instability in the Middle East. *Orbis*, *62*(4), 598-616. https://doi.org/https://doi.org/10.1016/j.orbis.2018.08.003, ibid.

9   Aarts, P. (1999). The Middle East: A Region without Regionalism or the End of Exceptionalism? *Third World QuarterlY*, *20*(5), 15.

10   Morady, F. (2011). Iran ambitious for regional supremacy: the great powers, geopolitics and energy resources. *Journal of the Indian Ocean Region 7*(1), 75–94. https://doi.org/https://doi.org/10.1080/19480881.2011.587332

dynamics of global and regional power shifts underscore Iran's potential to influence broader international relations significantly.

However, concerned are raised about Iran's newfound goal for regional supremacy, which is now motivated by nationalism rather than philosophy, as opposed to its ideological roots. It is observed that Tehran sees itself as the major power in the region, attempting to construct a Persian and Shia sphere of influence across Mesopotamia and Central Asia. In fact, Iran's return to the international stage following the fall of the Taliban and Saddam Hussein has been defined by an aggressive pursuit of nuclear capabilities and the promotion of its interests.[11] Meanwhile, it is contended that the Islamic Revolution was intended to be a universal movement, but it quickly became an Islamic Revolution within a decade of its beginning. This shift distinguished it from other worldwide movements forming at the same time, and it was directed at specific subgroups of people in the region. The foundational bases of Iran's revolutionary ideology are purportedly rooted in Iranian nationalism, suggesting that Iranian nationalism and its revolutionary ideology are deeply connected and interwoven with each other.[12] As a result, even if the major driver of Iranian foreign policy is today centered on regional domination, the link between Iranian nationalism and its revolutionary ideology remains significant. This connection may help explain Iran's persistence in pursuing strategic goals in the region, including nuclear ambitions, and its desire to establish its influence.

In the same vein, the pursuit of revolutionary ideology and Islamic resistance has been a driving force behind Iran's regional aspirations and its involvement in international affairs. The Islamic Revolution leaders regard themselves as a protector of the oppressed and a challenger to the existing order in the Middle East, which Iran views as being dominated by the Western powers and they see themselves as a challenger to the established order in the Middle East.[13] Besides that, the decisive factor in the victory of the Shiites was their willingness to make sacrifices for their ideology, which was inspired by the teachings of Ayatollah Khomeini, the success of the Iranian uprising and, in particular, the example set by Husayn ibn Ali, the Prophet of Muhammad's grandson, who courageously fought against those who sought to suppress him in the year 680.[14]

In addition, the concept of transnational responsibility, as illustrated by the ideological and strategic pursuits of the Islamic Republic of Iran,

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11 Nasr, V. (2006). When the Shiites Rise. *Foreign Affairs*, *85*(4). https://www.jstor.org/stable/20032041

12 Ansari, A. M. (2012). *The Politics of Nationalism in Modern Iran*. Cambridge University Press. https://doi.org/https://doi.org/10.1017/CBO9781139020978 346 Pages.

13 S. M. Mirmohammad Sadeghi, R. H. (2019). The Role of Iran's Soft Power in Confronting Iranophobia. *MGIMO Review of International Relations*, *12*(4). https://doi.org/https://doi.org/10.24833/2071-8160-2019-4-67-216-238

14 Goldschmidt, A., & Davidson, L. (2013). *A Concise History of the Middle East*. Westview Press. https://books.google.com.au/books?id=w9DwsgEACAAJ

encapsulates how states project their values and interests beyond their national boundaries, driven by a blend of duty and strategic ambitions. This concept distinguishes between secular and ideological states but is not confined to them.[15] This means that both secular and ideological states can feel obligated to pursue goals beyond their borders, although ideological states are typically viewed as more likely to carry out this obligation. In other words, a state may feel obligated to pursue specific goals based on its principles or beliefs, rather than its interests or security considerations alone.

Building on this concept, Iran's actions across the Middle East exemplify this notion. Driven by a revolutionary ideology that combines Shi'a Islamic values with anti-imperialist sentiments, Iran sees itself as a protector of the oppressed – particularly Shi'a communities- and a resistor against Western dominance. This ideological drive motivates Iran to support allies and proxies in countries like Iraq, Syria, and Lebanon, ostensibly to protect Shi'a populations and promote a regional order that resonates with its own values. Here, Iran's sense of transnational responsibility is intertwined with its desire to cultivate influence and ensure security for itself and its ideological allies.

Furthermore, Iran's engagement with international norms and treaties, particularly regarding nuclear non-proliferation, further highlights the complexity of its transnational responsibilities. While it asserts its right to nuclear technology for energy and security, it also participates in global governance frameworks, balancing its ideological stance with practical geopolitical considerations. This participation, though fraught with contention and accusations of non-compliance, underscores an attempt to navigate between national interests and international expectations.

Consequently, the Iranian example amplifies the broader implications of transnational responsibility. It shows how ideological states may not only act out of a sense of duty to their principles but also leverage such actions to bolster their strategic interests. This dynamic illustrates a nuanced blend of ideology and pragmatism, where actions taken under the guise of responsibility also serve to strengthen a state's influence and security on the global stage. Through this lens, transnational responsibility becomes a complex concept, reflecting the intricate ways in which states like Iran pursue their agendas, shaping international relations in profound ways.

Transitioning to the broader theoretical framework, it is argued that the level of ascension among so-called rising powers affects their policies on status competition, and the extent of their influence in the international system determines their need for engagement in such competition. Some states have effectively risen, while others, like Iran and Turkey, have uncertain

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[15]   Haghighat, S. S. Transnational Responsibilities and Human Rights in the Foreign Policy of the I.R.I. *sadegh haghghat*. http://s-haghighat.ir/en/articles/art/?view=10

trajectories.[16] In summary, it is posited that the ability of rising powers to influence the international system affects their need to compete for status, and not all rising powers can enhance their status by engaging in status competition, as their rise and influence are contingent upon their impact on major powers and other actors in the current international order. To the extend, different strategies for seeking status may be appropriate for different rising powers.

In this context, by examining Iran's rise in the Middle East, it has been shown that Iranian power and influence in the region can be analyzed through the lenses of hard power and soft power by examining the events, dynamics, and actors that have interacted within the foreign policy framework.[17] This analysis reveals clear evidence of Iran's expanding influence in the Middle East, though it also notes that Iran is not yet powerful enough to completely shift or permanently upset the regional power balance.

STRATEGIC SOFT POWER: IRAN'S QUEST FOR LEGITIMATE REGIONAL LEADERSHIP

Since the Iranian Revolution of 1979, Iran has actively worked to diminish the influence of rival states and enhance its diplomatic relationships with developing and non-aligned countries through the strategic use of "soft power." This approach has involved crafting a foreign policy that is independent and robust, characterized by forming partnerships with other developing nations. Additionally, Iran has sought to boost its global visibility and influence through cultural and educational exchanges, media outreach, and cultural diplomacy.[18]

Iran's strategic position and historical depth grant it an undeniable role in the Middle East, a role that transcends mere geographical boundaries to embrace cultural, religious, and political influences. As such, Iran's pursuit of legitimate interests is not only expected but necessary for a balanced regional architecture. However, the nature of these pursuits and the means by which Iran seeks to achieve them warrant a closer examination, especially in the context of building a peaceful and stable regional order.[19]

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[16] *Major Powers and the Quest for Status in International Politics.* (2011). (Thomas J. Volgy, Renato Corbetta, Keith A. Grant, & R. G. Baird, Eds. 1 ed.). Palgrave Macmillan. https://doi.org/.1057/9780230119314

[17] Adel, N. (2021). The crescent of Influence: The rise of Iran as a regional power in the middle east. *The Moroccan scientific journal portal.* https://revues.imist.ma/index.php/EGSM/article/view/28423/14787

[18] Ibp, I. (2013). *Iran Country Study Guide* (Vol. 1). Int'l Business Publications.

[19] Nye, J. (2015, 24 November). *Nye on Iran and the End of American Exceptionalism* [Interview]. East West Institute. https://www.eastwest.ngo/idea/nye-iran-and-end-american-exceptionalism

The crux of the matter lies in defining what constitutes 'legitimate interests'. Traditionally, these interests could include ensuring national security, promoting economic prosperity, and safeguarding cultural and religious heritage. Yet, the legitimacy of such interests is often viewed through the prism of the methods employed to achieve them and their impact on regional peace and stability. For Iran, this involves a delicate balancing act between asserting its role as a regional power and managing the perceptions and reactions of its neighbors and global powers like the United States.[20]

Iran's engagement in the region has often been characterized by a complex interplay of diplomacy and proxy involvement. The country's support for various non-state actors in Lebanon, Syria, Iraq, and Yemen has been a point of contention, raising questions about the constructive nature of its regional strategy. While Tehran argues that these alliances are essential for its security and influence, critics argue that such actions often destabilize the region and lead to prolonged conflicts.[21]

In this context, the importance of recognizing Iran's legitimate interests and position in the region cannot be understated. The question is not merely whether Iran should play a significant role, but how it can contribute constructively to regional peace, stability, and development. As a significant state in the Middle East, Iran is entitled to pursue legitimate regional interests and influence. This engagement with other states must be responsible and constructive to foster trust and promote regional stability.

To quantify Iran's regional power, a modified formula from the International Crisis Behavior Project was utilized, which incorporates factors such as population, territory, Gross Domestic Product (GDP), military expenditure, nuclear capabilities, and alliance dynamics.[22] This analysis places Iran as a middle power in the broader Middle East context but highlights its superpower status within the Persian Gulf. Contrasting views in the academic discourse present Saudi Arabia as the regional status quo power, with Iran characterized as the revolutionary force in the Gulf and broader Middle East.[23] It is observed that Iran and Saudi Arabia are in a persistent struggle for the supremacy in the Gulf region, with Iran enhancing its political ties with the

20   Nye, J. (2008). *Joseph Nye on Smart Power in Iran-US* [Interview]. Harvard Kennedy School Belfer Center for Sceince and International Affairs. https://www.belfercenter. org/publication/joseph-nye-smart-power-iran-us-relations

21   *Iran's Networks of Influence in the Middle East*. (2019). T. I. I. f. S. Studies. https://www. iiss.org/globalassets/media-library---content--migration/files/publications---free-files/ strategic-dossier/iran-dossier/irans-networks-of-influence-in-the-middle-east.pdf

22   Starkey, B. (1991). *State, Culture, and Foreign Policy: Exploring Linkages in the Muslim World*, University of Maryland]. Doctoral Dissertations in Political Science, 1991.

23   *The Future Security Environment in the Middle East*. (2004). (Conflict, Stability, and Political Change, Issue. R. Corporation. https://www.rand.org/content/dam/rand/ pubs/monograph_reports/2005/MR1640.pdf

Gulf Arab states, while Saudi Arabia leverages its political, economic, and military might to contain Iran's ambitions.[24] This ongoing rivalry underscores the dynamic competition for the dominance in the region.

During the Arab Spring, particularly with the fall of the Mubarak regime in Egypt in 2011, both Tehran and Riyadh faced significant challenges. Iran was perceived as a regional powerhouse, especially in its contest with Saudi Arabia, but the political upheavals provided both nations with new challenges and opportunities. The removal of a long-time U.S. ally and a counterbalance to Iranian influence was a major setback for Saudi efforts to limit Iran's regional ambitions, marking a pivotal moment in Middle Eastern geopolitics.[25]

GEOPOLITICAL STRATEGIES AND THE QUEST FOR INFLUENCE: U.S. AND IRANIAN DYNAMICS IN THE MIDDLE EAST

As the geopolitical landscape of the Middle East continues to evolve, the strategies employed by the United States and Iran remain pivotal in shaping the regional dynamics. The United States, driven by a blend of geopolitical interests, security concerns, and economic incentives, has consistently sought to maintain its regional hegemony while navigating the complex political terrain of the Middle East. This pursuit is evident in its longstanding policies aimed at expanding influence, managing rivalries, and ensuring the security of its interests and allies, particularly Saudi Arabia. [26] Conversely, Iran has positioned itself as a counterbalance to Western influence, particularly that of the United States, by leveraging its geopolitical strengths and ideological commitments. Since being designated as a state sponsor of terrorism in 1984, Iran has been perceived as a central figure in the sponsorship of various militant groups, which it has utilized to extend its influence and further the goals of the Islamic Revolution. These actions have not only shaped its foreign policy but also defined its regional engagements. Furthermore, Iran's use of proxy groups across the Middle East, illustrates a strategic pattern of influence that extends beyond conventional state-to-state interactions. These proxies serve not only as tools of military and political leverage but also as means to project Iranian power and protect its regional interests.[27] Over the last two decades, U.S.

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24 Huwaidin, M. B. (2015). The security dilemma in Saudi-Iranian relations. *Review of History and Political Science*, *3*(2), 69–79. https://doi.org/http://rhpsnet.com/vol-3-no-2-december-2015-abstract-8-rhps

25 III, F. G. G. (2011). *Saudi Arabia in the New Middle East* (Council Special Report No. 63 Issue. https://www.cfr.org/sites/default/files/pdf/2011/12/Saudi_Arabia_CSR63.pdf

26 *Iran: Background and U.S. Policy*. (30 November 2022). C. R. Service.

27 Hezbollah, Hamas, and More: Iran's Terror Network Around the Globe. (23 November 2022). https://www.ajc.org/news/hezbollah-hamas-and-more-irans-terror-network-

administration ranging from Clinton to Biden have imposed sanctions on a number of different Iranian proxy groups operating in five different countries, including Hezbollah, Hamas, Palestinian Islamic Jihad, Ansar Allah, Asaib Ahl al Haq, Harakat Hezbollah al Nujaba, Zaynabiyoun Brigade, Fatemiyoun Division, Al Ashtar Brigades, and Saraya al-Mukhtar. These groups, classified as various militant organizations, operate across the Middle East and are known for their involvement in regional conflicts and activities that challenge both local and international law and order. They have been identified and sanctioned due to their roles in fostering instability through armed resistance, political influence, and ideological extremism.[28] On the other hand, the United States has reinforced a powerful ally with Saudi Arabia and as the leader of the Sunni Arab world, which has played a significant role in the region. Riyadh efforts to promote pan-Arabism are often seen as attempts to counter Iran's influence in the region.[29] In contrast, the substantial economic and political influence of Iran, driven by its oil and natural gas resources along with a young and educated population, has been a crucial factor in its ability to finance economic progress and military expansion. The strategic management of these energy resources has further enabled Iran to enhance its regional influence and curb the pan-Arabism, illustrating a complex interplay of economic capacity and geopolitical strategy.[30]

The Islamic Revolution that took place in Iran in 1979 marked a crucial turning point in the country's contemporary history and had a considerable impact on the politics as well as the geopolitics landscape of the Middle East area.[31] Evidently, the Sunni-Shia tensions have a long history in the Middle East, and they have been fueled by political disputes, economic competition, and religious differences. The establishment of the Islamic Republic of Iran in 1979 after the revolution has faced significant opposition and prejudice from some of its neighboring countries, such as Saudi Arabia and particularly those with Sunni majorities,[32] which has been influenced deeply by Wahhabi doctrines, contributing to its conservative and isolated stance despite being fundamentally Sunni.[33]

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[28]   Lane, A. (24 January 2023). *Iran's Islamist Proxies in the Middle East*. https://www. wilsoncenter.org/

[29]   *Iran: Background and U.S. Policy*. (30 November 2022). C. R. Service.

[30]   Morady, F. (2011). Iran ambitious for regional supremacy: the great powers, geopolitics and energy resources. *Journal of the Indian Ocean Region 7*(1), 75–94. https://doi.org/https://doi.org/10.1080/19480881.2011.587332

[31]   Saikal, A. (2016a). *The Arab World and Iran: A Turbulent Region in Transition: 2016 (Middle East Today)* (1st ed. 2016 ed.). Palgrave Macmillan.

[32]   Singh, K. R. (1980). *Iran: Quest for Security* (First Printing ed.). Vikas, New Delhi.

[33]   Algar, H. (2002). *Hamid Algar*. Islamic Publications International.

While the Islamic Republic of Iran was successfully established since the 1979 Iranian Revolution following the overthrowing of the authoritarian rule of the Pahlavi Dynasty, the international system has been perceived as *anarchic* because there is no central authority to enforce norms or avoid conflict between states. Since the nature of anarchy in the international system is debatable, neorealists argue that states are the primary actors in the system and that their behavior is shaped by the structure of the system, which is characterized by anarchy and the absence of a central authority, putting countries in endanger situation.[34]

Conversely, others scholar suggests that Iran's perspective on regional security is not a zero-sum game, indicating that all regional actors can achieve their security objectives without jeopardizing the success of others. Iran believes that the best way to protect its national interests is through a cooperative and mutually beneficial strategy in which everyone in the region benefits from cooperation and understanding. However, realist scholars contend that states are predominantly driven by their own power, security, influence and that they act in a rather self-centric manner. States in an anarchical international system prioritize their own interests and rely on their own capabilities to defend themselves in the absence of a higher authority to impose norms or offer protection.[35] In sum, whereas Iran assumes that regional security can be achieved by cooperation and mutual benefit, realist scholars in international relations argue that in the absence of a higher authority to enforce standards or offer protection, governments tend to prioritize their own interests and capabilities.

In the years following the Islamic revolution, Iran has faced significant internal and external threats, including ongoing confrontations with Sunni-majority countries and heightened tensions with the United States and other Western powers. The sectarian divide between the Shi'a and Sunni Muslims was further exacerbated by the Iranian Revolution in 1979, with Iran being accused of promoting Shi'a uprisings in neighboring states such as Saudi Arabia, Bahrain, and the UAE. This has contributed to the militarization of the Gulf Cooperation Council (GCC) in 1981, which is seen as a response to the insecurity caused by the influence of Iraq and Iran in the region.[36]

Based on Congress Report Service (2020), the United States offers bilateral assistance to countries in the Middle East and North Africa (MENA) region in an effort to advance its long-standing foreign policy goals in the region. One of the principal objectives of this assistance is to reduce the expansion of

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[34]   Waltz, K. N. (1979). *Theory of international politics*. Addison-Wesley Pub. Co., Reading, Mass., ©1979.

[35]   Barzegar, K. (2014). Iran's Foreign Policy Strategy after Saddam. *The Washington*, *37*(2), 119–137.

[36]   Bill, J. A. (1984). Resurgent Islam in the Persian Gulf. *Foreign Affairs*, *63*(1), 20. https://doi.org/https://doi.org/10.2307/20042088

Iranian influence in the region, which the United States views as a significant threat to the regional security and its own interests.[37]

However, the rationale for Iran's leadership seeking influence in other states is to boost its regional dominance and weaken the influence of the United States, its Gulf allies, and Israel. Iran's influence-seeking objectives include safeguarding the legacy of the 1979 Islamic Revolution, which toppled the Shah and fought an eight-year war with Iraq with the support of most Arab governments. Iran also seeks to reduce its isolation as one of the most sanctioned countries in the world, preserve longstanding friends such as the Syrian regime, and defend Shia Muslims in a Sunni-dominated region. Iran employs a "forwards defense" strategy to compensate for its limited conventional military capabilities by establishing a network of affiliates and proxies in weak states such as Lebanon, Palestine, Iraq, Syria, Yemen and Afghanistan. This allows Iran to defend itself against its foes.[38]

In addition, Iran has formed and supported a wide range of proxies across the Middle East, including Lebanon, Palestine, Iraq, Syria, Yemen, and Bahrain, as well as extending its influence beyond the region to include Afghanistan and Pakistan. This network of allies is strategically utilized to facilitate the movement of equipment and personnel throughout the Middle East. This strategy is designed to strengthen Iran's pursuit of regional power while simultaneously displacing Western powers from the region.[39] Furthermore, the IRGC has played a crucial role in establishing the so-called Shia Liberation Army (SLA), which has assembled, trained, and equipped nearly 200,000 combatants in Lebanon, Syria, Iraq, Afghanistan, and Yemen. The SLA operates as an extension of the IRGC, working under its direction, aiming to protect and propagate Shia ideology and objectives throughout the Middle East.[40]

CONCLUSION

In concluding this analysis, Iran's pursuit of regional dominance is a reflection of both historical imperatives and contemporary strategic alignments. The first decade of the Islamic Revolution (1979–1989) set the stage for Iran's long-term foreign policy orientation, particularly during fluctuations in

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[37]   Jeremy M. Sharp, C. E. H., Sarah R. Collins. (2020). *U.S. Foreign Assistance to the Middle East: Historical Background, Recent Trends, and the FY2021 Request* (Bilateral Aid to Lebanon, Issue.

[38]   Group, I. C. (2018). Iran's Priorities in a Turbulent Middle East. *International Crisis Group*, *184*. https://www.crisisgroup.org/

[39]   Kali Robinson, W. M. (1 March 2021). Iran's Regional Armed Network. https://www.cfr.org/article/irans-regional-armed-network

[40]   Uskowi, N. (2018). *Temperature Rising*. Rowman & Littlefield Publishers.

superpower relationships during the Cold War.[41]. This era was not only transformative but also illustrative of Iran's resilience and strategic foresight in leveraging its geopolitical position.

Iran's commitment to spreading its revolutionary ethos beyond its borders into the larger Muslim community, or Umma,[42] highlights a dual pursuit of ideological propagation and strategic depth. This expansionist ideology, driven by the foundational principles of the Islamic Revolution, aimed to inspire similar movements across the Muslim world, thus extending Iran's influence through both soft power and hard power. The concept of Umma, central to this strategy, transcends national boundaries and is rooted in a shared religious and cultural heritage, which Iran has positioned itself as the guardian.[43]

The utilization of proxy warfare and the strategic deployment of forces like the Islamic Revolutionary Guard Corps and the Quds Force have been instrumental in Iran's regional policy. These entities are not merely tools of military engagement but are also critical in weaving a network of influence that supports Iran's hegemonic ambitions.[44] This network operates under the guise of protecting Shiite minorities and projecting Iranian power, reflecting a sophisticated blend of defensive posturing and offensive strategy aimed at regional dominance.

Critically, the narrative around Iran's actions in the region, often labeled as destabilizing by its adversaries, conceals a complex strategy of survival and influence.[45] While external observers may view Iran's regional engagements as aggressive, from Tehran's perspective, these are preemptive measures to counter isolation and secure its borders in a region marked by volatility and external interventions.[46]

In this context, Iran's actions are aligned with a broader vision of establishing a secure and influential position within the Middle East, advocating for a regional order that resonates with its ideological and national interests. The country's efforts to fortify the Shia community and extend its influence mirror historical parallels with Soviet strategies during the Cold

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[41]   John L. Esposito, R. K. R. (2001). *Iran at the crossroads* (1 ed.).

[42]   Mowlana, H. (2007). Theoretical Perspectives on Islam and Communication. *China Media Research*, *3*(4).

[43]   Menashri, D. (1989). *Iran: Doctrine and Reality*. Palgrave Macmillan, London. https://doi.org/https://doi.org/10.1007/978-1-349-20050-4_4

[44]   *Iran's Networks of Influence in the Middle East*. (2019). (T. I. I. f. S. S. (IISS), Ed. 1 ed.). IISS.

[45]   Wright, R. (2019). Iran Entrenches Its "Axis of Resistance" Across the Middle East.

[46]   Hadian, N. (2004). Operation Iraqi Freedom and the New Iraq. *The Washington Institute for Near East Policy*.

War, yet are distinctly shaped by Iran's unique ideological and geopolitical imperatives.

As we reflect on Iran's evolving role in regional politics, it becomes evident that its pursuit of hegemony is intricately linked to its national interests, security, influence, and ideological propagation. These elements collectively drive Iran's regional strategies, positioning it as a formidable player in the ongoing reconfiguration of Middle Eastern geopolitics. The complexity of Iran's approach, balancing between aggressive posturing and defensive strategies, underscores the sophisticated interplay of historical depth, strategic necessity, and ideological commitment in shaping its regional and international engagements.

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Viewing India's G-20 Presidency through the EU's Lenses: Significance for Europe's Clean Energy Transition Goals

ABSTRACT

India, as a key strategic partner of the European Union (EU), shares with it a deep commitment to ensuring the transition towards a green future. Therefore, although the India-EU partnership has expanded in recent years to cover domains other than trade, renewable energy (RE) continues to be a huge area of bilateral and multilateral cooperation. Their goals towards accelerating RE have been modified especially during India's presidency of the G-20, a multilateral economic grouping comprising of 19 member and the EU (and Africa joining in as the 21st member). Therefore, my paper answers a key question in this literature: *'What does India's G-20 presidency offer to the EU in terms of RE?'*. It explores how cooperation with India within the G20 can help the EU succeed in its RE goals. It makes a case for EU's cooperation with India in climate action and energy transition that can be strengthened through the G20 platform. By using the methodology of case study analyses, my paper concludes by exploring the relationship between the EU and the GS in partnering on RE which has been deepened through India's G-20 presidency.

KEYWORDS: *Global South, European Union, G-20, India, net-zero, North-South divide, partnership, renewable energy*

INTRODUCTION

The world saw India's diplomatic engagements with the EU (formerly known as the European Economic Community) in the early 1960s when both the continents were undergoing politico-economic transitions. During those years,

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environment, climate and energy were not priority issues because the partnerships were viewed as Europe's "peace efforts'' after being in war for a long time and India gained its independence. Relations took a diplomatic turn in the late 20th century when the European Economic Community transformed into the EU and climate change became a global issue with the birth of the United Nations Framework for Convention on Climate Change (UNFCCC) in 1992. Therefore, the first joint initiative on clean energy development was concluded in 2005 as a result of a Joint Working Group that aimed to ensure greater dialogue on renewables and climate change. Accordingly, India adopted its National Action Plan on Climate Change (NAPCC) in 2008 following which it agreed to sign an agreement with the EU for greater cooperation on renewables at the 12th India-EU Summit held in New Delhi in 2012. Meanwhile, their relationship suffered from various setbacks after which they signed the Clean Energy and Climate Partnership at the 13th India-EU Summit in 2016, approximately six months after every country vowed to sign and ratify the Paris Agreement at the 21st Conference of Parties (CoP). This meant that both had found new ways of strengthening cooperation which was also evident through the reiterations of world leaders at various India-EU summits about the importance of the agreement. Later on, the Indian Ministry of External Affairs underlined the role of sustainable development in shaping partnership goals with the EU's unilateral adoption of clean energy strategies in India in 2018[1][2]. This was the first step for adopting RE strategies under the India-EU Roadmap to 2025 that was agreed upon two years later at the 15th India-EU Summit. Therefore, it was not surprising for both the partners to add a working group on renewables to the newly established Trade and Technology Council (TTC) at the Climate Change Dialogue in 2021[3], which was the first of its kind, although the TTC Working Group did not replace either the Energy Panel or the Climate Change Dialogue because the European side had different interlocutors involved.[4]

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[1]   "India–EU Strategic Partnership: A Roadmap to 2025". *India & EU*, Ministry of External Affairs, Government of India, 2020. Retrieved from: https://www.mea.gov.in/bilateral-documents.htm?dtl/32828/IndiaEU_Strategic_Partnership_A_Roadmap_to_2025

[2]   "India welcomes joint communication by the European Commission on India–EU partnership – A partnership for sustainable modernisation and rules-based global order" [Press release]. *Ministry of External Affairs*, Government of India, 26 November 2018. Available at: https://www.mea.gov.in/press-releases.htm?dtl/30643/India_welcomes_Joint_Communication_by_the_European_Commission_on_IndiaEU_partnership__A_Partnership_for_Sustainable_Modernisation_and_Rulesbased_Globa

[3]   "EU-India: new Trade and Technology Council to lead on digital transformation, green technologies and trade" [Press Release], *European Commission*, 6 February 2023. Available at: https://ec.europa.eu/commission/presscorner/detail/en/IP_23_596

[4]   Alex Nordenstram "India-EU Climate Relations: Mapping Diplomatic Engagements", *Centre for Social and Economic Progress*, 18 October 2023. Available at: https://csep.org/reports/india-eu-climate-relations-mapping-diplomatic-engagements/#_ftn1

My paper examines the India- EU RE partnerships and similar bilateral agreements between New Delhi and other EU member states. With a number of bilateral and multilateral partnerships, India has sought to actively engage the EU in the recent years through their membership in India-led RE institutions like the ISA and the Global Biofuels Alliance (GBA). It also argues how India has emerged as a Global South[5]* (GS) climate leader by actively engaging other GS parties like Africa and Latin America in its clean energy partnerships with the EU which not only facilitates the EU in procuring cheap raw material and labour but also meets the GS' rising energy requirements.

RENEWABLE ENERGY AS A COMMON INTEREST

With both the partners being one of the largest emitters of GHGs, they have vowed to pace up their green energy promotion initiatives in view of the global climate crisis to lead global climate action, with the former becoming a GS climate leader and the latter a GN leader. However, what needs to be noted is that they have prioritized green energy transitions above all as pivotal areas of cooperation. This was evident in the virtually-organized 15th India-EU Summit in 2020 with the announcement of the India-EU Clean Energy and Climate Partnership that aims to *"prepare and implement a new work programme"*[6]. It was through this partnership that India partnered with Denmark on promoting renewables, exactly two months after it was concluded. Also, India's co-chairing of the International Solar Alliance (ISA) with France opens up opportunities for it to upgrade the 2016 India-EU Clean Energy and Climate Partnership with Denmark as a strategic partner and a Nordic wind power leader in the years to come. However, the decision seemed to be complicated with India's limited institutional capacity that seemed to be challenging its furtherance of existing partnerships, although this did not deter the Indo-Danish green agreement from sketching a new programme for the India-EU Leaders' Meeting in 2021. Therefore, India's diplomatic engagements with the EU member countries and

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[5] * Global South (GS) broadly refers to the developing and underdeveloped countries of Latin America, Africa and Asia where the world's highest population resides (mostly, in the Tropics) excluding Israel, Japan and South Korea. The region is characterized by low-income, high poverty levels, poor educational and healthcare facilities, dense population and political or cultural marginalization. These have been historically subjected to European colonialism and, until recently, they were not industrialized because they sustained their livelihood on agricultural practices. (See Parsa Arbab "Global and Globalizing Cities from the Global South: Multiple Realities and Pathways to Form a New Order". *Perspectives on Global Development and Technology*, 2019. 18. 327-337. 10.1163/15691497-12341518).

[6] "India–EU Strategic Partnership: A Roadmap to 2025". *India & EU*, Ministry of External Affairs, Government of India, 2020. Retrieved from: https://www.mea.gov.in/bilateral-documents.htm?dtl/32828/IndiaEU_Strategic_Partnership_A_Roadmap_to_2025

its allied institutions balanced its relationship with the EU, as an organization, on both bilateral and multilateral levels. Furthermore, over the last few decades, India's collaboration with the European Investment Bank (EIB) on climate action is reflective of the deep ties that both share with each other, not only at the international level but also at the domestic levels. They have been successful in broadening their historical ties ever since formal climate negotiations were concluded when the UNFCCC was born in 1992. Researchers opine that while India prefers to engage with the EU member countries bilaterally, the latter agree to engage with the former within the framework of the EU[7]. However, India needs to step back, analyze the actual impacts of its climate partnerships that it has engaged with in recent years and re-plan resource allocation to make them successful.

On the other hand, the EU seeks to maintain a balance amongst its member countries and partners using the tool of RE development diplomacy through its bilateral and multilateral external interventions in the form of alliances, collaboration, developing initiatives through close cooperation, transferring resources, sharing best practices and other confidence-building measures. Under these situations, there continues to be a stiff global competition as to who can be accredited as a global climate leader in green recovery, especially by bridging the North-South divide and encouraging strategies for greater coherence based on equity and inclusion. In 2019, to make the Green Deal effective, the EU released the Fit for 55 package in 2023, a set of principles and proposals to reduce at least 55 percent of its net GHG emissions by 2030, which, although appear to be applicable only in the EU member countries, shall have transformations in its RE projects in the GS, prominently in terms of climate finance in Asia and Africa. With the EU President Ursula Von Der Leyen emphasizing the domestic interests and foreign policy as *"two sides of the same coin"*,[8] EU's geopolitical moves in energy transition are aligned with meeting its domestic commitments. Although, critics view the Green Deal as lacking the 'whole-of-EU' approach[9], this is the first step in showcasing European climate leadership globally with the European Investment Bank (EIB) investing about 2.5 billion dollars for mitigation strategies in the GS in 2020. Therefore, it is through the Green Deal that the EU eyes to transitioning

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[7]   H. C. Aspengren and Alex Nordenstam "A proposal for coordinated climate action: A multi-layered Indo-European opportunity". *Swedish Institute of International Affairs*, 2020. Available at: https://www.ui.se/globalassets/ui.se-eng/publications/other-publications/a-proposal-for-coordinated-climate-action_-a-multi-layered-indo-european-opportunity.pdf

[8]   Swati Prabhu " The Green Deal and dealing with partners: EU in dire straits?" *Raisini Debates* at Observer Research Foundation (ORF), 1 March 2024. Available at: https://www.orfonline.org/expert-speak/the-green-deal-and-dealing-with-partners-eu-in-dire-straits

[9]   *Ibidem*.

to green energy not only for itself and other GN partners but also in the GS by prioritizing it in the households and transportation sector.

India's proactive approach towards RE transition has led the EU member countries join climate institutions co-lead by India like the International Solar Alliance which has inspired other GS countries from Africa and Latin America to join the alliance[10] that helps them with cheaper and clean energy sources. Such progress in India's commitments towards tackling climate change through RE transition reflects its ambitious goals towards attaining net-zero that are actuated through its bilateral and multilateral engagements with the EU. For example, the Indo-France relationship is characterized by their co-leadership in the ISA and their recent advancements in green hydrogen production that reflect their mutual commitments towards sustainability promotion, marked by "*tangible*"[11] shifts towards increasing solar energy and green hydrogen production which reflect emerging potential of international alliances towards RE development and in shaping the "global solar landscape"[12]. With the ISA supporting its member nations in their transitions to solar energy, the EU, in 2018, joined the group[13] for technological advancements, scientific knowledge sharing and more collaborations that carry with themselves the potential to uplift communities worldwide. Therefore, solar energy is viewed by both India and the EU as not only an RE solution but also towards catalyzing socio-economic empowerment by adhering to the programmes and mission of the ISA. Such collaborative efforts have culminated into the unveiling of the ISA's SolarX Grand Challenge which focuses on developing solar energy startups in Africa, a fine example of North-South collaboration.

Agreements such as the Indo-French Roadmap on the Development of Green Hydrogen in 2022 reflect the EU countries' willingness to engage in bilateral strategic alliances with India on promoting RE, apart from the various multilateral engagements which the EU engages. It also shows how India is becoming a global choice for exporting green hydrogen, an energy form derived by water electrolysis. India's abundance in "*solar, wind,*

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[10]   Oluwaseun Oguntuase "India and the Global Commons: A Case Study of the International Solar Alliance," *Observer Research Foundation* (*ORF*) Issue Brief No. 528, March 2022. Available at: https://www.orfonline.org/research/india-and-the-global-commons-a-case-study-of-the-international-solar-alliance

[11]   Manish Vaid "France and India: Partners for a green future". *Raisini Debates at Observer Research Foundation* (*ORF*), 1 March 2024. Available at: https://www.orfonline.org/expert-speak/france-and-india-partners-for-a-green-future

[12]   *Ibidem*.

[13]   "Signature by the EU and the International Solar Alliance of a Joint Declaration for cooperation on solar energy" [Press Release], *European Commission*, Katowice, 2018. Available at: https://commission.europa.eu/news/signature-eu-and-international-solar-alliance-joint-declaration-cooperation-solar-energy-2018-12-11_en

water resources and burgeoning energy demands"[14] calls for the EU' advanced technologies and expertise in hydrogen production, storage and distribution, therefore, making both the parties stakeholders of global RE promotion efforts that ensure smooth trade, energy security and increased international cooperation. Such bilateral alliances emerge as a beacon of hope for the EU to actively engage in joint partnerships not only with India bilaterally but also multilaterally by becoming members of India-led ISA which builds India's global image as a trustworthy and dedicated GS partner towards RE transition and climate change who thinks not only about itself but also actively engages similar GS parties like Africa which is fraught with rising energy demands, possesses plethora of resources but needs technology to develop them that can be provided by Europe. In that case, RE projects would not only cater to Africa's energy demands but also provide them employment opportunities.

Such agreements have resulted in India's domestic pro-activeness towards implementing RE projects with the EU investing in more than 82 projects across 26 states and union territories that include various EU Solar Park projects.[15] This is not a recent development, for the EIB has financially supported several projects in Indian states and cities between 1959 and 2013 with the investments gradually increasing since 2014. The EIB has already invested 3.9 billion euros for various projects in India between 2014 and 2023 and has also invested 1 billion euros in the Indian green hydrogen market as it joined the India Hydrogen Alliance[16,17]* in February 2023.[18] Therefore, it would be correct to say that climate and RE issues feature in the economic

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[14]   Manish Vaid, *France and India: Partners for a green future*.

[15]   *Ibidem*.

[16]   Aarushi Koundal "IH2A submits $5-bn fund proposal to FinMin for large-scale hydrogen projects, supply chain". *The Economic Times*, 23 January 2024. Available at: https://energy.economictimes.indiatimes.com/news/renewable/ih2a-submits-5-bn-fund-proposal-to-finmin-for-large-scale-hydrogen-projects-supply-chain/107072253

[17]   * The India Hydrogen Alliance, popularly known as the IH2A, is a coalition of Indian and international companies to create a hydrogen value chain that ensures stable supply of hydrogen to both India and the world which not only mitigates energy security crises but also reduces carbon emissions in the industrial and transport sector. As a member-driven coalition having no legal entity, it is led by a steering group of renowned companies like Reliance Industries, JSW Steel, Hero Future Energies, Aramco, Skeiron, Torrent Power and so on. It is similar to the EU Green Hydrogen Project since both are aimed at supporting large scale hydrogen manufacturing projects and boosting hydrogen production as a clean energy source. Recently, it submitted a proposal to the Ministry of Finance to increase budgetary support for the National Green Hydrogen Mission and a fund of 5 billion dollars towards the nation's hydrogen transition and development as a clean and cost-effective energy source.

[18]   Aarushi Koundal "EIB commits 1-bn-euro funding for large-scale green hydrogen projects in India". The Economic Times, 8 February 2023. Available at: https://energy.economictimes.indiatimes.com/news/renewable/eib-to-support-green-hydrogen-projects-in-india-with-1-bn-euro-indicative-funding/97728631

angles of Indo-EU partnership that make their way towards a Free Trade Agreement (FTA) which waives off various duty provisions and facilitates investment processes in sustainability and environmental standards that the EU prioritizes.[19] However, the potential of Indo-EU economic ties continue to remain untapped even in the 21st century.[20]

However, the European Green Deal offers many opportunities for India, especially the energy markets of European countries that are open to India's RE projects and its solar panel exports.[21] For this, it has entered into strategic partnerships with the EU member states that were announced and signed by PM Modi at different bilateral summits and multilateral conferences, therefore, paving ways for business opportunities in green transition that serve as catalyst in ensuring greater cooperation. For example, the ISA has strengthened the Indo-France RE and climate finance partnerships with both being the founding members of the organization in 2015. Similarly, the Indo-Sweden relationship backed by the Leadership Group on Industry Transition Organization[22] attracts Indian companies like Tata Steel to set up green energy units. Apart from such partnerships, the Indian ministries like the Ministry of New and Renewable Energy (MNRE), Ministry of Environment, Forest and Climate Change (MoEFCC), Ministry of Rural Development, the Ministries of Rural and Urban Development seek to establish institutional frameworks for which it has signed Memorandums of Understanding (MoUs) with the EU member countries individually that indicates a gradual progression and strengthening of diplomatic ties[23], although many of the EU countries, like the Baltic ones, still continue to remain unengaged inspite of India's growing reputation in Europe as an emerging GS climate leader. Therefore, it would be correct to say that although India has a long way to go in its green energy

19   *Ibidem.*

20   "India and the European Union in 2030: Building a closer economic partnership". *Observer Research Foundation & Jacques Delors Institute.* 2023. Available at: https://www.svensktnaringsliv.se/bilder_och_dokument/rapporter/6mdqoz_india_and_the_european_union_in_2030pdf_1201392.html/India_and_the_European_Union_in_2030.pdf

21   J. Oertel, J. Tollmann and B. Tsang "Climate superpowers: How the EU and China can compete and cooperate for a green future". *European Council on Foreign Relations*, 2020. Available at: https://ecfr.eu/publication/climate-superpowers-how-the-eu-and-china-can-compete-and-cooperate-for-a-green-future/

22   "India-Sweden Joint Statement at the High-level event on Leaders for Industry Transition (LeadIT) during the World Climate Action Summit at COP 28" [Press Release], *Ministry of External Affairs*, Government of India, 1 December 2023. Available at: https://www.mea.gov.in/bilateral-documents.htm?dtl/37397/IndiaSweden_Joint_Statement_at_the_Highlevel_event_on_Leaders_for_Industry_Transition_LeadIT_during_the_World_Climate_Action_Summit_at_COP28_December_

23   Alex Nordenstram, *India-EU Climate Relations: Mapping Diplomatic Engagements*, op. cit. pg. 3.

transition, it has come a long way in the last decade because in the early 2010s, New Delhi's European diplomatic community "lacked climate expertise"[24].

From India's viewpoint, it needs to identify and explore the areas where it needs to represent itself, be it bilaterally or multilaterally. It also needs to analyze the extent of its diplomatic relations with the EU to proactively work on clean energy and climate issues. Both have been working closely to speed up RE deployment, promote energy efficiency, collaborate on smart grid and storage technology, and modernize the electricity market under the framework of the Clean Energy and Climate Partnership (CECP), as per a European Commission press release. Having set themselves ambitious RE targets, both are closely aligned in the fight against climate change.

IMPLICATIONS OF INDIA'S G-20 PRESIDENCY

With its inception in 1999, the Group of Twenty, better known as the G-20, has acted as a high-level multilateral platform for discussing global economic issues by encouraging inclusivity with both the Global North[25]* and South nations coming together for a sustainable future. Since then, it has been successful in the deliberation of actionable policy recommendations especially in case of environmental challenges and climate change. India's G-20 presidency for the year 2023 to highlight GS' challenges focuses on tackling climate change and championing climate justice. For its G20 presidency to see fruitful outcomes, India will need to work with its GN partners like the European Union (EU) and achieve North-South compatibility to fulfil ambitions towards cleaner energy through facilitating the movement of climate financing and technology through member countries. India's positions on climate change, emphasizing the developed world's responsibility in reducing greenhouse gas (GHG) emissions and the need for funds and technology transfers for developing countries, have echoed sentiments of the wider GS. An entrenched North-South divide, relating

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[24]   *Ibidem*.

[25]   * The Global North (GN) comprises of the western world with countries like Canada, Israel, Russia, Turkey, United Kingdom, United States of America and the entire European continent with Asian and Pacific countries like Australia, Hong Kong, Japan, Macau, New Zealand, Singapore, South Korea and Taiwan (Japan and South Korea are the only Asian countries that do not form the Global South). They are characterised by high income levels, economic development, political education, industrialisation, existence of human rights, minimum socio-economic disparities and wealthier than the Global South countries. Some of the nations share a history of being colonisers if Global South which has been historically responsible for the existing inequalities (See "What Is The North-South Divide?" *Worldatlas.com*, 4 November 2022. Available at: https://www.worldatlas.com/articles/what-is-the-north-south-divide.html)

to concerns around differentiated responsibility and equity, characterizes global climate negotiations. Nonetheless, with India at the helm, the G20 could be a forum where the traditionally 'non-strategic' nature of Indo-EU relationship could be useful, with India and the EU cooperating on areas like energy transition, which are among India's priorities during its presidency. Therefore, both the partners can use the G20 as a platform for cooperation and exhibit a relevant example of the possibilities of successful North-South collaboration for RE. Europe's ties with India could prove beneficial if both sides capitalize on the momentum in their relationship towards constructive cooperation in the G20.

India's G-20 presidency in 2023 was significant towards the RE transition because it launched the Global Biofuels Alliance (GBA) towards mobilizing finance, technology investment and expert collaboration for reducing reliance on hydrocarbons. Comprising of seven member nations like Argentina, Brazil, Canada, India, Italy, South Africa and the USA, it was warmly welcomed by eight other nations like Bangladesh, Finland, Guyana, Iceland, Kenya, Mauritius, Paraguay, Seychelles, Singapore, Sri Lanka, the UAE and Uganda with the support of international organizations like the World Bank, the Asian Development Bank, the World Economic Forum, the World LPG Foundation, UN Energy for All, International Energy Agency and so on. Through the alliance, the partnering countries aim to promote the use of ethanol (extracted from corn starch and agricultural waste) and biodiesel (derived from vegetable oils and animal fats) as the best substitute for fossil fuels like gasoline and diesel by encouraging private sector companies to invest and manufacture them that improves the biofuel capacity of the countries across their value chains. Therefore, the alliance, as a catalytic platform, shall act as a knowledge repository and diversify biofuels' usage in all possible ways through technological advancements. What is worth appreciating about the initiative is that biofuels would help the countries to achieve their climate goals through decarburization along with providing affordable and sustainable energy for all. Therefore, the G20 summit organized in New Delhi in 2023 was a success because the participants *unanimously endorsed the New Delhi Declaration 2023, acknowledging the importance of sustainable biofuels in our zero and low-emission development strategies*"[26] through the GBA as energy is the need of the hour and the GBA would help all to diversify their energy supply chains. India has already set an example for the world by producing 1151 metric tonnes (MT) of compressed biogas (CBG) daily which is projected to increase to 1750 MT by 2025 and with ethanol-blending in gasoline production quadrupling between 2018 and 2023. Therefore, biofuels possess

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[26] Harshwardhan Sharma and Melissa Cyrill "Understanding the Global Biofuel Alliance and India's Role Within It". *India Briefing*, 16 October 2023. Available at: https://www.india-briefing.com/news/understanding-the-global-biofuel-alliance-and-indias-role-within-it-29900.html/

the potential of an *"emerging crucial fuel"* in not only reducing global carbon footprint but also bringing the GN and the GS together, characterized by greater energy cooperation between India and Italy (as a EU member of the GBA).

However, it is indeed challenging for India to assume G-20s presidency between 2022–23, a time when the world is still fraught with energy issues, geo-political and economic conflicts in the backdrop of Russia-Ukraine conflict during the post Covid-19 recovery. In the midst of such crises, the G-20 has also helped India encourage more dialogue and cooperation between the GN and GS, which is evident from the African Union (AU) being added as a G-20 member, thus, renaming it as G20+1[27]. By adding the AU as the 21st new permanent member of the G-20 (19 members and the EU), the G-20, under the Indian presidency, has ensured that the GS gets adequate representation as stakeholders with the GN on global issues that help them in empowerment, especially in meeting their rising energy needs since Covid-19. It has faced innumerable crises that have impacted their fuel prices, inspite of possessing plenty of skilled and unskilled labour which makes the GS attractive to the EU. Therefore, PM Modi's suggestion of a "human-centric" approach prioritizing sustainable and inclusive global growth for the GS during conflicts and economic crises gives the GS a platform to voice its needs[28], thereby, also giving it a scope to develop a roadmap with the EU for international negotiations in climate change and RE. This will enable the G20 to address contemporary challenges of the GS like climate change, increasing pollution and green transition. This would help Africa balance its resources and economy through skill development and capacity building that prevails in the region,[29] and improve its energy supply chains that make energy cost effective. This would be further improved through Africa's *"blended development"*[30] in its green transition efforts, a notion which differs from the EU's narrative of green transition since it is currently not in the position of phasing out coal for their industrialization due to which it has to maintain a balance in production of conventional and non-conventional fuels. These

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27   Soumya Bhowmick "Margins to centre: AU in the G20 (+1)", *Observer Research Foundation* (*ORF*), 22 March 2024. Available at: https://www.orfonline.org/research/margins-to-centre-au-in-the-g20-1

28   "PM Modi Bats for Human-Centric Globalisation at Voice of Global South Summit," *The Times of India*, 13 January 2023. Available at: https://timesofindia.indiatimes.com/india/pm-modi-bats-for-human-centric-globalisation-at-voice-of-global-south-summit/articleshow/96971066.cms.

29   Antony Squazzin "Next Africa: Resource Nationalism or a Fair Share?" *Bloomberg.Com*, 20 June 2023. Available at: https://www.bloomberg.com/news/newsletters/2023-06-20/next-africa-resource-nationalism-or-a-fair-share.

30   Sagar K. Chourasia "Implications of the African Union as the 21st member of the G20: Opportunities for India", *India Foundation*, 8 November 2023. Available at: https://indiafoundation.in/articles-and-commentaries/implications-of-the-african-union-as-the-21st-member-of-the-g20-opportunities-for-india/

present a plethora of opportunities for both India and the EU since AU, an integral GS organization, possesses an untapped market of 3 trillion dollars that can benefit the upcoming generations. Furthermore, India may voice for the GS' preferential treatment before the EU so that climate crises are balanced and tackled to some extent with the GN's cooperation through RE projects and climate finance. This would urgently address the GS' rising energy demands and enable the EU to meet its energy targets by transporting RE through critical supply chains to Europe and securing Europe's energy requirements. Henceforth, building an economic mechanism towards investing in GS' RE development projects by the EU will mobilize momentum in energy negotiations with Indian efforts. India's efforts to include the EU as a stakeholder in exploring GS' potential serves many purposes: recognizes the GS as an equal partner in global climate legislations, adds to the socio-economic development of the GS, meets their energy demands, makes the G-20 more representative by building trust between the GS and the GN, elevates India's position as a GS climate leader and provides cheap labour and resources to the EU needed for its green transition.

Also, the addition of the AU has opened the doors for the GN to explore Africa in terms of solar and wind power, cheap manpower and ample land resources. Therefore, India's G-20 presidency lent it the opportunity to link the GN with the GS and its historical contribution on the global stage was supported by the EU which set the stage for developing a strong partnership amongst India, the EU and the AU. As India's second largest trading partner, the EU is the nation's major source of foreign direct investment (FDI) and India's presidency strengthens its position to support India on mutual priorities demanding immediate attention, with RE being one of the many. Previously, India's co-leader ship with France on the ISA has also indicated its commitments to partner with more such EU countries on solar energy to create opportunities for greater collaborations on business, technology and policy levels with its G-20 presidency accelerating bilateral and multilateral trade and investment in RE. It provides India and the EU the most suitable platform to re-examine the current state and progress of RE partnerships that lends a voice to other GS parties like the AU to equally contribute in the global cause for green energy transition. Having set ambitious climate goals towards achieving net-zero by 2050[31], the EU eyes on India's ambitious RE goals to achieve 500 gigawatts of installed capacity from non-conventional sources to meet half of its energy requirements by 2030 since they are well-aligned with the goals of the European Green Deal. Therefore, both can leverage their partnership to strategic levels that ensure multilateral approaches to adopting RE technologies that bridges the North-South divide with the world's two

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[31] "Commission sets out how to sustainably capture, store and use carbon to reach climate neutrality by 2050" [Press Release], *European Commission*, 6 February 2024. Available at: https://ec.europa.eu/commission/presscorner/detail/en/ip_24_585

big powers uniting unanimously for an all-inclusive, multilateral approach towards developing RE[32].

This was the reason why Ursula von Der Leyen urged all the G-20 nations to come close and fight climate change because 80 percent of the global emissions were caused by them and Africa, inspite of emitting only 4 percent, was the most affected. Her reiteration of RE achievement targets at the 28th Conference of Parties (CoP-28) reminded all to mobilize finance towards collective climate action which is to be ensured through *"tripling RE capacity and doubling energy efficiency by 2030, seen as critical to limiting the global average temperature increase to 1.5 degree Celsius"*[33]. Therefore, the G20 countries should mobilize their finances towards contributing to 100 billion US dollars as climate finance by the end of 2023. For similar purposes, the EU has unveiled the "Call for Action for Paris Aligned Carbon Markets'' that aims to cover at least 60 percent of global emissions through carbon pricing mechanisms, thereby, allowing a significant amount of revenues towards supporting RE technologies in the GS for ameliorating the climate-vulnerable communities. This would be ensured by investing *"at least 4 billion euros in RE and hydrogen markets"* in the GS over the next five years under the EU's Global Gateway Plan[34,35,36].

In 2023, while the EU agreed to invest in India's RE projects, the latter agreed to export 10 million tonnes of green hydrogen to the former. This was

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[32]   Ranjana Prasad "The G20 & B20 Factors: Keys to Enhancing the India-EU Partnership". *Invest India*, 15 September 2023. Available at: https://www.investindia.gov.in/team-india-blogs/g20-b20-factors-keys-enhancing-india-eu-partnership

[33]   "European Commission urges G20 countries to set ambitious climate targets for 2030". *The Economic Times*, 9 September 2023. https://www.google.com/amp/s/m.economictimes.com/news/india/european-commission-urges-g20-countries-to-set-ambitious-climate-targets-for-2030/amp_articleshow/103534129.cms

[34]   "International Partnerships", *European Commission*. Available at: https://international-partnerships.ec.europa.eu/policies/global-gateway/climate-and-energy_en

[35]   S. Tagliapietra, "The European Union's Global Gateway: An institutional and economic overview", *The World Economy* (2024), Vol. 47, pp 1326–1335. Available at: https://doi.org/10.1111/twec.13551

[36]   The EU Global Gateway, launched in 2021, seeks to narrow down the global investment gaps through a values-driven, transparent and high-quality partnerships for meeting the requirements of global infrastructure development. Aligned with the Paris Agreement to achieved net-zero by 2050 and UN's Sustainable Development Goals (SDGs) by 2030, the EU, under its Global Gateway Plan, has invested in climate catastrophes mitigation strategies and RE which is not only a necessity towards energy security but also boosts the GS' economies. This includes installation of RE power grids, manufacturing plants and electric vehicle charging infrastructure in the EU' partner countries to meet its global commitments on climate finance which also opens new markets for the EU. Therefore, to sum up, it can be said that the Plan enables the EU to geographically position itself at a better level when it comes to building socio-economic infrastructure based on sustainability.

decided as a precursor to India's latest decision to consider allowing its EU partners to use green hydrogen's carbon credits for investment and purchase purposes. However, after the G-20 summit concluded in New Delhi in 2023, a popular debate arose as to why India refrained from pledging to triple global RE capacity by 2030, although 120 countries had signed the document. It was not India alone but other G-20 nations like China and Indonesia acted similarly. This was because every nation pledged to totally cut their reliance on fossil fuels but there was no mention of a *"quantified finance target"* and any technical support. Also, India and other nations were reluctant to make commitments outside the formal UN climate pledges and processes. This created a rift between those nations which signed and those which did not as the pledge called for signatories to *"end the continued investment in unabated new coal-fired power plants, which is incompatible with efforts to limit warming to 1.5° C"*[37], again a North-South divide since the countries held that these commitments would not be feasible for developing countries like India which are not positioned to completely close coal-fired power plants at present since this would increase the nation's financial burden. India's reluctance to sign the pledge is backed by its reiteration to the GN to provide at least 1 trillion dollars as grants and concessional finance annually from 2025 (it is 100 billion dollars presently which has not been yet met) in their new commitments for taking necessary action in the GS to face environmental disasters under the UNFCCC's New Collective Quantified Goal (NCQG). As the first country of the GS to remark on the NCQG, it emphasized for an affordable and equitable climate finance based on the principles of Common But Differentiated Responsibilities (CBDR-RC). Consequently, the G20 leaders, prioritizing energy transition, have stressed on the need for reliable and diversified supply chains that would help in transporting hydrogen and ammonia in low costs that would not only benefit GN members like the EU but also the GS for which *"regional multilateral and public-private networks for technology sharing"*[38]. Thus, India's continuous voice for climate finance as an *"important enabling pillar for climate action under the UNFCCC and its Paris Agreement"*[39] reflects its

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[37] Joe Lo "Why didn't China and India sign the Cop28 tripling renewables pledge?" *Climate Change News*, 11 December 2023. https://www.climatechangenews.com/2023/12/11/why-didnt-china-and-india-sign-cop28-tripling-renewables-pledge/

[38] R.K. Singh "India has emerged as a leader in energy transition, and the voice of the global south: R.K. Singh". *The Economic Times*, 6 September 2023. Available at: https://www.google.com/amp/s/m.economictimes.com/industry/renewables/india-has-emerged-leader-in-energy-transition-and-the-voice-of-global-south-r-k-singh/amp_articleshow/103406401.cms

[39] Vishwa Mohan "India Calls For $1 Trillion Per Year Climate Finance From Next Year, Submits Its Proposal To The UNFCCC". *Times of India*, 6 March 2024. Available at: https://www.google.com/amp/s/timesofindia.indiatimes.com/india/india-calls-for-1-trillion-per-year-climate-finance-from-next-year-submits-its-proposal-to-the-unfccc/amp_articleshow/108276300.cms

position as an emerging GS leader of climate change which tries to bridge the North-South divide through many measures, with climate finance being the most important and its G-20 presidency having two implications: the world recognized India not only as a GS leader but also a leader in global energy transition.

CONCLUSION

One finds a direct and positive relationship between RE, climate change and global emission in latest discourses on meeting international energy requirements. This is because both the GN and the GS (especially in case of India and the EU as discussed above) need to meet their rising energy requirements and also cut down on global GHG emissions. In order to maximize its gains from its engagements with the EU over RE, India needs to expand its outreach by including more EU countries in multilateral platforms like the ISA. For this, it has to present examples of how its partner EU nations have progressed in achieving their net zero goals through the imports of Indian solar panels, electric vehicle cells and so on. It should encourage its private sector to continuously engage in manufacturing cheaper innovative technologies that are aimed at providing a steady RE flow incurring minimum costs which shall be exhibited in various bilateral and multilateral conference exhibitions[40]. Most importantly, before India goes ahead with engaging in new partnerships with the EU, it needs to ensure that the bureaucracies of both the nations focus more on maximizing their goals from the existing partnerships while its products match with the European standards. However, what is worth appreciating is that the Indo-EU RE cooperation has far reaching implications especially with India's presidency of the G-20 between 2022 and 2023 because it has allowed representation of the GS as equal partners by taking into account the GS' energy requirements and need of climate finance which would also be beneficial for the EU's green transition to meet its SDGs and net-zero goals. By creating India's global image as a GS climate leader, the G-20 has allowed more room for its cooperation not only with the EU but also with other GS members. Furthermore, India's refrain from pledging to triple global RE capacity by 2030(as committed by the EU members) reflects its firm approach as a GS country towards complete transition from conventional fuels to meet the nation's energy requirements and reiteration of the EU's global responsibility towards the GS through climate finance, capacity-building and technological advancements to help the latter meet its rising energy requirements as well as employment generation and proper exploitation of its readily available energy sources, for instance, solar energy.

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[40] H. C. Aspengren and Alex Nordenstam, *A proposal for coordinated climate action: A multi-layered Indo-European opportunity*, op.cit. pg. 4.

Therefore, it would be correct to conclude that India's G-20 presidency, the introduction of the GBA and the inclusion of the AU in the G-20 shall prove to be beneficial for the EU in meeting its net-zero goals as well as securing its energy supply chains in a sustainable manner.

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