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JOURNAL ON EUROPEAN PERSPECTIVES OF THE WESTERN BALKANS

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Journal on European Perspective of the Western Balkans

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Letter from the Editor

One could perhaps speculate that after the initial issue of a new scientific journal the level of excitement would decrease and come close to running daily business. As a matter of fact, our experience so far tells another story. From one point of view, we are still in the early days and from the other, we are pleased to point out that the number of abstracts offered for this issue exceeded all our expectations.

There are at least a few lessons which could be drawn from this. Firstly, it is our impression that this proves the need for a scientific journal which would focus on the integration experience in general and closely link it with the Western Balkans. To promote and transfer this experience as well as the perspective of the region in question is, after all, our main mission. The publisher tries to hand out the Slovene experience with, and expertise of, the region. Secondly, it looks like there are many scholars and other persons who have the interest, ambition and capabilities to contemplate and dwell on these issues. Their views, elaborations and arguments are rich, extensive and intensive, what produces a lively debate and attractive structural dynamics. Thirdly, we tend to understand this as a proof of a need for a journal like ours. Therefore, it is a privilege and a pleasure of the publisher, as well as of the editorial board, to continue to serve as a meeting point of contemplation and reflection for well-established authors as well as for those, primarily from the region, who have a sharp analytical eye, but cannot come through for various reasons.

For us, working in the board, the journal broadens the scope of contacts within the academic community, connected to the region and devoted to the integration experience. But it also is an opportunity to develop intensive and fruitful dynamics with authors from one point of view and with the peer-reviewers from another. The latter came out to be a demanding experience, since the issue and variety of paper proposals for this number grew up significantly. We take this as a good and encouraging sign, which enables quality and regularity of the journal and its appearance. Last but

not least, it would also mean that the journal appears to be in a safe path that others went through, too.

Two more connotations should be pointed out. Firstly, we are glad that our innovative section *Sarajevo 2014* has gained attention both from readers and authors. After presenting its Manifesto in the first issue, we bring out the first in a series of papers, which will from various points of view contemplate the appeal to end a European century of wars in the Western Balkans. Secondly, the journal remains open to and welcomes also those research efforts, which do not directly reflect the Western Balkans, but stick to the notion of the integration process, that has transformed the European state system and could be useful within this context.

A rather simple structure of the content has proved to be also efficient. The second guest view comes from a distinguished expert and practitioner from the diplomatic arena, Victor Jackovich, an outstanding and lifelong career diplomat, who i.a. served as the U.S. Ambassador in both Sarajevo and Ljubljana. We owe him special thanks for his outlook. All in all, the spring offer from our authors and the editorial board would hopefully contribute to an advanced and galvanized examination on the region discussed.

The Castle of Jable, April 2010

M. J.

guest view

Positive Directions for Southeast Europe
Victor Jackovich

Positive Directions for Southeast Europe

Victor Jackovich¹

[Six years ago, the government of Slovenia launched a bold initiative called the Center for European Perspective, aimed at sharing the Slovenian experience with neighboring states aspiring to accede to the European Union (EU) and Euro-Atlantic integration. I am proud to have been invited from the beginning to serve as a Member of the Board of this initiative. Since its inception, the Center for European Perspective (CEP) has sponsored countless seminars, programs and gatherings, all aimed at developing mutual understanding and internal capabilities among the peoples of Southeast Europe. Perhaps its most ambitious undertaking is the annual Bled Strategic Forum, held each autumn on the shores of the incomparable Lake Bled. Last year, CEP began publishing its own scientific journal under the talented eye of diplomat, writer and editor Dr. Milan Jazbec. This article is intended as a guest view introduction to the second number of this journal. The views in this article are my own private ones, and should not be construed as reflecting the opinions of the CEP, the journal, or others on the Board.]



Perhaps there are two ways of looking at developments over the past few decades in Southeast Europe and even more broadly in Eastern Europe.

A more positive assessment would be that so much has been accomplished with the enlargement of NATO and the European Union (EU), the end of armed hostilities in the Balkans, the joining of some states to the EU Monetary Union (adoption of the Euro) and palpable progress all around

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in social, economic and political fields. The advancement of democracy would seem to be the hallmark.

A less positive assessment would be that NATO and EU enlargements have seemingly reached a momentary ending point, the Balkan region remains unstable, the worldwide economic downturn has impacted heavily on the fragile economies of the region and much more progress needs to be made to advance democracy, as well as to fulfill the social and economic needs of the populations.

Of course, one can say that both views are legitimate, but the second, less positive assessment, certainly gives us in the international community reason to pause and not only to take stock, but to develop initiatives designed to safeguard what has been accomplished and to ensure that we do not lose ground. Progressing further forward from here is, of course, optimal, but not at all guaranteed. But if we make accurate assessments now and adopt appropriate initiatives now, we can certainly maintain what we have achieved, and we can set the stage for further forward movement later.



The assumption heretofore in the resolution of Southeast European crises has been that it was the U.S. that provided the “muscle,” the military power, often through the deployment of NATO, and that it was primarily the Europeans who were expected to move into the aftermath. The European follow-up was to include developmental assistance, programs fostering political stability and further integration into European institutions, especially the EU. This division of labor was not so much the result of conscious policy-making, as it was the consequence of many other factors. For example, there is the tendency for American public opinion and media attention spans to be short and easily distracted, and there is the fact of the geographic unity of the Balkan peninsula with Europe.

During the conflict in former Yugoslavia, many of us envisioned a situation where the warring parties might one day be surrounded, corralled by an arc of stability that would eventually emerge through the integration of neighboring states into NATO and the EU. To a remarkable extent, this is precisely what has happened. Of course, the armed hostilities have ceased and have been often replaced with latent mutual hostility, but the outlying regions have been brought into the orbit of Euro-Atlantic associations.

Romania and Bulgaria are members of both NATO and the EU, while Albania and Croatia are members of NATO.

The result is the “ghettoization,” or marginalization, however unintended, of the still unstable region of the “inner Balkans.” Especially given distractions elsewhere such as Iraq, Afghanistan, Georgia and the Middle East, and the uncertainties caused by the worldwide economic crisis, the danger is that the international community could decide that corralling and surrounding the conflict area with a ring of stability is the most we can do right now. Such an assessment about our engagement in Southeast Europe would be unfortunate, since, otherwise, a final integration of Europe is right on the verge, while a slide back into instability and even armed conflict is not to be entirely discounted.



Concern is often expressed about Kosovo, but perhaps the most neuralgic specific area of Southeast Europe is Bosnia and Herzegovina. Thanks in part to a flawed Dayton accord, it is not Kosovo, but rather Bosnia that is really the most fragile, the most unstable area of Southeast Europe.

And, here we have a remarkable disconnect. Many Americans emphasize the Dayton accord’s positive points: it ended the war, it brought a modicum of peace and it recognized, however superficially, a unified Bosnian state. But Europeans are frequently skeptical of the accord. And Bosnians themselves, while sharing European skepticism, seem divided about what Dayton delivered to them, depending on background and viewpoint.

The defects of Dayton were obvious from the very beginning. The accord, composed by non-Bosnians, froze in place an ethnic partition that was mostly the result of outside agitation, not of internal Bosnian aspirations. The accord dismantled the existing government and erected in its place an unwieldy state structure, including – for the first time in Bosnia’s history – a separate territory for one ethnic group (Republika Srpska). The accord has never been voted on in a Bosnian assembly, nor in a referendum.

Under the accord, the territorialization of ethnic partition and the ethnicization of the political structure served to disenfranchise the very communities that could have been stabilizing factors – such as non-Karadzic Serbs, multicultural Bosnians and smaller groups, such as Jews. (The European

Court's recent decision that Bosnia was discriminating against a Jewish prospective candidate for Bosnian President because he could not place himself into one of Dayton's three ethnic categories – Muslim, Croat, Serb – is an indictment not of today's Bosnian leaders, but of Dayton.)

Certainly one of the greatest flaws was the wholesale adoption of the UN's negotiating structure of three warring parties. Envoys dismissed the opportunity to set up a more constructive arrangement, which could have assembled the Bosnian government together with international negotiators. After all, the Bosnian government was already a member of the UN and other world institutions.

One can criticize Dayton *ad nauseum*. In any case, we can't go back and correct all of these errors. But there are some initial measures we could introduce to adjust some of them right away. One would be to streamline, or even eliminate, cantonal governments, with their top-heavy and expensive bureaucracies; another would be to require a single citizenship and passport (as is done in many East European countries); still another would be to change the names of blatantly ethnic administrative entities (including "Republika Srpska" itself). Presumably, such modest initial measures would be precursors to a more fundamental revision of Bosnia's governing structure, which could feature several provinces, a more streamlined and unified central administration and the elimination of foreign intercession. The objective would be to replace today's dysfunctional Bosnia with a functioning modern state – one designed by the Bosnians, not by outsiders.

I dwell on Bosnia simply because it is, as I said, in my opinion, the most neuralgic point on the Southeast European map.



But can we look beyond this and envision what can be done in the entire region?

First of all, as Erhard Busek and many other astute observers have pointed out, integration of this region into the European mainstream should not pose particular problems. After all, Southeast Europe is already an integral part of Europe and of European traditions. It is already geographically in the heart of Europe, or at least in the heart of Eastern Europe.

The twin enlargements of NATO and the EU in an eastward direction would seem, at least for the moment, to be stymied by a variety of factors, including Russian opposition (most staunchly demonstrated through its invasion of Georgia), internal discussion about the integrity of these associations, fatigue caused by far-off missions such as Afghanistan (at least where NATO is involved) and the worldwide economic crisis.

So, now, we are faced with the consolidation of Europe, rather than with the headlong eastward enlargement of its institutions.

This means that our attention should now be focused on what we can reasonably accomplish: the final – finally – integration of all the states of Southeast Europe into the Euro-Atlantic mainstream. This is an imperative for the stability and security of Europe. But it is also an imperative for Euro-Atlantic institutions. Because, if we cannot consolidate these institutions in the heartland of Europe, i.e. in Southeast Europe, how can we hope someday to offer their values and standards beyond the geographic confines of Europe, i.e. the Caucasus and Central Asia?

In the past, the mantra had been that standards must first be met by candidate countries and then, and only then, would the candidate countries be permitted to become full-fledged members of Euro-Atlantic associations.

Under the present circumstances in Southeast Europe, that mantra should be reassessed, abandoned and reversed. Given the fragility of the sovereignty of some of the states of the region – Bosnia, Kosovo, Macedonia – it is precisely such membership that is needed to ensure their continued existence and to preserve regional stability. The article “Sarajevo 2014” in the first number of this journal was an eloquent and visionary appeal for this to be done, for example, by 2014.

And, let’s be honest with ourselves. The insistence on various criteria as conditions for membership is a political decision, not one that is necessarily vital to the functioning of the associations themselves or to the integrity of the Euro-Atlantic community.

Cyprus has been a member of the EU since 2004 in spite of its division into two completely segregated and mutually very hostile territories, yet the partition of Bosnia (not yet advanced at all to the stage of Cyprus) is somehow an obstacle. Iceland does not even have an army, an air force or a

navy – not a single soldier – yet it has been a member of NATO since 1949, when it was one of the 12 founding states of the Alliance. Obviously then, the rules for membership have been and can be in the future easily (re-) crafted to fit circumstances. And, in the case of Southeast Europe, they should be once again, and urgently. Today, ending the marginalization, or “ghettoization,” of the states of Southeast Europe outside these associations takes on a greater priority than insisting on conditionality, much of which has, in any case, already been achieved.



The impending dynamics in Southeast Europe are many.

For example, states of the region are determined to develop modernized capabilities as quickly as possible, while maintaining the dignity of their history and culture.

Many states in Southeast Europe might begin reassessing their previous assumption that membership in NATO and the EU is an imperative for their future development. This presents another kind of dynamic, if not dilemma, for those that have not already joined these associations. How does Montenegro benefit from joining the EU, for example? What does Serbia gain by becoming a member of NATO? Will Kosovo have the opportunity to be in either?

There is yet another impending dynamic. Almost all the states of Southeast Europe are vulnerable to the newly re-emergent and militant Russia. In the past, Russia relied on the projection of military might to achieve foreign and security policy goals. Now, it is utilizing energy and commercial prowess instead. But common to both eras for Russia is its failure to formulate a positive role for itself in international relations and a tendency to misconstrue the nature of Euro-Atlantic enlargements.

Finally, the current worldwide economic crisis represents yet another dynamic, and one that has already impacted heavily on the fragile economies and societies of some states in the region. The crisis will tend to heighten the urgings of activists, but it might also tend to de-motivate Europeans and Americans, many of whom believe they have ‘done enough already in the Balkans.’ And, it could serve to strengthen the questioning of automaticity in memberships of Euro-Atlantic associations, especially in the EU.



For the international community, quick fixes are not the answer. Thorough analysis, deep understanding of the region and its cultures and an abiding respect for the enormous determination and talent of the peoples of Southeast Europe are prerequisites.

The answer would seem also to be in continued engagement, a countering of tendencies toward complacency, a recognition of new dangers looming and a determination that full and immediate integration of Southeast Europe into the Euro-Atlantic mainstream is as important for the United States, Europe, and the entire Euro-Atlantic community, as it is for the independent states of Southeast Europe themselves.

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Is WTO Membership Precondition
for Opening of EU Accession Negotiations
with Western Balkans Countries?**

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Case of Montenegro: Is WTO Membership Precondition for Opening of EU Accession Negotiations with Western Balkans Countries?

Gordana Djurović¹

ABSTRACT

The European Union has been a WTO member since 1 January 1995. The 27 member States of the EU are also WTO members in their own right, but the European Commission, speaks for all EU member States at almost all WTO meetings (strong single voice). The eleven of twelve countries of fifth enlargement of the EU were WTO members before opening the EU negotiations, except Lithuania, which allowed them fluent EU integration process. Croatia and Albania became WTO members in 2000 and FYROM in 2003. After 2005, only four countries acceded to WTO, out of which two countries are less developed (LDCs). Cape Verde acceded on 23 July 2008. WTO has today 153 member states. Bosnia and Herzegovina, Serbia, and Montenegro, potential candidate countries for EU with signed Stabilisation and Association Agreement (SAA), are still WTO observer countries and in the exhausting process of WTO accession. Kosovo still considers submission of application for observer status. Mapping WTO in the western Balkans region today is becoming an outstanding issue and may cause delay in future European integration process. Good example, which, in a certain degree, could confirm this thesis, is case of WTO accession process of Montenegro being blocked by only one outstanding bilateral negotiation with Ukraine. As a conclusion, WTO related issues, including full-fledged WTO membership, are closely connected with implementation of SAA obligations, and next integration steps towards EU. In case that remaining the western Balkans countries do not conclude negotiations, i.e. do not become WTO members, European Union will consider possibility of opening EU accession negotiations, even if countries fulfil all conditions for that. Would the European Union be ready to assume such risk?

KEY WORDS:

WTO membership, WTO accession process, trade liberalization, EU accession negotiations, Montenegro, Ukraine;

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1. INTRODUCTION

Established in 1995, the World Trade Organization (WTO) administers the trade agreements negotiated by its members, in particular the General Agreement on Tariffs and Trade (GATT), the General Agreement on Trade in Services (GATS), and the Agreement on Trade-Related Intellectual Property Rights (TRIPS). The WTO rules and principles establish a legal framework for almost total value of world trade in goods and services, including payments for intellectual property what amounted to US\$ 16 trillion in 2007 (Hoekman - Kostecy 2009: 1-2). The WTO membership accounts for 96 percent of world trade and, in this respect, the Organization is close to achieving its aim of becoming truly universal body.

Twenty-six new Members have acceded to WTO since 1995, bringing its membership up to 153. Approximately 30 governments have applied for membership. Only 12 members of the UN have not yet taken this step. Many of the WTO acceding countries are in the accession process for a number of years, with uncertainty in defining the date of membership. Dynamic of WTO accession is decreasing in function of time. Until 2005, the dynamic was still possible to assess as satisfactory, but last years indicate that it has started to be very complex process, especially for countries that are potential EU members.

Figure 1: WTO without new members in 2006 and 2009



WTO ACCESSION DYNAMIC ➡

The European Union (until 30 November 2009 known officially in the WTO as the European Communities for legal reasons) has been a WTO member since 1 January 1995. The 27 member States of the EU are also WTO members in their own right, but the European Commission, the EU's executive arm, speaks for all EU member States at almost all WTO meetings (strong single voice). The eleven of twelve countries of fifth enlargement were WTO members before opening the EU negotiations, except Lithuania, which allowed them fluent EU integration process.

As an exemption, Lithuanian case has a specific explanation. WTO General Council approved the accession of Lithuania to the WTO a few months after opening of EU accession negotiations, on 8 December 2000. Delay in WTO membership was caused by the tough Lithuanian position on farm subsidies and restrictions on import of agricultural products, and by internal fears mostly from agricultural and textile industry groups. Only after enactment of legal reforms in line with WTO standards and achievement of membership, i.e. in line with EU entry conditions, Lithuanian's EU accession negotiations were advanced. Lithuanian case confirms that WTO accession is precondition for fluent EU accession process (Kiškis 2006: 1-3).

By acceding to the EU, each member state becomes part of the EU internal market, i.e. single customs union with a single trade policy and common external tariff.

2. WESTERN BALKAN COUNTRIES – DYNAMIC OF EUROPEAN INTEGRATION

The **western Balkans** have moved closer to EU membership over the past year, as the region made progress in reforms and in meeting established criteria and conditions. Table 1 provides an overview of the relationship between the EU and individual countries of the western Balkans regions. The WTO relationship is added. As shown in the table, the countries are at very different stage of their EU accession process. While Croatia is at final stage of its EU accession negotiations process, some other countries have only recently signed their Stabilisation and Association Agreements (SAAs)

Table 1: Dynamic of European integration process - Western Balkans, February 2010

	CROATIA	FYROM	ALBANIA	BiH	SERBIA	MONTENEGRO
Signing of SAA	29.10.2001.	9.04.2001.	12.6. 2006.	16.6.2008	28.4.2008	15.10.2007
Plan for opening of market	6 years	10 years	10 years	5 years	6 years	5 years
Interim agreement started	1.03.2002.	1.06.2001.	1. 12. 2006	1. 7. 2008	1.2.2010.	1.1.2008.
Submission of EU Membership Application	21. 2. 2003.	22. 3. 2004.	28.4.2009.	(2010)	27. 12. 2009.	15. 12. 2008
SAA in force	1.2.2005.	1.4.2004.	1.4.2009.	(2010)	(2011)	1 May 2010
WTO membership	2000	2003	2000	Ongoing negotiations	Ongoing negotiations	Multilateral completed/ outstanding bilateral with Ukraine
Start of the Accession negotiations	3.11.2005.	(2010)	(2011)	(2012)	(2011)	(2011)
ONGOING	Accession negotiation process in final phase	Candidate country since December 2005	Responding on Questionnaire	Who is The Main interlocutor?	Wait for Council decision / Preparation for Questionnaire	Answers on Questionnaire submitted (consultations ongoing)
Internal readiness for EU membership	Almost achieved	(2014)	(2014)	(2014)	(2014)	(2014)

Source: Governments official data about WTO and EU integration, collected by author, February 2010;

Note: Data in brackets – expected dates for next phases of integrations (estimated by author.);

2.1. MONTENEGRIN INTEGRATION PROCESS

Bearing in mind that Montenegro is the smallest country in the region, it can be concluded that independence of the state and assuming of the full responsibility for “European future” accelerated EU integration process.

In the spirit of the topic of this paper, one can conclude that WTO accession was strong turning point for introduction of “twin-track” approach in October 2004 under State Union of Serbia and Montenegro. Consequently, dynamic WTO accession process positively influenced on SAA negotiating

process and resulted with its fluent conclusion shortly after re-gaining of the state independence.

Good dynamic in integration process after independence is confirmed by following facts about the achieved European steps:

On 15 October 2007, the Stabilization and Association Agreement (SAA) was signed between Montenegro and the European Community, and its Member States. The ratification process is pending, while the Interim Agreement signed with the European Communities entered into force on 1 January 2008. The SAA was ratified unanimously in Montenegro's parliament on 13 November 2007.

A new Constitution was adopted on 19 October 2007, which in its Preamble states that Montenegro is committed to European integration. In Article 15, paragraph 3, the Constitution states that Parliament is the decision-making body for the manner of accession to the EU (the Constitution...).

Parliament has already taken two important decisions on the EU accession process: on 8 June 2005, it adopted the Declaration on Association to the European Union; on 27 December 2007, it adopted the Resolution on the Fulfilment of Obligations of Montenegro in the framework of the SAA. It, among other things, urges the Government to press ahead with application for EU membership

All State representatives and major political parties of various ideological backgrounds, public opinion, and civil society representatives support the accession of Montenegro to the EU. The goal of EU membership is generating momentum that is the driving force behind the many social, political, and economic changes in Montenegro.

Regarding political commitments, all major political forces are publicly voicing strong support for the EU integration process. This support is shared by civil society and the wider public. According to opinion polls, over 75 % of the public is in favour of an EU future for Montenegro.

The National Program for Integration in the EU (NPI) was adopted by the Government on 5 June 2008.

An Agreement on Visa Facilitation and Readmission was signed on 18 September 2007 and entered into force on 1 January 2008. Since July 2008 when it received its “Road Map,” Montenegro has been striving to meet the conditions set by the European Commission at the request of Member States in each of the four “blocks” of the Schengen Visa Liberalization Process. Council decision on lifting the visa obligation for the Former Yugoslav Republic of Macedonia, Montenegro, and Serbia was adopted on 30 November 2009.

The track-record on implementation of the Interim Agreement, which according to the European Council’s decision is an essential element in the EU integration process, has been examined in the progress report of the Commission in October 2009. The track-record is mostly based on progress achieved in WTO accession process – adopted foreign trade regime and its implementation (Montenegro ... EC: 29-36).

The Government of Montenegro has received 2009 progress report as strong instrument for next steps toward integration and all its recommendations in good faith with a firm commitment to address them in future work plans. The Council welcomes the important progress achieved, in particular the pursuit of political and economic reforms and good implementation of the interim agreement. It stresses, however, that sustained effort is still necessary in order to achieve progress in a number of areas, in particular strengthening of the rule of law and administrative capacity, judicial reform, media independence, and the fight against corruption and organised crime (Enlargement ... EC: 18-21).

Regarding regional context, Montenegro has established satisfactory political relations with neighbouring countries and it is pursuing a constructive policy on key outstanding issues that are crucial for regional stability. Having in mind all mentioned, Montenegro, as any other potential candidate in the Western Balkans, could serve as a positive benchmark and stabilizing factor for the region.

Following abovementioned facts and remarks, logical step forward was, after intensive communications with Member States and French presidency, submission of application for EU membership on 15 December 2008 in Paris.

On 23 April 2009, the EU Council decided to implement the procedure laid down in Article 49 of the Treaty on the European Union, and accordingly invited the European Commission to submit its Opinion on capacity of Montenegro to comply with the obligations resulting from membership of the European Union.

Commissioner Rehn, on 22 July 2009, in Podgorica, solemnly delivered the Questionnaire to the Government of Montenegro – a comprehensive list consisting of 2.178 questions and information requested from the Government of Montenegro, necessary for the European Commission to prepare its Opinion on the application of Montenegro for the membership of the EU.

The Questionnaire is the official instrument of the EU to assess the readiness of a country to open the accession process. Positive opinion of the EC (announced in the autumn 2010) opens possibility for acquiring candidate country status (at the end of 2010) and creates perspective of accession negotiations on membership (2011).

Montenegro has successfully completed this obligation and submitted answers on the Questionnaire on 9 December 2009 in Brussels. Answers are prepared on 4433 pages, explained, and divided in 4.000 sub-questions. A large number of annexes were prepared as additional material to responses, consisting of: laws, bylaws, requested international agreements and treaties, strategies and other documents (265 documents and acts, on app. 9000 pages) (Answers on ...).

At the same time, the Opinion of the European Commission represents basis for the position, i.e. adoption of the Decision by the European Council, if the country is ready for the candidate country status, and ready for next phase – defining of the framework date for the opening of the accession negotiations. If we follow optimistic scenario, negotiations may last three years at least.

In addition, Article 8 of the Stabilization and Association Agreement, which for the first time institutionalized relations between the EU and Montenegro, states that Montenegro will, five years after entering into force of SAA, fully realize all obligations resulting from the Agreement [Stabilization ...]. Having in mind that 25 out of 27 EU member states already ratified Montenegrin SAA, and two remaining members are in the

final phase of ratification, Montenegro bear the period 2010-2014 in mind. In other words, when all obligations resulting from the SAA are fulfilled, country is ready for membership of the EU.

Montenegrin politicians voiced the fear that Montenegro might be faced with the dilemma of undergoing a lengthier EU integration process than other countries in the Region. For Montenegro, the EU future of any country should depend on its individual internal capacities to implement effectively EU standards.

3. MONTENEGRIN WTO ACESION PROCESS

The Government of Montenegro applied for accession to the World Trade Organization on 23 December 2004. At its meeting on 15 February 2005, the General Council established a Working Party to examine the application of the Government of Montenegro to accede to the World Trade Organization under Article XII of the Marrakesh Agreement establishing the WTO.

The first Working Party meeting was held on 4 October 2005; the following WP meetings were held on 5 July 2006, 27 February and 19 July 2007, 28 February, 18 July, and 7 November 2008. The Working Party had before it, to serve as a basis for its discussions, a Memorandum on the Foreign Trade Regime of Montenegro, the questions submitted by Members on the foreign trade regime of Montenegro, together with the replies thereto, and other information provided by the authorities of Montenegro, including the legislative texts and other documentation.

During the four years of negotiations, Montenegro has fully harmonized its legislation and established all necessary institutions in accordance with the WTO rules and disciplines. Montenegro signed bilateral protocols with the following Members: the European Communities, China, Switzerland, Brazil, Norway, Canada, Japan, and the United States of America².

²During 2009 Montenegro also signed Bilateral agreements with El Salvador and Honduras (requests are based only on Initial Negotiating Rights, without trade presens on Montenegrin market).

WTO Secretariat circulated, on 11 December 2008, the accession package³ of Montenegro to the Members for the final verification procedure until 7 January 2009.

The Final Working Party meeting, at which all 153 WTO Members are to confirm Montenegrin documentation – the WTO application package, was planned to be held in mid-January and the decision on accession of Montenegro could have been passed on 3 February 2009 at the meeting of WTO General Council in Geneva.

3.1. UKRAINE BLOCKED MONTENEGRIN WTO ACESION PROCESS

At the VII WP meeting, held on 7 November 2008, the Ukraine Mission representative requested trade data with Montenegro, at the same time stating that they reserve the right to open bilateral negotiations. Montenegro delivered requested trade data on 17 November 2008: The trade volume between Ukraine and Montenegro is at the modest level - 0,02 % of total trade in Montenegrin trade statistics. Ukraine did not submit any additional request or initiatives after that date in proposed period, of conclusion of WP meeting (last day for submission of any request was 21 November 2009).

At the time, representative of the WTO Secretariat, the Chairman of the Working Party, and representatives of the EU held a meeting with the Ukraine representative to discuss possible opening of bilateral negotiations so late in the accession procedure. They explained that this phase in the accession process signifies finalization of multilateral report on accession of Montenegro to the WTO and verification of the accession process by the WTO Members, at the same time asking representatives of Ukraine to refrain from submitting initial request for opening of bilateral negotiations. Ukraine continued to insist on its rights to open bilateral negotiations, so Montenegro sent the first response on Goods request in mid-January.

Following the distribution of the application package to WTO Members, on 12 December 2008, the Government of Montenegro informed the media that negotiations on accession are successfully closed, and that Montenegro

³The accession package consisting of the following documents: The Draft Working Party Report, The Draft Goods Schedule with attachment, The Draft Service Schedule, and Domestic Support and Export Subsidies in the Agricultural Sector;

will formally become 154th member of WTO as of February 2009. This news was extremely well accepted by the public, having in mind the fact that accession to the WTO is one of the strategic priorities of Montenegro.

Trade and Economic Mission of Ukraine to Geneva sent request for opening of bilateral negotiations with Montenegro to the Montenegrin Mission to WTO on 19 December 2008. The request referred to both Goods and Services. It was an extremely comprehensive market access request, delivered only 20 days prior to finalization of procedure of final verification of Montenegrin application package.

Although Ukraine was present at the seventh Working Party meeting (7 November 2008), when the procedures and timeline for closing of Montenegrin accession procedure were defined (not later than February 2009) Ukraine submitted request for opening of bilateral negotiations with Montenegro, after the deadline, which was defined at the VII WP meeting, for submitting questions, comments and suggestions. The working party acts as “Master of its own procedures.”

Ukraine has used unclear procedures in final accession phase to WTO and submitted its request during the ongoing verification accession procedure. Such an act was precedence in the good customary practice of previous accessions. Although, formally it was possible, (since Article XII of the Marakesh Agreement establishing the WTO itself does not prescribe procedural rules, and the WTO/ACC/1 document [Accession ...: 3-4], which describes the procedures governing the negotiating phases, does not provide for such a situation) something like this had never happened before. Bilateral meetings, plurilateral meetings and the multilateral meetings proceed in parallel.

All arrangements reached at the bilateral and plurilateral levels must be multilateralized before the negotiations are concluded and the WP must concur with their inclusion in the accession package consisting of the draft Report, including a draft Protocol and Decision, and draft Good and Services Schedules. These documents were already prepared by the WTO Secretariat on December 2008. Therefore, all bilateral agreements were multilateralized in the accession package, and consequently, there was no room to advise Montenegro to accept Ukrainian request.

Montenegrin negotiation team believed that Ukraine has been acting in contravention of GATT Article XXVIII bis, point 2, item b and Ad

Article XXVIII, point 4, under which any request in the course of negotiations should be directly linked to clear trade interests and registered trade data of the countries involved. In Addition, under GATT Article XXVIII bis, point 3, point a, the principle of proportionality should be respected. Montenegro also believed that these provisions apply *mutatis mutandis* to negotiations between Members and acceding countries. Trade data demonstrate that the volume of trade between Ukraine and Montenegro is almost negligible. Therefore, it is difficult to understand what the trade interest of Ukraine is and how the principle of proportionality was respected here. Furthermore, Ukraine rejected offer of Montenegro to open bilateral negotiations on free trade agreement.

Ukraine has opened negotiations on 722 positions in agricultural products, and on 236 positions in industrial products (NAMA).⁴ In addition, Ukraine submitted request for negotiations in services sectors. Four rounds of bilateral negotiations were held so far, in the last twelve months. The first round was held in February in Geneva, the second one in July in Kiev, the third round of negotiations was held in September, in Vienna, and the fourth round was held in November in Geneva. Ukraine has not withdrawn any of its requests. On the contrary, number of the positions requested in NAMA constantly increased – in the period December 2008 - September 2009, number of requests in group of industrial products has increased from 236 positions to 771 positions (three times). In the services sectors, number of requests increased as well. Usually, negotiations are meant to lead concerned parties towards compromise through the gradual reduction of requests, which in this context, unfortunately, was not the case.

In the 12 months period until December 2009, Montenegro presented to Ukraine nine revised Goods Offers with additional concessions, and four revised Services Offers. In addition to very limited performance space for further liberalization, strong impact of global economic and financial crisis had to be taken into account during the careful and detailed analysis.

Following the thorough analysis of Ukrainian request and having in mind that it was based on already consolidated schedule of 12 December 2008, Montenegro nevertheless put special efforts to find additional space to meet that requests.

⁴ In WTO negotiating practice usual name for all other good except agricultural goods is group of industrial products, or negotiations on non-agricultural market access (NAMA). ;

In sector of industry /NAMA/, satisfactory level of agreement was reached, having in mind the fact that Montenegro, at the end of IV bilateral negotiating round, accepted almost all the requests submitted by Ukraine, with special focus on sensitive sector of metal industry. In order to conclude negotiations as a whole, Montenegro accepted to join all sectoral initiatives, except for sectoral initiatives for beer and spirits, which belong to sensitive part of domestic agricultural sector. Therefore, it is to be said that negotiations in industry sector are conditionally closed. It is also important to emphasize that average Final Bound Rate (FBR) for industrial products of Montenegro is lower than Ukrainian (Montenegro - 4,68%, Ukraine - 5%).

Negotiations on services are close to finalization, only due to high level of concessions that Montenegro accepted.

Negotiations in agriculture remain open. Acceptance of remaining Ukraine's requests would mostly affect the least developed northern part of the country, where the agricultural production represents the main source of existence. Ukraine, in its general approach, took the applied tariffs of Montenegro as the basis for negotiations, which would be further, in transitional period, reduced in some areas on even the third of the applied rate. All requested positions are double sensitive, for both domestic agriculture and internal market, which is Montenegrin SAA commitment. On the other hand, by blackmailing Montenegro to reduce inappropriately tariffs in agriculture sector, Ukraine actually insists on Montenegro to open its market for the biggest world producers and exporters of agricultural products, and not for Ukraine, as big exporter itself.

It is worth to mention that Ukraine, as large market with 46 million of population, joined WTO with average Final bound rate in agriculture at the level of 10,7%. Montenegro, as small market, with only 630.000 of population, already reduced its average Final bound rate in agriculture at the level of 11,9%. Given the fact that Montenegro is significantly smaller market than Ukraine, these should be acceptable relations for closing of bilateral agreement (see Table 2).

Negotiations are still open. The Fifth round of negotiations with Ukraine should be held, but it is impossible to predict how long this process would last.

3.2. LESSONS LEARNED FROM MONTENEGRIN WTO ACCESSION: HOW TO JOIN WTO?

Request of Ukraine to open negotiations with Montenegro, based on the consolidated schedules already circulated to WTO members, is precedent in WTO customary practice. This is usually never done: the consolidated version is supposed to be the last one, for obvious reasons; otherwise, negotiations could go on ad infinitum.

From December 2008 to February 2010, some progress has been achieved only due to strong efforts made by Montenegro, but Montenegro still do not have an agreement, after four official bilateral rounds held. Unfortunately, negotiations were unfruitful because of very strong requests from Ukraine (request for industrial sector has raised for 3 times) and lack of any kind of flexibility on their side (that country did never compromise of any of its requests).

So, Montenegro's accession process is blocked. This is extremely disappointing for the government and frustrating for its constituencies. Blockade can be explained through four important facts:

1. Montenegro is one of the smallest European country with population of 630.000, and present small, but very open and liberalized, economic environment;
2. Simple average FBR in agricultural sector is 11,9%, and in industrial sector is 4,6% respectively; it is one of the lowest average rates in comparison with recently acceding countries and Region (see table below);
3. Trade volume with Ukraine (the only outstanding bilateral) is about 0,02% of total trade;
4. Montenegro has completed the most requested part – multilateral and all bilateral except one. i.e. Montenegro is blocked in accession by single country for more than one year [Djurovic Gordana 2009: 1-2].

Table 2. Agricultural products - bound tariffs for some recently acceding countries and Montenegro

Country	Reduction commitments	Simple average ad valorem tariff bindings (percent)	Share of non-ad valorem tariff bindings (percent)	Max. ad valorem duty
Montenegro	Bound rate at accession	14,70	0,00	50,00
	Final Bound rate, Nov. 2009 (trans period 5 years)	11,90	0,00	50,00
Latvia	Bound rate at accession 1999	35,8	0,4	100,0
	Final Bound rate 2008	34,6	0,4	55,0
Estonia	Bound rate at accession 1999	19,2	0,0	59,0
	Final Bound rate 2004	17,5	0,0	59,0
Albania	Bound rate at accession 2000	10,8	0,0	20,0
	Final Bound rate 2007	9,4	0,0	20,0
Croatia	Bound rate at accession 2000	13,0	18,3	90,0
	Final Bound rate 2007	9,4	18,3	55,0
Lithuania	Bound rate at accession 2001	16,3	3,4	100,0
	Final Bound rate 2009	15,2	3,0	100,0
FYROM	Bound rate at accession 2003	13,7	10,1	60,0
	Final Bound rate 2007	11,3	10,0	60,0
Ukraine	Bound rate at accession 2008	10,9	4,0	50,0
	Final bound rate 2013	10,7	0,7	50,0

Source: [Williams Peter John, (2008), A Handbook on Accession to the WTO: 117],

Note: Data for Montenegro are from the Government of Montenegro, [The Information on WTO Accession process 2010: 9-10]

All acceding countries, during the informal meeting on the margins of 7th WTO Ministerial Conference, stressed the importance of assuring that the internal reform process is in line with the external reform requests, and that the accession process is used as an instrument to implement reforms with which the country is in full agreement and for which it has the necessary internal political support.

Acceding countries were unanimous in stating that the multilateral process – although difficult and demanding – was a useful tool to accompany and strengthen their internal reform process. They also accepted the bilateral process as a useful and necessary process for the liberalization of their countries' economy.

Concerns therefore did not address the process itself, but the way the process was applied by some member countries.

Reforms proposed by acceding countries are therefore related to measures to avoid abuses of the process rather than the process itself:

- Some rules should exist to address unreasonable demands by individual countries and in particular concerning the introduction of non-trade demands;
- Some multilateral monitoring should exist to address blockages which might retard unreasonably the accession process;
- Some guidelines should exist to avoid that accession becomes an unpredictable, moving target due to changes of demands in each accession process and the fielding of new demands during the final stage of the process;
- The need for a dedicated, neutral facilitator who can intervene and mediate in situation of blockages;
- The need to strengthen the cooperative aspect of the accession process and a better match between assistance and reform and institutional needs (GTDF 2009: 2-5).

3.3. WTO MEMBERSHIP – PRECONDITION FOR OPENING OF NEGOTIATION FOR EU MEMBERSHIP

Finally, simple question to be asked is: why is WTO membership such priority for Montenegro? Alternatively, what Montenegro is loosing if not join the WTO?

- Having in mind that Montenegro do respect all WTO rules, though Montenegro are still not officially “in”, negatively impact on image of Montenegro as attractive business destination for FDI, what means less possibilities for economic development and prosperity; finalization of WTO accession process helps convince the internal constituency of the necessity to implement such economic and trade reforms which in turn attracts foreign investors;
- Postponing of WTO accession could slow down overall process of European and Euro Atlantic integration of Montenegro. The accession process provides an opportunity to implement a country's needed reform, which is, at the same time, precondition for opening of negotiation for EU membership. In other words, EU accession practice does not recognize

opening of negotiations in free movement of goods and services without full-fledged membership in WTO.

- Raising awareness among other WTO members and acceding countries about this problem, Montenegro is voicing also for its neighbours non-WTO members. Only Balkan as a whole in WTO is an attractive investment place.

Montenegro has been informed by other acceding countries that this kind of negotiations, carried out by Ukraine, one of the youngest WTO members during in last several months, negatively affected the dynamic of accessions of other countries as well. It is the question, just when this approach to bilateral negotiations by Ukraine will become the problem for larger number of acceding countries, and WTO would have to deal with it.

Ukraine submitted request for bilateral negotiations with Serbia and Bosnia and Herzegovina. Having in mind that these Western Balkan countries are not well advanced in WTO accession process as Montenegro (and less liberalized and open), they keep this bilateral for final phase of negotiations expecting that Montenegrin case will somehow show the “exit strategy” together with gradual improvement of political and economic relation between EU and Ukraine.

Really, some bilaterals are problematic, making finish very difficult. In that sense, on the Seventh Ministerial WTO Conference held in Geneva in November 2009, Montenegro asked WTO members for support. To avoid mentioned case in future, WTO members should consider strengthening of ombudsman role of Director General for acceding countries, such as to consider about making new document for rules of accession, which will be focused not only on rules, but also on content of negotiations. Today, it is only problem of Montenegro. However, tomorrow it would become the problem of other acceding countries too.

4. CONCLUSIONS

The survey shows that there is a quite strong link between WTO accession process and EU accession negotiations. To reduce risk of potential prolonging of opening of EU accession negotiations, the western Balkan countries

need to finalize WTO accession as soon as possible. For both, their own economic benefits, but also for their strategic integration towards EU.

WTO, as members-driven organization, needs to improve its own rules and procedure to support accession process. Focus should be on areas concerning improvement of rules of procedures within very organization, in order to facilitate accession process of new members.

More precisely, **insufficiently clear and precise, or complete inexistence of the rules**, procedures, or guidelines for the accessions process can result with an abuse by some members. Contrary to the usual WTO negotiating practice of standstill demands from members, requests can, in some cases grow, at each round of negotiations. Acceding countries are not sure what they are negotiating and how long it could take.

The accession process is rather long and complex, which creates **internal pressure** in the acceding country towards the negotiating team. After a while, negotiators face internal questions on their negotiating skills and their capacity to conclude the negotiations. This is especially the case at the end of the process when acceding countries think that they are almost reaching the finishing line but that the last stretch is extended for reasons difficult to explain. Some sectors are very sensitive and have to be protected. They cannot be bargained in the negotiations because of their importance.

Certain **limitations for criticizing system**, however, exist. As a demander to join a club, it is difficult to criticize the process (or individual WTO members) or call it unfair. Given that, few complaints or proposals for change come from acceding candidates members might think that the process works well. A solution should be found to circumvent this impasse providing thereby the opportunity for acceding countries to voice their legitimate concerns with regard to the process.

As additional burden in negotiating process, new-comers face sometimes with **unfairness in request** by WTO members. The scope of the requests by some members is not based on WTO rules but go beyond them sometimes to the point that they require commitments not taken by actual members. Often, some members open negotiations on all tariff lines and call for full liberalization, even though a real trade interest lies in only a portion of the tariff schedule.

Requests are not based on the situation of the country and do not leave policy space to countries that might need some, at least in transition periods, to adapt their economy or parts of it. In addition, there is pressure to subscribe to sectoral initiatives or plurilateral agreements even though they are not compulsory, and are respected by only a fraction of original WTO members. Several members with little trade relations with acceding countries often request high level of concession (more than with countries with whom they trade more) and refuse negotiations on FTA.

In bilateral negotiations, some members negotiate on principles instead on trade interests. This approach is understandable in multilateral negotiations because it is systemic but in bilaterals, negotiations should be based on trade interest. This opens the door to never-ending requests. Sometimes, requests (in terms of wording) in services negotiations from different members can be contradictory and make it impossible to find a solution that will please all of them.

In addition, acceding countries feel very **lonely in the accession process**, with no expected support from WTO members and Secretariat. Although they receive support from several members, the chair and the secretariat, they nevertheless feel left alone rather than part of a cooperative effort. Other members are simply not aware of the situation.

In case of conflict or even clear unhelpful behaviour, acceding countries receive little or no help / support from other members or the secretariat. Even if the secretariat is willing to help or mediate, it is not possible because there are no rules or procedures on such a support or on a mediation role.

It has become clear that WTO has to ensure credibility of its own accession rules, or at least a framework on what should be the criteria of the accession process to limit the room for arbitrary requests. This framework would need to address both the procedures and the content.

Secondly, an Ombudsman or a similar instrument could help to mediate in case of conflicts or problems in bilateral negotiations. It could also include organizing of a hearing with the chairpersons of the working groups on accessions.

Useful instrument could also be a regular (yearly or bi-annual) sessions at the WTO dedicated to the issue of accession which would have as its purpose

to discuss issues faced by acceding countries which have difficulties to finish the accession process.

As it was mentioned before, for Montenegro since 2004, WTO accession process was fully compatible with EU integration process. Namely, WTO accession was strong turning point for introduction of “twin-track” approach in October 2004 for separate economic part of integration of Montenegro and Serbia towards the EU for that period. After independence, WTO accession continued to serve as strong support for SAA negotiations, its track-record and decision on submission of application for membership of EU. There is no doubt that WTO accession process so far has been strong incentive for European integration process at a whole.

What are the prognoses after 14 months of Ukrainian blockade? More precisely: is it possible that WTO accession process will turn its role from positive “integration engine” to its “integration brakes,” slowing Montenegro down. Would Ukraine, following recent presidential elections, make its approach more flexible towards acceding countries, and choose improving of bilateral relations and relations with the EU, following years of negotiating of the Free Trade Agreement with them?

Finally, would WTO understand requests of the acceding countries in a year when is necessary to unite all WTO members and to conclude Doha Development Agenda?

All of these questions are very complex, and it is not easy to provide answers on them. It is not up to each country individually to provide answers, but it should be result of harmonized joint actions, which are to maintain credibility of the WTO as such. Hence, from the point of view of the western Balkan countries focused on integration, this is very important issue, which needs to be solved this year. For Montenegro, finalization of WTO accession process is strategic priority. Therefore, Montenegro will be focused on conclusion of bilateral negotiations with Ukraine, expecting the help and understanding of both Ukrainian Government and WTO members.

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European Union's Research Policies and the Social Sciences: Lessons Learnt and Future Prospect for the Western Balkans

Barbara Hoenig¹

ABSTRACT

Although the social sciences have been shaped by the rise of the modern nation state, until recently they have been confronted with deep transformations that European societies undergo nowadays. Moreover, they themselves are remarkably influenced by the process of European integration. In this paper, first, an investigation of EU science policies indicates how European frameworks of research specify, restrict and support their role and position within the European Research Area. Second, there are represented results of a comparative analysis of scientific journals in Slovenia and Austria displaying central topics of a growing European stock of knowledge. Third, focused interviews with sociologists in two states show how they actually identify an European dimension of social science. Conclusions are drawn in respect to the expected EU integration of actual and potential candidate countries at the Western Balkans. It is suggested that the EU dynamics of enlargement and integration lead to the negotiation of new boundaries in intellectual knowledge production as well, as manifest in consequences of European research policies, investigated with regard to indicators for scientific development.

KEYWORDS

European research policies; enlargement; integration; West Balkans; sociology of science; social sciences.

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INTRODUCTION AND RESEARCH QUESTION

As science of its society, sociology deals with societal transformations and historical changes, but is also subject to them as very precondition of its activities as well. Since 1989 deep transformations both in European societies and in European policies of research have remarkably shifted the institutional and intellectual conditions of the social sciences. In this paper there are given some results on the question in which way the European Union had an impact on the development of sociology within the border region Slovenia and Southern Austria, the latter namely being the Austrian provinces of Carinthia and Styria. Research outlined here explicitly refers to effects of EU policies and structures at local, regional, and national level. Its implementation in the social sciences is regarded as a challenge for sociology to transcend its historically grown emphasis on national frameworks of its object of inquiry (Beck - Grande 2004; Habermas 1998, 2008) towards a comparative analysis.²

First, I outline some brief historical remarks and give some empirical evidence for sociology in the respective region. In particular, I investigate the impact of the European research policy, then present results of a comparative bibliometric analysis of two leading sociological journals in the region, and ask how sociologists in two states regard the European dimension of their discipline. Then an analysis of the dynamics of the European Union is applied to the West Balkans, in considering centres and peripheries of intellectual knowledge production. Conclusions hint to particular experiences and expectations encompassing the integration of the social sciences within an enlarged European framework.

In taking account the dynamics of EU enlargement and integration, the actual situation and future prospect of the Western Balkans is of central concern, in particular in respect to the implementation of European science policy within the social sciences. Several countries of the West Balkans already share the status of EU candidate countries, as Croatia has

²In comparing Slovenia and Southern Austria, we are well aware of dealing with different levels of national and sub-national comparison. However, the Slovenian respectively Austrian part of the common border region is comparable in geographical size (20.000 respectively 26.000 square kilometres) and number of inhabitants (1,9.000 respectively 1,725.000 inhabitants, Moritsch 2001: 8). Geopolitically, the region is a remarkably sensitive area, where issues of borders and minorities are characteristic since the 19th century (Moritsch 2001). Talking of a common border region, we have in mind the region as a central unit of European thinking.

started accession negotiations on October 3, 2005, and the former Yugoslav Republic of Macedonia as well, the latter without negotiations started up till now. Potential candidates include Albania, Bosnia-Herzegovina, Kosovo under UN Security Council Resolution 1244/99, Montenegro, and Serbia. While the Copenhagen criteria explicitly require the adaptation of countries to certain political and economic obligations, the implications of the European science policy's implementation presumably are less known. There are already some possibilities open for the Western Balkans in actively taking part in research programmes of the EU. It can be assumed that research institutions of member states heavily depend on them in doing so. Moreover, one starting point of this contribution is the assumption that the Western Balkans in this respect can learn from experiences of neighbouring countries like Slovenia and Austria.

HISTORICAL REMARKS

The intentions of the European Union as a “political peace project” (Vobruba 2007) have always been to overcome those tensions, troubles and wars which characterized its often conflict-riddled history by enlargement and integration. To find answers to the question on the basis of which experiences and interests an integration of these can take place, it is necessary to develop a perception of its history.

The beginnings of sociology in Slovenia and Southern Austria can be traced back to the end of the 19th century, as in the work of Ludwig Gumplowicz (1963), while within the Habsburg monarchy the University of Graz has been rather dominant. The socially asymmetrical relationship of both neighbours has been enforced by the politics of “Germanization” before and during the Nazi-regime. The latter has been characterized by occupation and suppression also against the Slovene population, as well as by a science policy, where many scientists actively participated in establishing and enforcing the NS-regime (Mozetic 1992, Fahlbusch 1999).

Sociology as academic discipline has been institutionalized in both countries particularly during the 1960s. Although in Slovenia sociology first has been interpreted as a “bourgeois science”, this has been transformed by processes of professionalization and political change (Jogan 1994: 126). The 1970s have been characterized by an enforced ideological control resulting in the public suspension of four scholars from academic teaching positions (Jogan 1994: 128). Quantitatively seen, sociology in Slovenia is highly

institutionalized at universities, particularly at Ljubljana University, much more than in Austria³. Innovations in Slovene sociology, by sociologists often are referred to as part of transformations since 1989. This particularly is visible in topics of research that much more often than in Austria deal with political democratization, economic change, and European integration. A new “multi-paradigmatic situation” within sociological thinking is interpreted as a result of the ended dominance of the historical materialist paradigm (Adam – Makarovic 2002: 537).

In Austria, sociological institutions have been established mainly in the 1960s and 1970s in a phase of expansion in the Austrian higher education system. Since the late 1970s numerous research institutions have been founded as part of reform coalitions between the social democrats and intellectuals in the non-university sector. This is one of the reasons that in Austria sociological research departments outside university are still much more institutionalized than academic sociology, at least in terms of research positions. In Austrian sociology, one might observe a huge amount of eclecticism in theory too (Fleck - Nowotny 1993), and in quantitative terms the history of sociology and the sociology of science are remarkably important (Crothers 2000: 276).

One can assume that Austrian sociology still is strongly oriented towards Germany, although the enhancement of European research policies also resulted in an emancipation process from „big brother Germany“, in favour of international research within Europe. For Slovenia, the relationship to Ex-Yugoslav territories still seems to be relevant, and Slovene institutions more and more establish themselves as a “bridge” towards Central and Eastern European countries.

IMPLEMENTING EUROPEAN RESEARCH POLICIES

As part of our main research question we have been interested in possible factors of the impact of the EU accession on the development of sociology

³The actual representation of scientific employees at five university departments and three research institutes outside universities (status October 2008), as visible on the web pages of the respective departments, showed the following: From n=217 scientific employees in the entire region, 40,5% were employed at Ljubljana University FDV, 10,6% at Ljubljana University FF, and 4,1% at Maribor University, while 15,3% were employed at Graz University and 3,3% at Klagenfurt University. About 25% were employed at in sum three research institutes outside university (two in Austria, one in Slovenia).

in the common border region Slovenia and Southern Austria. Since the related terms of European transition and transformation, EU integration and enlargement, do not provide for clear conceptual devices, we pragmatically assumed EU accession as “a good working definition for successful transition” (Barr 2005: 21). The effects and impact of EU policies at local, regional, and national level are indicated by the term “Europeanization”. It has been coined in political science and is under debate among European political scientists for about ten years now (for instance, Radaelli 2000; Olsen 2002). In sociology, the impact of EU policies has been a rather implicit issue of concern in early comparative research within Europe (Hradil - Immerfall 1997). However, only recently the concept has been used in regarding national societies (Bach 2000), social structures (Schafers 1999), but also, at meta-theoretical level, the usage of the concept (Jacquot - Woll 2003) and the need for an adequate social theory on it (Delanty - Rumford 2005) have been discussed. Furthermore, it has been an issue in thinking about specific countries and its respective status-quo of implementation of EU policies, as, for instance, in Austria and in the former candidate countries and now EU members as Slovenia (Falkner 2001; Gwiazda 2002).

In the conceptual framework of Maurizio Bach (2000), we can distinguish between approaches which are mainly concerned with, on the one hand, institutional analysis of supra-national structures provided by the EU, and on the other hand, analysis of territories re-defined in the process of European integration. Both meanings of the term seem to be capable to being applied to social sciences too, as in understanding its institutional conditions and a trans-regional dimension of sociology. Seen from the viewpoint of political sciences, the term explicitly refers to the impact and effects of European Union's policies and structures at national, regional, and local level (Knill 2005). It is this meaning of the term, which seems to be highly useful for our interest in the impact of the EU accession on the development of sociology at regional level too. Following Christoph Knill, we draw a distinction between different lines of research (Knill 2005), where theoretical explanations of effects of Europeanization can be distinguished due to three mechanisms: first, by the demand of institutional models of the European Union towards nation states, second, by the transformation of national actors' opportunity structures, and third, by change of national ideas and beliefs through Europeanization (*ibid.*). Related to these theoretical explanations is the research on implementation of European policies (*ibid.*).

We would like to apply the typology of mechanisms mentioned above to the field of sociological analysis of interest here, to the impact of European research policies on the social sciences. First, the demand of institutional models more or less affects tasks of research and teaching within a national framework by Research Framework Programmes and the Bologna Declaration itself. Second, concerning the transformation of national actors' opportunity structures, we might think of shifting power relations not only between different scientific communities within Europe. On a more regional level we observe these strategic contexts, for instance, among public and private university institutes of different kind or in relation to research institutes outside academia. Third, a change of ideas and beliefs through Europeanization at least partially becomes visible in topics and issues of sociological concern, as manifest, for instance, in sociological journals' articles or in study curricula in the border region.

RESEARCH DESIGN

The key question of the impact of EU research policies has been applied to the constellation of the social sciences which we find within the common border region Slovenia and Southern Austria. It has led our empirical search for various sources of data as follows, mainly oriented towards a comparative methodology (Sztompka 1990) within the framework of the sociology of science (Merton 1996). For data analysis we applied the Grounded Theory approach explicitly aiming at theory generation in the respective field. According to Barney Glaser and Anselm Strauss (1967: 165), Grounded Theory generally is not limited to the analysis of qualitative data. It can also be fruitfully applied to various types of data sources like statistical material, scientific studies, experiential knowledge drawn from researcher's previous personal or professional experience, and other non-scientific literature and documents.

These recommendations have guided an extensive study of data sources. Relevant data sources in quantitative research were several electronic data bases (COBISS Slovene publication data base; CORDIS European research data base; Cambridge Sociological Abstracts data base), websites of university departments investigated and two leading sociological journals (*Družboslovne razprave* DR; *Österreichische Zeitschrift für Soziologie* ÖZS) explored from 1986-2007. Moreover, we generated empirical data with qualitative research methods as 21 focused interviews (Merton et al. 1956)

with sociologists in two states, one group discussion, and participatory observation of trans-national research projects. Additionally, we made extensive use of documentary analysis of various non-scientific texts (EU treaties and declarations, EU research framework programmes, EU funding programmes for regions, annual reports and study curricula of university departments, websites of professional associations, universities, research institutions, and research projects). Scientific literature has been analyzed in the fields of sociology of knowledge, history of sociology, sociology of science, and European studies. Recognize that the broad variety of different data included might have enriched divergent perspectives and viewpoints of the theory's conceptual grounds.

EUROPEAN POLICIES OF RESEARCH AND DEVELOPMENT

For a better coordination of research activities and an improvement of researcher's opportunities, the concept of an European Research Area (ERA) was endorsed at the Lisbon European Council in March 2000 (European Commission 2007), "to develop a genuine common research policy"⁴ both at the level of the Member States and the European Union. It aims at creating a freely circulating "internal market" for research, researchers, technology and knowledge, an effective European coordination of national and regional research programmes and policies, and initiatives implemented and funded at European level (*ibid.*). The document that explicitly aims at launching a wider public and institutional debate for preparing adequate initiatives raises many questions "on how to deepen and widen the European Research Area so that it fully contributes to the renewed Lisbon strategy" (*ibid.*). Moreover, the ERA intends the share of data and comparison of results, the run of multi-disciplinary studies, the transfer and protection of scientific knowledge and a gain of access to state-of-the-art equipment and centres of excellence (*ibid.*). Apparently the ERA is an ambitious endeavour, which, as experiences and competencies of sociologists show, has also to be critically reflected in its goals and intentions mainly led by the Lisbon Strategy. At least the 7th Research Framework Programme (RFP) was explicitly called into life in order to support the emergence of the European Research Area and to "stimulate the national investment needed to reach the target of 3% of the GDP"⁵. The previous multi-annual

⁴http://europa.eu/scadplus/glossary/research_area_en.htm (20 February 2010)

⁵http://europa.eu/scadplus/glossary/research_and_development_en.htm (20 February 2010)

framework programmes, introduced in 1984, already imply the notion of an ERA by financially supporting research and development activities at an European level with the aim of an improvement of “the usability and marketing of research results to overcome the relative weaknesses of European technology transfers” (European Parliament 1994).

As manifest from the 4th RFP onwards, EU science policy implies a distinct concept of advocacy research, aiming at “elucidating decision-making in future by developing a shared knowledge base on the challenges facing Europe” (European Council 1994). Social scientists are regarded to provide for necessary and relevant knowledge bases for social policy and decision-making at regional, national, and European level. However, sociologists interviewed argued that this assumption might not always be adequate or realistic in the view of current processes shaping social and science policies as well.

What has been a remarkable change from the 4th to the 5th RFP was its shifting focus from a rather discipline-oriented to a “new integrated, problem-solving approach” in suggesting particular themes and activities for research projects (European Parliament 1999). The fact that the European RFPs since then transcend disciplinary frameworks of reference and stocks of knowledge makes it plausible that sociologists often perceive that a certain selectivity of topics enacted by the EU is insufficient from a more academic point of view, because it does not cover the full scope of sociological areas of research. In the context of the 6th RFP (European Commission 2002) it became clear that the intended knowledge-based society is mainly functionally or even instrumentally perceived towards achieving ambitious goals of economic growth. In this sense it seems appropriate to depict the Lisbon Strategy as the most important “normative guideline” of European research policy, as this was indicated by an interviewed sociologist. This knowledge’s instrumental function is manifest in the 7th RFP as an intended search for indicators useful for policies. Second, as major social changes there have been identified demography, migration, and cultural interaction. There is more awareness of Europe’s role on a global scale and, concerning inward-orientation, in particular the participation of its citizens. New aspects mentioned are activities in sustainable developments, issues of social change at different levels, the placement of so-called blue sky research, and strategic action for more trans-national co-operation within the social sciences and humanities (European Commission 2005). Sociologists interviewed consider the EU policy on social-scientific re-

search rather ambiguously, since it forces them not only to compete with other social sciences and humanities as, for instance, cultural studies.

After having explored some key strategies of European science policy, how many sociological research institutions actually have participated in the so-called Research Framework Programmes? An empirical analysis of the CORDIS database (status August 2008) has indicated the participation of Slovene and Austrian research institutions in the RFPs since 1994, from the 3rd to the 6th RFP. The keyword "sociology" first gave 320 projects, while 51 of them were undertaken with Slovene and/or Austrian participation, that is, about 16 per cent. Concerning the rather short application period, the high participation rate of Slovene institutions is remarkable: 11 out of 51 projects were undertaken by a Slovene sociological institution, which were all active as partner institutions. Austrian departments were relatively often active as co-ordinating institution: From 35 Austrian sociological institutions, 13 were active as a co-ordinator, 22 as a partner institution. 5 projects were realized in a trans-national co-operation of Slovene and Austrian sociological institutions, in one project an Austrian institution has been the co-ordinator. For both countries, in quantitative terms the following programmes were most important: "Human Potential" (RFP5), "Society" and "Citizens" (RFP6), "INTAS" and "LEONARDO". 25 out of 35 Austrian sociological projects were run by a non-university department, but only 4 out of 11 Slovene sociological projects were undertaken by a non-university department, 7 of them were run by a university department. Within projects of joint Slovene and Austrian participation, 3 out of 5 were realized by a non-university department. While in Austria research institutions mostly located in Vienna are successful in the application process, in Slovenia mostly university departments have taken part in the RFPs, which might be a result of the high institutionalization of sociology at Ljubljana University.

COMPARATIVE BIBLIOMETRIC ANALYSIS

The bibliometric analysis of journals consisted of two steps mainly drawing on a simple frequency count of sociological articles published in the border region (for a detailed description of results cf. Hoenig 2008, 2009). First, the relative status of journals has been analysed due to a sample of n=2639 articles of sociologists working at one of in sum five university departments in the border region, as available by, in case of Austrian de-

partments, departments' web pages, or, in case of Slovene departments, the COBISS database. Journals in which sociologists have actually published their articles have been clustered due to their orientation towards sociology or other disciplines, and due to their orientation towards rather regional or rather trans-regional audiences. One can observe that the proportion of sociological journals is relatively high at FDV faculty at Ljubljana University, while at Klagenfurt University articles in (trans-)regional journals are more frequently published, at least in relative terms.

This first analysis of articles then resulted in the specification of a comparison of two sociological journals, exploring some similarities and differences in sociological articles' content, regarding the country and the time dimension between 1986 and 2007 (n=942 articles). In particular, by hand-search there were investigated articles respective their abstracts' topics and keywords, language orientations as manifest in quoted literature, empirical methods used, and main theories and theorists referred to. Comparing the "*Družboslovne razprave*" (DR) and the "*Österreichische Zeitschrift für Soziologie*" (ÖZS), we can see that their favoured topics apparently differ: while the sociology of knowledge and of sociological theory is more often represented in the ÖZS, in the DR political sociology and the sociology of transformations are much more frequently published. Comparing the two journals during a period of 22 years, a continuing interest in sociological theory is indicated in the ÖZS, while in the DR this interest has decreased in the 1990s in favour of an orientation towards the sociology of transformation. An analysis of cited literature has shown that in Austria sociologists still mostly are oriented towards research literature in German, although the proportion of English citations has increased within the last decades. In Slovenia, mostly English scientific literature is cited, even more than Slovene, which might reflect not only a smaller language community but also a strong outward-orientation and internationalization of the scientific community in Slovenia.

EUROPEAN DIMENSION OF SOCIOLOGY: THE DIAGNOSIS OF SOCIOLOGISTS

In the interviews sociologists were asked whether they, apart from an inevitably national and international dimension, also perceive a specifically European dimension of sociology and how they would describe it. In fact, we are dealing with a term which, as part of proposals of many European re-

search projects, has to be applied and explicated to legitimize one's research endeavour. While from time to time sociologists articulated scepticism on the usefulness and adequacy of considering an European dimension of sociology at all, bringing some counter-arguments to the fore, most of sociologists interviewed could actually relate to an anticipated EU dimension in institutional or social, cognitive, and historical terms (Lepenies 1981). In addition, they have given practical recommendations for strengthening this EU dimension of sociology in future.

As counter arguments to such an European dimension, sociologists mentioned that the importance of national sociologies still prevails, which is enforced by heterogeneous language communities within Europe, instead of the United States. Others underline the significance of political and economic processes in contrast to solely scientific developments within Europe, and the US dominance in science policy on a global scale has been emphasized for several times.

However, sociologists also recognize the impact of European research policies on their discipline in institutional terms: enforced structural opportunities for trans-national co-operation, e.g. in the Research Framework Programmes, the existence of the European Sociological Association ESA as an institution, enhanced professional standards and procedures of sociological research, an impact of the European Union on topics and methods of sociological research, and the existence of special journals of European scope as well. In cognitive terms, there has been underlined the exchange of knowledge and good practice models, the challenge of comparative cross-national sociology and the region as a new unit of research and analysis. Historically seen, sociologists interpret Europe as an historically grown entity with a strong heritage of "classical" sociologists and a peculiar tradition of Critical Theory. Future recommendations for enforcing the European dimension of sociology concern the development of joint organs for communication and publications, as a common newspaper, an enforced financial support for sociological research from regional companies, the development of joint trans-national post-graduate colleges and the promotion of interdisciplinary European studies.

What about the European research policies when interpreted as a particular norm for sociologists to orient themselves towards internationalization in research and teaching? Roughly spoken, the outward-orientation of sociological communities in Austria and Slovenia generally is rather high,

especially in the case of Slovenia, which might depend on a rather small language-community, but also on definite institutional requirements for publishing abroad. A kind of dialectic relationship of increasing internationalization of sociology versus decreasing internal cohesion of national communities has strongly been indicated, regarding, for instance, the decreasing importance of professional national associations, but also severely affecting the existence of sociological journals of mainly national scope. Although comparable institutions like the ESA and professional journals are also available at European level, they have not been able to simply substitute the cognitively required cohesion of sociologists at national, regional or at even local level of single departments. Individual strategies of actors, who often face serious institutional constraints towards a strong outward- or internationalized orientation for promoting one's scientific career, then at least partially result in lack of knowledge, communication and informed critique among close colleagues at home.

ON THE DYNAMICS OF EU ENLARGEMENT AND INTEGRATION

Apart from social scientific discourses on EU research policies mentioned above, the second starting point of our analysis is an appreciation of the dynamics of enlargement and integration within the European framework (Vobruba 2007). It is particularly this aspect which might be relevant for an understanding of the current situation and EU prospect in respect to the West Balkans.

The discussion of relations of centre and peripheries has been mainly developed by Stein Rokkan (1999). In considering particularly the European context, Georg Vobruba interprets these dynamics as a relation between the wealthy centre and a periphery of the EU, where typical intersections of interest erase, resulting in diverse combinations of politics of exclusion and inclusion as well (Vobruba 2007: 29). He suggests that the deepening of EU constellations of interests manifests itself both in relation to internal and external borders and boundaries. Due to Georg Vobruba, combinations of exclusion by closure of external EU boundaries and inclusion as a "self-interested help" of the EU result in tendencies of self-perpetuation of the EU's expansion (*ibid.*). Namely, he considers political calculus of the wealthy centre resulting in self-interested help for the peripheries, in order to develop them as a buffer-zone for supporting stability. This function is overtaken by new peripheries by exchange of generating expectations to-

wards a later membership. Consequently, kernel zones of the centre enlarge by a sequence of a) problem-oriented neighbour region, b) buffer-zone guaranteeing stability, c) candidate for an EU membership, d) EU membership accompanied by integration in the wealthy kernel zone. In this way, new regions become new peripheries of the EU as part of its spheres of interest; a new round of EU enlargement can start again. Vobruba suggests that this might be the reason that “for the EU (...) enlargement is not so much a discrete issue as an ongoing process” (Croft et al. 1999: 56). In this way the EU enlargement is reproducing itself in a pattern of concentric circles within the enlargement process (Vobruba 2007: 21).

In the following, I would like to take account of relations of European centres and peripheries which might especially be relevant for the Western Balkans. Moreover, what has been said about the dynamics of the European Union on a general level of a social theory of integration, could also fruitfully be applied to the field of intellectual knowledge production. The difference of centres and peripheries can also be identified with respect to a so-called European map of intellectual knowledge production (cf. Galtung 1981). In the following, we reflect in which way *power relations* within the sociological community at macro-level can be regarded as having changed due to an anticipated EU impact on that system. In particular, we would like to point to some strategies to negotiate boundaries and power relations within intellectual communities.

CENTRES AND PERIPHERIES IN INTELLECTUAL KNOWLEDGE PRODUCTION

One of the core assumptions of this contribution is to expect at least a gradual process of enhanced EU policies concerning sociology in the respective border region by the EU accession of the member states Slovenia and Austria. This can be examined in the re-organization of institutional conditions of teaching (cf. Hoenig 2010) and of research, as in the opportunity to undertake research projects funded by the EU. This assumption is foiled by the daily experience of a strong US dominance within sociology and a relatively strong orientation of European sociologists towards it. However, there is empirical evidence for assuming that Europeanization indeed does have an impact on persisting power relationships within the sociological community in the sense of at least partially changing it. This is indicated, for instance, in what is perceived by Austrian sociologists as

an emancipation process from “big brother” Germany, or in a stronger orientation of Slovene sociology towards the Anglo-Saxon context.

For this we have thought about European neighbourhoods *within* Europe which are significant for the sociological community in the relevant regional context. Therefore, what are important scientific communities which influence the way of looking at each other, and sometimes work as background assumptions in characterizing one’s own community in contrast to it, for the respective border region? Regarding this, we identify the Anglo-Saxon context (roughly spoken, the US and UK) as relevant for Austrian as well as for Slovene sociologists, the German-speaking context as particularly of significance for Austrian sociology, and the context of South-East European countries as mainly recognized by the Slovene sociological community.

Following Johan Galtung (Galtung 1981), centres of intellectual knowledge production in the Anglo-Saxon context can be identified with well-known universities at the East and West coast of the US and with “Oxbridge” in the UK and in the German context some universities like Heidelberg, Tübingen, and others. Recall that in the context of this contribution we mainly identify centres of sociology at regional level, evolving around the university departments of Graz, Klagenfurt, Ljubljana and Maribor. We can add to this, that for Austria, of course, Vienna represents such a centre of intellectuality, which has only hardly been considered in the context of this regionally focused thesis, and for Slovenia Ljubljana clearly can be regarded as a centre. From our point of view unfortunately we are not sure which centres at the Western Balkan can be identified, maybe Zagreb, Belgrade, and Sarajevo.

Is, due to assuming a change in institutional conditions of sociology by the EU, the EU capable of influencing these power relations within the sociological community, at least partially? In which way are anticipated international and European “centres” and “peripheries” in power relations re-defined by the process of European integration and enlargement? As interviews with sociologists indicate, European neighbourhoods in scientific communities of the common border region Slovenia – Southern Austria are characterized by power relations which influence the way of perceiving each other and the strategies to deal with it as well. European integration and enlargement is reshaping the relationship to close neighbours in a wider context of Europe, visible also as an impact on new power configu-

rations among intellectual centres of knowledge production. When sociologists characterize national sociologies, they often address former and current power relations among each other. Then this sometimes means to come closer to an Anglo-Saxon context instead of a German context which is historically prevailing at least from an Austrian standpoint. What about the Slovene point of view? Well, while the rather close neighbour of Austria is still of some importance, however, as a rather one-sided relationship or influence, this Austrian context might not be so interesting anymore, when considering the Anglo-Saxon one. Also post-Yugoslav territories, with whom Slovenian sociologists at least partially share historical experiences and language competencies, become more and more relevant.

With these power relations, also parallel and often *dialectic processes* are addressed which can loosely be linked to the process of European integration and enlargement itself. So, a former homogenization in mutual perceptions has diminished in favor of more differentiated views of neighbors getting to know each other and communicating increasingly. What has been interpreted as a clear dominance of "the West" now has developed in the sense of a more diverse, more individualized and also a more democratic system. However, parallel with this there is recognized enforced competition among new colleagues within European frameworks which also results in an enhanced professionalism of the entire discipline, and probably in more dependence on that international context within Europe and beyond. Former experiences of, so to say, *intellectual colonization*, have been perceived as a kind of *indigenization by others* ("we were treated by them like *domorodci*, indigenous"), but recently challenged emancipation processes and strategies of Austrian as well as of Slovene sociologists, when compared to Anglo-Saxon or German contexts. In addition, mostly sociologists from Slovenia have underlined that *structural opportunities* are still not the same for both Slovene and Austrian research institutes. Within the EU framework an adequate pressure on the respective national research system seems currently to be still insufficient from a Slovene point of view. Moreover, we recognize the idea of "*tangential coalitions*" (Mlinar 1995) as an opportunity specifically for peripheral units to strengthen their position in regard to an anticipated centre. This might be helpful in imagining and evaluating trans-national co-operations, as the knowledge exchange in good-practice models among sociologists in the region, as a promise that regions might transcend their peripheral positions towards an explicit European orientation. Sociologists from both national contexts, in addition, do mention new opportunities in what is perceived as a grow-

ing need and their increasing ability to fulfill a “*bridge function*” between scientific communities in the former “East” and “West”.

CONSEQUENCES OF EUROPEAN RESEARCH POLICIES: LESSONS LEARNT AND FUTURE PROSPECT FOR THE WESTERN BALKANS

While the European Union intends to diminish differences between their members in economic stability by at the same time trying to preserve cultural diversity, commonalities of its members, let's say concerning branches at the labour market, mostly are interpreted as non-problematic in the process of EU integration (Vobruba 2007: 32ff.). However, these commonalities in fact imply an enforced competition between them, whereas strategies to find complementarities among them within an internationalized division of labour are actually required in order to support integration (ibid.). The existing myth that processes of modernization and transformation always produce winners has to be denied: In fact, there will not only be winners of the EU transformations. Under conditions of EU integration, inequalities among European nations increasingly become inequalities among EU regions (Vobruba 2007: 35ff.; Haller 2007). This model can be applied to the social sciences as well, in taking into account 1) intended and un-intended consequences, 2) enabling and constraining consequences of Europeanization, and 3) its consequences in regard to certain indicators of scientific development.

1) *Intended and un-intended consequences*: Throughout this paper we have been occupied with various consequences of action and interaction of sociologists under the conditions of a current EU framework of research and teaching. In a rough definition, we can make a distinction between intended effects, but also un-intended consequences of a shifting framework of social conditions for sociology. Of course, results have shown that some general objectives of the EU, as promoting scientific trans-national collaboration in various fields of interest, have in practice often met its initial intentions, evolving into several European research projects of regional sociological actors. However, by empirical research we examine that those objectives and goals, strategies and measurements formulated in EU declarations and framework programmes, indeed are identified by sociologists as rather resulting into non-intended effects. For instance, sceptically it has been considered that by research framework programmes innovation is often hindered in favour of risk-minimizing strategies of scientific

actors to mainstream their research interest and approach, then resulting in rather predictable results. In teaching, it has been criticized that the objectives of the Bologna Reform Process to enable student's mobility across Europe are often not realized because of the very curricula or insufficient personnel infrastructure or missing English-courses in place. In fact, in our interviews with sociologists it has been shown that each argument for appreciating "more rational" - as more objective - EU policies of research, is foiled by a respective counter-argument or critical stance to what are perceived as rather "irrational" outcomes of the very procedure.

2) *Enabling and constraining consequences*: There has also become visible how the discipline of sociology is actually shaped by the EU impact, and which *enabling* effects are recognized, like more incentives and opportunities for trans-national research and a generally higher level of professionalism. Also *constraining* effects have been mentioned like the decrease of internal cohesion within the sociological national community, in its professional associations or journals of national scope, while Europeanization seems to have only little to offer to substitute these national communities. Often it has also been critically mentioned that concepts of social sciences at European level, as they are manifest in the EU call policy, are mostly influenced by images of the natural sciences and technology and are considered as significantly inadequate to meet particular requirements and core competencies of the social sciences. Moreover, critics of internationalization pressures enacted at local and regional institutional level have pointed out the central role of ordinary languages for the social sciences, in which they are profoundly rooted. They have suggested that national language proficiency can never be substituted by an ability to talk mainly to colleagues in a foreign language not shared by members of those societies in which social scientists actually live.

3) *Consequences in regard to particular indicators of scientific development*: Above we have empirically considered some of the social science indicators, as participation in EU-funded research projects, the visibility of research in scientific journals, and the coping strategies of social scientists themselves to deal with European policies. In case of *science policy*, as it manifests itself in European research frameworks' participation, research institutions located in EU member countries are increasingly dependent on the participation of so-called "third countries" in order to successfully apply for a trans-national research project which otherwise would not be funded by the European Commission at all. It is the EU centre of member

countries that, in this sense, as a case of “self-interested help” (Vobruba 2007) has good reasons to support a supposed current periphery to actively take part in programmes of European science policies; however, research institutions of EU member states like Austria seem to be not always aware of this fact.

In case of *scientific journals*, there has been recognized an enforced internationalization pressure as manifest in the requirement to publish in English language. However, at the same time the actual manifestation of these requirements for internationalization for research institutions in several EU member states turns out to be quite locally different for research institutions: Sometimes there is evidence for an institutionalized pressure to publish in international journals, as a model of the natural sciences to be applied for the social sciences as well (rather in Slovenia). Sometimes it is more relevant to engage oneself in international research projects (rather in Austria), in order to be able to go on in one’s scientific career.

Moreover, we should take into account that there are several “*strategies of transformation*” of individual scholars and moods in coping with the impact of Europeanization (Weingart 1998 for an example in the natural sciences), on an imagined continuum from radical critique to enthusiastic optimism towards the promises of the social sciences under European conditions. This can also be a matter of collective concern for various actors in the national science policy, as university staff, researchers and teachers, scientific professional associations, students, the government, and potential employers that have to be integrated in order to successfully implement European policies in research and higher education.

Additionally, we have considered *power relations* within the European scientific community observable as un-equal structural opportunities of its members, depending on a clear political will of a national science policy to support transnational scientific co-operation and its ability to use its own intellectual and financial resources in this process. Moreover, we suggested that actual and potential candidate countries as located at the (current) EU peripheries are capable of encountering experiences of “intellectual colonization” in enacting certain strategies of emancipation and building “tangential coalitions” (Mlinar 1995). However, in building and negotiating trans-national co-operations in the area of the social sciences, certain actors seem to be well equipped because of historical experiences: Different from, for example, Germany, both Austria as part of the former Habsburg

monarchy (cf. Langer 2009) and Slovenia due to historical experiences in former Yugoslavia (cf. Jazbec 2008) are rather medium-sized or small countries which actually bring with them intercultural competencies in managing multi-lateral relations within a current European framework. It will also depend on these resources to successfully encounter European dynamics of enlargement and integration in order to achieve fruitful complementarity and trans-national co-operation of social scientists within the international division of labour.

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The Stockholm Programme and the Police Reform Strategy: A “Step Forward” in the Police Reform in Serbia

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ABSTRACT

In the context of the European Union enlargement, the police reform becomes a “linchpin” for every Western Balkans state (including Serbia), especially after the EU’s negative experience with Bulgarian and Romanian accession. In this sense, it is necessary to have a strategic approach in the process of the police reform in Serbia for several reasons. Firstly, according to the Serbia 2009 Progress Report, one of the three reasons for advancing with police reform and European integration process in Serbia is inadequate strategic planning and priorities definition. Secondly, the Ministry of Interior of the Republic of Serbia has not yet formulated its strategic plan for the police reform, even though it was stipulated by the Law on Police. These two reasons (and their consequences) slow down the police reform process and the European integration of Serbia. The Stockholm Programme, which is a five-year European Union strategic plan for building and preserving the European Area of Freedom, Security and Justice, could be used as a starting point (but not final) for the police reform strategy in Serbia. The aim of this paper is to analyse the possible impacts of the priorities of the Stockholm Programme on the police reform process in Serbia, especially in the context of drafting a strategic plan, with respect to human rights and deepening police cooperation.

KEY WORDS:

Serbia, police reform, European integration, strategic approach, human rights, police cooperation

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INTRODUCTION

At the very beginning, we want to emphasize that the aim of any police reform is the creation of a police which will deal more efficiently with corruption and crime, respecting human rights and acting in the service of the citizens. Also, the police reform is one of the main prerequisites in a process of building up a consolidated democracy, especially in societies where transition process is incomplete. Regarding that, a strategic approach is “the only way to start genuine reform and thus it represents the only benchmark of the ‘real’ reform”.²

The Ministry of Interior of the Republic of Serbia (MoI) has not yet formulated its strategic plan for the police reform, even though it was stipulated by the Law on Police from 2005.³ On the other hand, Ivica Dačić, the Minister of Interior announced at the end of January 2009 that MoI is working on developing a new police reform strategy that will require amendments to the Law on Police.⁴ So far, the draft strategy on the police reform is not presented to the public.

Nevertheless, on 11th December 2009, after more than sixth months of debate, discussions and criticisms from the side of the civil society, the European Union (EU) adopted a third five-year plan for deepening the cooperation in the field of justice and home affairs, namely the Stockholm Programme. This programme also provides with guidelines on building and preserving the European Area of Freedom, Security and Justice (AFSJ) in the period from 2010 until the end of 2014.

The lack of strategic approach on police reform in Serbia slows down the police reform process and the European integration, as well. In that context, the impacts of the Stockholm Programme on the police reform in Serbia are multiple, and are closely connected to the European integration process.

²Interview with Dr Amadeo Watkins, Chief of Strategic Planning Unit, Section for Law Enforcement, OSCE Mission in Serbia, on 5 October, 2009.

³See: Article 7, the Law on Police, Official Journal of the Republic of Serbia, No. 101/05.

⁴See: Serbian Government (2009): “Police financial unit to be formed”, Official Web Site of the Serbian Government (20 January 2010): available at: <http://www.srbija.gov.rs/vesti/vest.php?id=52646>.

Firstly, the Stockholm Programme, as an EU strategic document which defines priorities of the member states cooperation in justice and home affairs, along with the EU documents regulating the AFSJ present good starting point (but not the final one) for strategic approach on police reform in Serbia. Secondly, the priorities noted in the Stockholm Programme regarding human rights protection and deepening of police cooperation can have “spill-over“ effect on both – the police reform (in the strategic sense) and on the course of the European integration process. Thirdly, it is necessary to connect the “regional approach” of the EU towards the Western Balkans with one of the basic priorities of the Stockholm Programme, namely strengthening of citizen’s protection.⁵ Both of them require building up of good neighbourly relations and strengthening of regional police and justice cooperation. The aim is to enable a free movement of persons.

In order to advance with police reform and European integration process, Serbia will have to meet additional EU standards due to three reasons: 1) inadequate strategic planning and priorities definition; 2) inadequate internal controls; 3) serious problems in preventing police corruption (Serbia 2009 Progress Report 2009: 53). Special attention in this paper will be dedicated to the first of these reasons.

The aim of this paper is to analyze the reasons why the police reform in Serbia should be strategically oriented and based on the principles of the respect of human rights and regional police cooperation. Consequently, we will use two theoretical concepts in order to better understand the research question – concept of human security and security community. After that, it’s important to understand the context of the police reform in Serbia and to identify missed opportunity for creating a strategic plan. Therefore, we will briefly introduce the history of the process of the police reform in Serbia.

A “TWO-LEVEL” THEORETICAL BACKGROUND ON SECURITY

Despite our efforts to avoid the “casual” sentence used in most of the papers in the field of social sciences according to which the end of the Cold War

⁵The latest Enlargement Strategy and main challenges in 2009-2010 considers good neighbourly relations as one of the key conditions for the EU membership. The documents insist ten times on establishment and maintaining of good neighbourly relations.

has once again “re-conceptualized security” with new theoretical concepts and paradigms, we must use it.⁶ Why? This fact is absolutely true. In their latest text, Sira and Grans (2009: 1) explained this re-conceptualization in practical terms stating that “...this transformation has resulted in a blurring of the classical divide between *external security* matters such as war, defence and international order, and *internal security* issues as organised crime, terrorism, policing and public order” (*italic by author*). There are many consequences which influenced the creation of the “new concept of security” – through effect of the globalization, new economic and political situation and enormous development of technology and information systems. Consequently, the new security challenges, risks and threats have been incurred in freshly created social environment.

The new theoretical approach on security had an impact on the process of European security integration and on the development of EU justice and home policies, as well on Common foreign security and the European security and defence policy. When we analyse the EU strategic approach on the security issues – the European security strategy, the Tampere – Hague – Stockholm programmes or the newest draft of the Internal security strategy, we can conclude that the EU tries to perceive itself as a “soft power”, not as a military one. The European security strategy from 2003 tried to find out a balance between those two powers, but the advantage has been given to military one – not to concept of human security. The progress towards understanding the EU as a soft power is perceptible in the Stockholm programme. The authors of the programme, in a favourable way, create “equilibrium” between the principle of improving the EU security for all citizens and the measures which enable the respect of the rule of law and protection of human rights. Finally, in the Spanish proposal of the internal security strategy from 2010, the priority was given to the development of new European security model, based on the theoretical concept of human security, where the EU is contemplated as a soft power.⁷

The concept of human security is conceptualized in a United Nation’s Human Development Report in 1994 (Prezelj 2007: 8). According to the

⁶For more detailed elaboration on the new concept of security see: Barry Buzan, Ole Wæver, Jaap de Wilde (1998): *Security: a New Framework for Analysis*, Lynne Rienner Publishers, London.

⁷These facts are reflected in the referencing security challenges that affect on citizens in everyday life and responses to these challenges. See: Council of the European Union (2010): “Draft Internal Security Strategy for the European Union: Towards a European Security Model”, 5842/2/10”, Council of the European Union (23 February 2010): available at: <http://register.consilium.europa.eu/pdf/en/10/st05/st05842-re02.en10.pdf>.

Commission on Human Security, there are two reasons for introducing the concept of human security. The first is the impossibility of a state to ensure security for its citizens, and the second relates to the opinion that the state presents a threat to its citizens. Furthermore, the concept of human security is in accordance with the concept of national security, as well as with human rights. This can be observed in the definition which is offered in the report whereby human security presents “safety from such chronic threats such as hunger, disease and repression, as well as the protection from sudden and harmful disruption in the patterns of daily life” (Đorđević 2009: 49). This concept is completely in consistence with the first priority of the future police reform which is mentioned in this paper, namely “the ‘Citizen’ as a reference point of security”.

Second theoretical approach, which is highly important both for the processes of deepening police cooperation in the EU and in the Western Balkans, is concept of security communities. The concept was proposed by Richard Van Wagenen in 1950s, but we can identify further development of the theory of security communities at the end of 1950s by Karl Deutsch (Adler - Barnett 1998: 6). Again, this concept was redefined after the end of the Cold War by Adler and Barnett (Tusicisny 2007: 425).

Adler and Barnett (1998: 31) identified three main characteristics of security community in a sense of constructivist security theory. In our case, we will use the following elements on the Western Balkans countries as members of the community. All members must share identities, values and meanings. Also, members must develop multiplied relations on different aspects with the aim to resolve specific problems. Finally, communities must establish a reciprocity that expresses some degree of long-term interest (Adler - Barnett 1998: 31).

We can identify several consequences if we use this matrix of security community on the process of deepening police cooperation in the Western Balkans. The important element of policing in all Western Balkans countries is the development of efficient ways of regional police cooperation based on common values and mutual trust, such as making the life of citizens safer. Regarding that, regional bodies and initiatives which are active in justice and home affairs are of great importance for creating an ambient of mutual understanding between different police forces. Also, efficient fight against transnational organized crime or crime prevention requires creation of specific mechanisms – hot pursuit; building database

which enables access and exchange of information to the law enforcement authorities on certain categories of persons, lost or stolen items; implementation of joint police operations. For all mentioned activities all actors must first fulfil necessary conditions that are explained later in this paper.

SYNOPSIS OF THE POLICE REFORM IN SERBIA

Since the disintegration of Yugoslavia, the police in Serbia and the most of the post-communist countries in Europe have faced a two-fold problem. How to overcome the burden of the past and the legacy of its repressive role in the era of communism? How to create a new, reformed police that will have a “democratic face”? There were a few obstacles in resolving those problems. Therefore, it’s necessary to understand the social context, historical legacy, and the role of the police from 1990 to 2010. Essential for this period in the context of the police reform, and consequently on the process of democratisation in Serbia, was the lack of strategic approach on the police reform.

This period (1990-2010) can be divided in three different phases (Stojanović - Downes 2009: 73-74).⁸ First phase started at the beginning of 1990s and lasted until the democratic changes in October 2000. During the 1990s police has actually cooperated with various organized crime groups, helping them to create criminal empires. “New capitalists” emerged in each of the South-Eastern European countries. Some of the examples are Ilija Pavlov in Bulgaria, Vladimir Vanja nicknamed “Bokan” and Željko Ražnatović also known as “Arkan” in Serbia, and Mladen Naletilić called “Tuta” in Croatia. What made things even worse for Serbia in that period was Milosević’s “militarization” of the police in order to create “his own praetorian paramilitary” (Bakić - Gajić 2006: 1). In this period we cannot speak of any progress on police reform in Serbia. Also, there were no solutions for three crucial features of organized criminal groups – violence, threat and corruption. Instead of a widely shared notion that the crime represents a risky venture and ineffective activity, during the 1990s lawless activities was recognized and accepted as a viable means of accumulating wealth and achieving success (Matić - Groznica 2008: 147).

⁸For more detailed history of the police reform in Serbia see: Stojanović Sonja and Downes Mark (2009) Policing in Serbia: negotiating the transition between rhetoric and reform, in Hinton, Mercedes S. – Newburn, Tim., eds., Policing Developing Democracies, 73-98, Routledge.

The process of the police reform basically started after the democratic changes in October 2000. Also, that moment is a starting point for the second phase. Without consensus between the key political parties in the new government on future steps for the police reform, on new strategic and legislative framework as well as on definite break with the previous regime, the police reform in this phase were “symbolically important but still cosmetic” (Stojanović, Downes 2008: 85). One of the main outcomes in the second phase on the police reform in Serbia was the separation of the state security into two different bodies – the Ministry of Interior became solely a public security agency, and the Security Intelligence Agency - a state security agency. In addition, (and more important for this paper) is the fact that policy-makers in Serbia after 5th October 2000 missed the opportunity to make “step forward” on the police reform with creating strategic plan and definite priorities.

Finally, the third phase started after the assassination of the first democratic Prime Minister in Serbia, Zoran Djindjić in March 2003. The third phase is still in progress and is important due to “real” start of the process of Europeanization in Serbia.

There are three important moments in this phase for the process of the police reform in Serbia. Firstly, the process of European integration started with the “Thessaloniki Agenda for the Western Balkans” from 2003, Feasibility Study on Serbia’s readiness to negotiate the Stabilisation and Association Agreement from 2005 and first Serbia’s Progress Report for 2005. In the latter, the European Commission concluded that main problems on police reform in Serbia were the lack of accountability, professionalism and transparency, as well as the need for demilitarisation and depoliticization of the police forces (Serbia and Montenegro 2005 Progress Report 2005: 48-52).

Secondly, the National Assembly of the Republic of Serbia adopted the new Law on Police in November 2005. This law regulates main principles of police work in Serbia, including police authorities and mechanism of police control. Moreover, the Law on Police systematized new organizational structure of the police. In that context, most important element is legal

separation of the operational and policy part of the Ministry of Interior – the Police Directorate and the Minister of Interior.⁹

Finally, third moment in the police reform is Serbia's path towards a positive (White) Schengen list where the Ministry of Interior had very important role, especially in order to fulfil visa roadmap conditions. Also, one of the main obstacles in the visa liberalisation process was the lack of strategic approach with detailed action plan for implementation the visa roadmap. Therefore, the government of Serbia had problems in issuing biometric passports without appropriate human and material resources.¹⁰

WHY IS THE STRATEGIC APPROACH ON POLICE REFORM ESSENTIAL?

Smith and Salerno (1970: 102) showed that “the purpose of any strategy is to provide a planning and action framework in which existing knowledge and resources can be utilized for effective achievement of stated goals”. In our case, the objective is police reform as an essential requirement for the process of democratization; and as one of the main prerequisites in the process of European integration of Serbia. In this part of the text we will analyse the strategic approach of the EU in the process of building the AFSJ as a sample for the police reform.

Davis (2000: 25-28) explained that the strategic approach can be defined through three steps: preparation of adequate policies, strategy as a document, gathering of human capital and material resources for the implementation of the identified objectives. All three steps can be identified in the process of building and preserving the AFSJ.

When we observe the development of the EU as a specific (supranational) international organization, the year 1997 is “crucial” for several reasons. Firstly, it was the year when the first and according to many academics and practitioners’ most important revision of the Treaty on the European Union from 1993 (or the Treaty of Maastricht) was made. Secondly, the

⁹For more detailed information on the police reform in Serbia from 2000 to 2006 see: Hadžić, Miroslav, ed. (2008) *Security Sector Reform in Serbia – Achievements and Prospects*, Centre for Civil-Military Relations.

¹⁰Problems existed especially in the domain of document security (Block 1 in the visa roadmap).

member states of the EU determined as an aim in the Preamble of the Treaty of Amsterdam the creation of the AFSJ. That project, regarding its requirements and aims is more ambitious and complex than building a single market. Two years later (1999), during the Finish Presidency, the EU adopted its' first strategic plan: the Tampere Programme. In this programme, as well as in the following one – the Hague Programme from 2004 – the EU presented the priorities, policies and plans with exactly defined terms of implementation for deepening the cooperation in justice and home affairs. During the Swedish Presidency in the second half of 2009, the EU adopted a third strategic plan, the Stockholm Programme, where it emphasised the building of “an open and secure Europe serving and protecting the citizens” (The Stockholm Programme 2009: 1).

We can therefore conclude that cooperation in the field of justice and home affairs between the EU member states is based on the strategic approach that is carried out through three basic steps: 1) defining five year programmes which establish priorities and aims of member states' cooperation in the area of justice and home affairs; 2) defining action plans and their implementation; 3) evaluation of the acquired degree of cooperation.

The Stockholm Programme, as well as the preceding two ones, is of exceptional importance for the creation and implementation of the police reform strategy in Serbia. There are two reasons for that – Serbia may speed up the police reform process, as well as the entire process of association by following the specific solutions and EU trends in this area.

The police reform should be dealt with in a strategic manner, with clearly defined goals and priorities. A clear strategy is at the core of the police reform and it is necessary to define precisely its mission, vision, goals and values. The strategy defines the rules which should influence the police management, culture and work in an efficient manner. Relying on the above mentioned EU approach and steps in building up the AFSJ, we can conclude that the MoI did not properly approach reform. Absence of an “umbrella” police reform strategy and the existence of diverse sector strategies which have impact on the police reform process hampered a thorough police reform process in Serbia. These are the National strategy on combating money laundering and terrorist financing and the Regulatory reform strategy of the Republic of Serbia for the 2008-2011 period (Milosavljević 2009: 211). Also, on the aforementioned list we can add the National Strategy for fight against organized crime from 2009.

We can see that there are a couple of sector strategies which do have influence on the police reform in Serbia. Thus, there is a possibility of disharmony between these strategies which will in the following period make the process of strategic approach on police reform more difficult.

MoI did not adopt the strategy and it is not known if it has even started working on its formulation. The introduction of strategic approach in the police work increases its efficiency. Implementing a strategy will also mean the closure of some of 35 chapters defined by the EU policy of conditionality, thus contributing to speeding up of the European integrations process in Serbia. Therefore, it's very important that MoI starts working on drafting strategy on police reform. Also, after the accession of Bulgaria and Romania in 2007 and with accumulated experience from that wave of enlargement, the EU started to insist on fulfilment of the conditions in the field of justice and home affairs, especially in the area on fight against corruption and organized crime. Indirectly, Serbia and other Western Balkans countries will carry out the "burden" of Bulgaria and Romania accession in the process of European integration, which will make the process of the police and judiciary reform more difficult. However, the negative element that is reflected in the slowing down of the reform process carries out a positive moment which is a "substantial" or "real" reform. It is certain that fulfilling the European standards in justice and home affairs will make Serbia even closer to the EU. However, reform should not only monitor and fulfill the EU standards, but should be adapted onto the current social situation, and the vision of what the police wants to achieve. Again, strategy is needed to define the vision of the police.

There is additional reason for strategic approach on police reform. The Adoption of the Law on Police in 2005 and the subsequent systematisation of the MoI mean that the "first generation of the reforms" which was initiated after 5th October 2000 is completed.¹¹ It is of exceptional importance for the "second generation of reforms", initiated after the adoption of the Law on Police to be approached in a strategic manner for it means consolidation of the previously implemented reforms, efficient functioning of the

¹¹ We are of the opinion that "the first" generation of reforms was completed according to the criteria of "the first" and "the second" generations of reforms of Timothy Edmunds. See: Timothy Edmunds, *Security Sector Reform in Transforming Societies: Croatia, Serbia and Montenegro*, Manchester University Press, Manchester, 2007, pp. 89-101.

institutions and procedures with the costs that enable sustainable development of the society and a state (Edmunds 2002).

An additional reason for strategic approach on police reform is that the existence of a strategy will enable a continuation of the reform regardless the change of policy-makers in Serbia so that the new ones, based on the strategy, may continue the reform starting from the “previous point“. Thus the reforms course will neither be interrupted nor will it lead to the worst possible solution of starting from the beginning again. By adoption of the reform plan and by definition of the priorities the “transitional period” will not bring new and negative consequences and will reduce politicisation.

Special attention in the Stockholm Programme is given to the evaluation of the member states cooperation in the area of justice and home affairs. As we saw before, that is the third point of the EU strategic approach in building the AFSJ. The strategy of the Serbian police reform requires a self-critical and objective observation of the reform implementation. To this end it is necessary to establish main criteria and police reform indicators, i.e. an evaluation system so that the police can present achievements and obstacles to the reform in a form of an annual report. Thus the problem of the reform would be approached in a strategic and analytical manner. It is important to include the civil society organizations, independent state regulatory bodies, National Assembly and its Security and Defence Committee in the process of assessing reform for that would improve dialogue among all parties and provide insight into all possible solutions.

Although annual reports on the work of the MoI and reports on the implementation of the police reform strategy could be separated, we think that other solution is much better. Annual Report on the work might have as an attachment to the Report on implementation the police reform strategy, so that all necessary data on the police work could be found in one place. As for the MoI organizational structure, a key role in building up evaluation system should be entrusted to the Bureau for Strategic Planning as institutional core for the strategic approach to the police reform. Besides, it is necessary to make the reports available to the public. We particularly point out that strategy should precede reports for thus they would gain in importance and would provide contrasted assessment of the work.

FIRST PRIORITY: THE “CITIZEN” AS A REFERENCE POINT OF SECURITY

The new EU strategy for creation of the Area of Freedom, Security and Justice, starts by the slogan “an open and secure Europe serving and protecting the citizen”, thus leading to another key element of the Stockholm Programme: human rights.

It is noticeable that the Stockholm Programme underlines the principles of the “human security” concept. Building a “Europe of citizens” requires all future actions and plans to be directed towards the citizen. The priorities mentioned in the Stockholm Programme related to the protection of the human rights can “spill-over” on both the police reform process (in the strategic sense) and the course of the European integration. According to the Serbia Progress Report of the European Commission for 2009, there is an existent legal and institutional framework in Serbia for the respect of human rights. However, it is noticeable that there is insufficient improvement in the full implementation of the Law on Human Rights.

As human rights are foundation of the Stockholm Programme, in future and in further course of the European integration Serbia may expect greater conditionality in the area of basic rights and freedoms protection. Discrimination of vulnerable groups such as Roma, handicapped individuals and LGBT population is particular problem. These groups, the progress report points out, are often victims of intolerance and speech of hatred. Surely, the police reform strategy that “takes care about” protection of the human rights will contribute to the change of attitude of the European Commission.

The role of the police in maintaining public order and peace is crucial for establishing internal security in which protection of the basic rights and freedoms should be priority of each police officer (O’Neill 2004). It is very important that in formulating and conducting future police reform strategy “a citizen” is designated as the reference point of security. The police should be a citizens’ service and not the instrument of the political elites.¹² Protection of human rights as one of the priority of the Stockholm

¹² According on the latest Strategic Marketing poll from November 2009 more than two-thirds (77 percent) of citizens thinks that Serbian politicians influence on the police work. This result show us an increase of three percent compared to the previous pool from November 2008.

Programme must be a “key point” in police reform strategy of Serbia. It is particularly important to point out to the freedom of movement and creation of space that respects differences among people and protects marginalized groups. To this end the implementation of the Police Cooperation Convention for Southeast Europe, as counterpart to Schengen Agreement for this region is extremely important. However, regarding the role of the police in maintaining public peace and order the achievements and realisation of the Strategy on Community Policing remains unclear. Although it should be available to public, the reasons why it is not the case are not known, although it is contrary to its primary goal, i.e. achievement of transparency.

The future police reform strategy should pay special attention to the principles on which the European convention on human rights is based and to the mechanisms of protecting them; it is necessary to strictly forbid discrimination, racism, anti-Semitism, xenophobia and homophobia and point out that police will fully protect the rights of all minorities. The strategy should also stress protection of the children’s rights and vulnerable groups, particularly Roma. It is necessary to enable larger participation of the citizens both in making and in implementing a future strategy (but also in police work). This will prove the level of police consolidation, i.e. commitment of the key policy actors to implement aims and priorities within democratic institutions.

The Stockholm Programme gives particular importance to protecting data on the individuals as part of the human rights corps. Data protection is doubtlessly very important both for the police reform and the European integration. The implementation of the Law on Data Protection in Serbia is very slow. As to the report of the Commissioner for Information of Public Importance and Personal Data Protection for 2008, the body that has “special problems” relative to the enforcement of the Law on Free Access to Information of Public Importance was MoI. The reasons therefore are the number of cases of rejected requests or withheld information on Republic level (Commissioner Report 2009: 12). That is why it is necessary for the MoI to ensure better cooperation with the Commissioner. This will enhance transparency of the MoI work and will increase assessment of the MoI Information Booklet which is, as to the Commissioner, at the lowest level at the moment.

The existing booklet should be amended with the information on budgetary expenditures, procedures for achieving rights before MoI, types of services provided by MoI and human resources at MoI's disposal. The requests for enabling access to information would also be answered by lower organization units such as police directorates without their prior check by the "centre". It is necessary to make a Strategy of Communication for public relations where equally important role would be played both – to the Ministry of Interior in Belgrade and local police directorates.

SECOND PRIORITY: STRENGTHENING POLICE COOPERATION

There are different types of police cooperation: bilateral, global, and regional (Anderson 2006: 693). While this paper focuses on regional police cooperation, it is important to emphasize bilateral and global police cooperation and their prerequisites because all these forms play an important role in the Western Balkans, especially the bilateral one. Police cooperation at this level (bilateral) is essential if policy-makers want to upgrade regional police cooperation in a way to be fruitful and successful with effective measures to fight organized crime and prevent criminal behaviour.

Police cooperation in the Western Balkans received a new dimension and role after the Thessaloniki summit in 2003 (influence of the European conditionality) in creating peace, stability and security. But effectiveness of police cooperation depends on proper implementation of main principles.

There are two main principles for establishing enhanced police cooperation and coordination. Initially, there is a need to establish the basis for police cooperation through properly negotiated agreements; this is necessary precondition for achieving greater consistency in implementation, effectiveness, predictability, and legitimacy in the relationship (Balzer 1996).

According to Professor Ethan Nedelmann, there are three main processes for establishment of a successful police cooperation, which he refers to as "harmonization" process: 1) regulation of relations between law enforcement officials in different states; 2) mutual accommodation among systems that retain their essential differences; 3) making systems homogeneous in order to reach a common norm (Nedelmann 1993: 10).

According to Anthony Balzer, former director of San Francisco Police Department's Training Academy, four conditions must be present: 1) a perception shared by all of the participating parties that a serious, threatening crime problem exists; 2) the involvement of experienced career law enforcement personnel who can help with defining the problem and propose a practical solution; 3) the involvement of political officials who formulate, enact, and defend enabling laws and budgetary support; 4) regular communication between law enforcement professionals and political officials throughout the whole process of cooperation (Balzer 1996).

If police services fulfil specified conditions, there would be numerous advantages. More intensive cooperation between the police services in the Western Balkans can increase the potential for crime prevention. Effective regional police cooperation can help in creating good neighbourly relations between Western Balkans countries, which is one of the main conditions for the EU accession. Each country can speed up the reform process in the area of law enforcement by learning from the mistakes and experiences of other countries of the region and emulating their good practices. Police cooperation also provides an opportunity for countries to prove their ability to work independently and contribute to regional stability and development. From the perspective of "regional ownership" it is important to underline that regional management and financial support of the processes of regional police cooperation can demonstrate that countries share not only a common past, but also a common present and future in which the problems can be addressed in the context of regional integration.

Strengthening regional police cooperation should be one of the basic priorities of the future police reform strategy. In that context we emphasize further implementation of the Police Cooperation Convention in South-East Europe and the increase joint operations in the framework of the activities of the SECI Centre in Bucharest.

We are witnesses that only regional and international police cooperation contributes to the efficient struggle against transnational organized crime (for example "Pukanić" case or operation "Danube" under the auspices of the SECI Centre from Bucharest). The Western Balkans countries lack speed in reaction, trust and joint actions. In other words, it is necessary to institutionalise cooperation among these countries. However, one cannot say that there is no progress in regional police cooperation. This may be confirmed by a great number of regional initiatives and bodies which

operate within justice or internal affairs frameworks. Lack of coordination of the existing regional initiatives presents an immensity obstacle for strengthening security cooperation. However, we should praise the efforts in coordinating activities of the Regional Cooperation Council, successor of the Stability Pact for South East Europe.

Strengthening of regional police cooperation with the aim of building a security community should be one of the priorities in the police reform strategy of Serbia. In the process of strengthening the cooperation it is possible to use principles on which the EU member states police cooperation is based, the principles that are presented in five-year programs: 1) respect for diversities of the member states, flexibility in integrations, integration processes at “different speeds”; 2) establishment of diverse institutional mechanisms, ways of decision making and policy formulating;¹³ 3) creation of alternative ways of police cooperation.¹⁴ Strategy for the police reform in Serbia should take into consideration all mentioned principles for they are all equally important for creation of security community or crime prevention.

The Stockholm Programme points out particularly the importance of the European arrest warrant which enhances cooperation, trust among the countries members and respect for the rule of law (Carrera, Apap 2004). The existence of the similar agreement among the countries in the Western Balkans should create conditions for combating organized crime at the regional level and not only in individual countries. For example, in case of trial for the murder of Ivo Pukanić and Nikola Franjić there should have been one trial and one sentence and not two separate trials and two sentences (in Croatia and in Serbia). This is not important only for greater effectiveness and efficiency but also because it would enable fast and efficient fulfilment of justice. But for defining such mechanism among the

¹³ It is necessary to use capacities of the existing regional initiatives and bodies. We particularly point out the Southeast European Law Enforcement Centre - SELEC (former Regional Centre for Combating Trans-Border Crime, SECI centre in Bucharest) for it proved to have the most significant role at the operative level. SECI Centre made the first annual report on security threats assessments relative to the organized crime in South East Europe (counterpart to the EUROPOL report – Organized Crime Threat Assessment, OCTA).

¹⁴ Alternative ways of police cooperation may be formulation of the more efficient coordination mechanisms in police operations, faster exchange of information, joint actions, establishing cooperation within expert working groups, strengthening cooperation based on the informal contacts of the ministers of interior/justice.

countries in the region it is necessary first of all to negotiate and to formulate good bilateral and multilateral agreements.

One of the ideas for the future police reform strategy within the context of the European integration and regional police cooperation is the initiative for defining regional strategy of internal security and/or joint strategy for combating organized crime and/or „white book“ of the organized crime. This document can have concrete operative levels of cooperation and at the same time approach the fight against organized crime in a strategic and analytical manner.

It is noticeable that the Stockholm Programme attributes great importance to EUROPOL. In the context of the international police cooperation it is necessary to strengthen the cooperation between Serbian police and EUROPOL and continue with investing efforts for signing operative agreement. Further participation of the Serbian police in peacekeeping missions should be encouraged as well as strengthening cooperation with EUROPOL in this area for in future it will play more important role as underlined in the Stockholm Programme.¹⁵

INSTEAD OF MAKING A CONCLUSION: A “STEP FORWARD” IN THE POLICE REFORM

For defining a proper and functional strategy for the police reform in Serbia it is not possible to start only from the EU five-year programs for justice and home affairs or the existing European solutions. A simple reason is that the EU is not a state. These programs may be only a good starting point in defining priorities, aims and visions of the police reform. The practice of the EU member states in police and justice cooperation are a good model for strengthening regional cooperation in the Western Balkans. The future police reform strategy should develop mechanisms for monitoring European programs and trends in European legislation in order to react more efficiently to future conditions in the area of justice and home affairs. It is necessary to be “one step forward” in the police reform.

¹⁵ The police officers of the Ministry of Interior of the Republic of Serbia have been engaged in the peacekeeping missions in Liberia (UNMIL) and Haiti (MINISTAH) under the auspices of the United Nations.

In the future these conditions will be more rigorous and more precise, as we saw from the “Schengen process”. Fulfilment of the conditions enables achievement of a dual goal. A police force that can deal with crime and corruption in an efficient manner, that respects human rights and acts as public service is being created; European integration has been speeded up which makes the Serbian strategic aim closer. Finally, it is necessary to have a clear vision about the way in which this strategy should be implemented.

At the beginning of the text we have underlined that the aim of any police reform is “the creation of a police which will deal more efficiently with corruption...” Corruption is a “disease” that is deeply involved in public or private sector, and fight against it was highlighted many times, not only from the side of the representatives of the MoI, but already in the National strategy for fight against organized crime, which has influence on the police reform process in Serbia. For example, in this strategy, corruption is not just a serious social problem, but it emphasizes that the police, along with the educational and health systems, judiciary and customs, are “particularly subjection” by the corruption.

Fight against corruption is one of key priority in the EU, according to the Stockholm Programme. As well, in the Serbia’s visa liberalisation process, one of the main conditions was efficient fight against corruption and anticorruption training for border police officers. In those points of view, it is necessary that the future police reform strategy in Serbia highlights the priority of continued efforts to build up capacities for anti-corruption training, not only for border police, but also to other parts of the police.

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EU's Conditionality and the Western Balkans' Accession Roads

Liu Zuokui¹

ABSTRACT

Conditionality is widely imposed on the applicant countries by the EU during its Eastern Enlargement in pursuit of promotion of human rights, democratization and 'good governance'. It has played a very important role in enhancing the democratic reform, market economy, legal and law constructions of target countries, thus making those countries reach the EU standards, and being accepted by the EU into the bloc. In this article, the author summarizes three fundamental patterns of the EU's conditionality, i.e., pattern of positive and negative conditionality, pattern of conditionality-appliance and pattern of technical conditionality by analyzing the EU's conflict resolution policies in the western Balkans. The author also expounds the background and characteristics of these three patterns, and compares their advantages, disadvantages and prospects. In the end, the author gives his comments on the three conditionality patterns from Chinese perspective.

KEY WORDS:

Conditionality Patterns, EU Candidates, Western Balkan Countries

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SUMMARIZING THE EU'S CONDITIONALITY PATTERNS IN THE WESTERN BALKANS²

Conditionality is one of the EU's most powerful instruments for dealing with the candidate and potential candidate countries. Since the late 1990s, the remarkable increase in the use of conditionality by the EU has been matched by an explosion of studies discussing its impact on the applicant, and most of the studies are based on rational choice mechanism (Grabbe 1999; Mattli - Plümper 2002; Smith 2003; Moravcsik - Vachudova 2003; Plümper - Schneider - Troeger 2003; Schimmelfennig - Engert - Knobel 2003; Schimmelfennig - Sedelmeier 2004; Coppieters - Emerson 2004; Schimmelfennig - Sedelmeier 2005; Noutcheva 2006). In the western Balkans, the EU conditionality is a multi-dimensional and multi-purpose instrument geared towards reconciliation, reconstruction and reform. Although there have existed many research focuses on conditionality policies in this region, generally speaking, they have the following similar features: Firstly, it is the process of the EU's pushing or forcing these countries to change their inner conflict structures by aiding to them conditionally; Secondly, the EU's policies in the western Balkans is not only a transaction or bargaining process, but also a long lasting peace strategy. So, when the politicians and scholars applied the conditionality based on the rationalist concept and framework, they knew that it was also an asymmetric interdependence and mutual requests and benefits process. Meanwhile long-term and positive instruments had been increasingly used during the negotiation process. Now the research question is that under what conditions the EU's conditionality could acquire more fruitful results. To summarize different typical models of conditionality and use comparative analysis based on different case studies in the western Balkan countries to answer this question is the purpose of the research, since conditionality functions differently concerning different regions and specific questions.

What different kinds of conditionality are used? How the conditionality is conducted and the last but not the least is what effects on the western Balkan countries the EU can acquire by using them? Since the 1990s, the EU had initiated a series of instruments and institutions in the western Balkans. The main method was to endow the applicant with the EU poten-

² Here, the western Balkans are defined as Croatia, the Former Yugoslavia Republic of Macedonia (hereafter Macedonia), Bosnia and Herzegovina (hereafter BiH), Serbia, Montenegro, Albania, and Kosovo.

tial candidate, implement all kinds of conditionality which based on the Copenhagen criteria, and then let these countries conduct a set of political, economic and legal reforms and constructions. The top prerequisite was that, the antagonistic ethnics within each country should delegate their individual powers to a single and united authority, which laid the foundations for a unified and functional country. The applicant would be well aware of the big carrot and wanted to accept the conditionality to perform relevant reforms. The EU established closed reforming environment and made the applicant main national strategy and machines operate under the EU, until they got accession to the EU. In this article, the author summarizes three representative patterns — pattern of positive and negative conditionality, conditionality--compliance pattern and technical conditionality pattern.³ The author also tries to expound the background and characteristics of different kinds and compare their advantages and disadvantages for the first time in the international academia. In the end, from the Chinese perspective, the author analyzes how the EU should perform its conditionality in the western Balkans. The research hypothesis is that, (1) The rational choice mechanism is the EU's main method to inspire the western Balkan countries' reform motivations, but it is not enough to get successful state-building objective. The EU should pay more attention to the long-term, positive methods and social learning instruments. (2) Besides the *sui generis* institutions of the EU, the degree of seriousness of the ethnic antagonism in each western Balkan country, the unsustainability and inequity of the EU's conditions are also important variables which could impact the conditionality's effectiveness.

PATTERN OF POSITIVE AND NEGATIVE CONDITIONALITY

Negative conditionality means suspending or terminating benefits in reaction to non-compliance by a target state. Positive conditionality, by contrast, is characterized by the delivery of benefits as a reward for the performance of prescribed behavior. When implementing conditionality in the western Balkan countries, the EU may unilaterally offer benefits, including the EU membership, trade preferences or participation in the Community pro-

³ However, conditionality can be classified in a variety of manners except the above mentioned: for example, political and economical conditionality, definite and ambiguous conditionality, legal and informal conditionality and etc. But to some extent, the political and economical conditionality are too general and not easy to understand EU's policy. The other two are less relevant to EU's policy in the western Balkan countries.

grammes or the EU agencies, upon conditions of the applicant countries' prior respect for human rights, democracy, good governance and the rule of law principles regulated by the Copenhagen criteria. At the same time, the EU reserved the right to unilaterally impose the negative conditionality or withdraw such benefits in the event of the applicant's breach of norms or regulations. So on some occasions, the positive and negative conditionality was often called 'carrot and stick' policy (Cosgrove-Sacks - Santos 2001: 79; Pippan 2004: 244). Through the coordination and cooperation between positive and negative conditionality, the EU tried to use 'regatta principle' (which was to reward the front-runner and punish the laggard) to achieve the conflict resolution objective.

However, the pillarization of the EU's institutions impacted the effectiveness of the conditionality. When the conflicts erupted in the western Balkans in the 1990s, the EU hammered out a series of methods of conflict resolution, but it seldom had coherent instruments and institutions. The behaviors of the first pillar--the Community and the second pillar--the CFSP (common foreign and security policy) differed due to different functions and mechanisms. The greater part of the Community instruments had three distinct features: Firstly, they had a predominantly economic nature, and brought into play the functions of substantial material resources, for example, the foreign aid, development cooperation, democracy promotion, regional cooperation, and etc; Secondly, they primarily aimed at addressing the root-causes of conflicts and were to be placed in long-term/structural perspective. That is to say, it paid more attention to the positive conditionality; Thirdly, they had an exclusively 'civilian' nature as opposed to some of the instruments being developed within the framework of the ESDP/CFSP (Kronenberger - Wouters 2004: 101-2). Pillar II instruments covered the implementation of all the CFSP and the majority of the ESDP activities. In other words, those were instruments relating to political dialogue (declarations, demarches, high-level visits and the Special Envoys) and crisis management activities. As opposed to Pillar I instruments, they: firstly, had a predominantly political component which aimed at giving expression and substance to the increasingly important and active EU role in international relations; secondly, focused primarily on short-term activities relating to ongoing or imminent crises; thirdly, could incorporate with both civilian and military instruments;⁴ and fourthly, often took the second

⁴Of course we don't take for granted that the two pillars' functions and characteristics never correlate. Concerning Pillar I, there are a few exceptions to the general rule. Its economic instruments

pillar instruments as being more effective and forcible when applying negative conditionality.

In sum, on most occasions, the first pillar embodied the EU's soft power which focused more on the long-term, nonmilitary and positive manners, while the second pillar weighed more on forcible and negative manners. However, the positive and negative conditionality didn't act on coordinated manners between the two pillars, and their behaviors were separated and working-style were different. In a cycled system, the more coordination of positive and negative conditionality between two pillars, the better effectiveness they could get. However, when any discoordinations occurred between two pillars, it would cause the EU's policies out of function—Serbia and Montenegro was exactly the case.

CASE STUDY FROM SERBIA AND MONTENEGRO

The Serbs and Montenegrins within the Republic of Serbia and Montenegro came to conflicts in 2003. The EU interfered in this conflict in time. High Representative of the EU's CFSP- Javier Solana brokered the Belgrade Agreement and the parties concerned signed it on 4 February, 2003. The agreement framework had committed the signatories to introducing a constitution which set up a functional federal country by pooling ethnic rights to overcome inequality, and designing a structural reform to end inter-ethnic tensions. The Belgrade Agreement established a unicameral parliament, a president elected by the Parliament, a court, a council of five ministers and a common army led by the three presidents (of the two republics and of the State Union). There existed a system of rotation between representatives of the two Republics within the federal executive (including foreign representation). All other competences rested with the two Republics, including economic and monetary policy, trade and customs, and policing. To achieve such objectives, the main tasks as follows should be performed:: revision of the two Republics' constitutions, establishing the State Union court and the Parliament (through agreed electoral rules), especially empowering the state-level court to prosecute the war criminals,

like development cooperation programmes could be used in order to reprioritize or suspend activities and to mobilize funds relatively quickly if a political need arises. Pillar II instruments such as Special Envoys can have an equally long-term structural approach when their work is framed in a comprehensive common strategy. Pillar III—the Justice and Home Affairs is also relevant to our topics, however, the author thinks the first and second pillar are more important.

creation of appropriate mechanisms to ensure the financial sustainability of the federal level, and strengthening the State Union's administrative capacity, particularly in terms of institutions dealing with the EU integration and coordinating and harmonizing the two Republics' fiscal and transport policies, most importantly their trade and customs regimes (Tocci 2008, chapter 5).

Under the framework of the CFSP, Javier Solana established the foremost conditionality - the State Union must meet the demand of the constitutional link between the Serbia and Montenegro. To some extent, he tried to impose the negative conditionality in advance. However, the European Community tried to make the positive conditionality mainly including the Stabilization and Association Process and the Stability Pact for Southeastern Europe. Positive conditionality was not directly relevant to the survival of the State Union, and instead focused on the Copenhagen criteria.

At the first stage, the EU stabilized the situations in Serbia and Montenegro. But as the situations went on, when the EU's instruments touched the core interests in politics and economy of the two Republics gradually, the conditionality faced more and more challenges and its mechanism showed weakness. The Belgrade Agreement granted the absolute equal status in the new political structure without considering the different sizes and history traditions between the two Republics. Many federalists and pragmatists in Serbia believed that the State Union entrenched in law Montenegro's de facto independence, granted it disproportionate powers relative to its size, and complicated federal decision-making (Tocci 2008: 155). At the same time, in the long history, Montenegrins formed the identity and tradition different from Serbs. They also felt the inequality in the State Union. What's more, since 1998 Montenegrin government de facto had its own economic policy (including currency) independent of the federal government. Since 2000, the two Republics had developed different trade policies, including instituting customs controls on their administrative border. Further reasons for the increasing divergences between the two economies included: disproportion in economic strength - a ratio of 17:1, and different economic structures: the protectionism in Serbia and open up policy in Montenegro. All these factors prevented the EU from integrating the state functions into one center. When leaders from Montenegro sought independence, Solana wanted to impose negative conditionality, while the EC insisted on the positive conditionality and long-term instruments.

Different pillars had different decision-making procedures which further damaged the effectiveness. Under the second pillar, the EU launched the crisis management, but it needed the consensus of the ambassadors from the EU member states under the Politics and Security Committee of European Council. Under the first pillar, it made an initiative to the European Council, then the Directorate-Generals of External Relations, Directorate-General of Development & Humanitarian Aid performed the plan. The decision bodies of the two pillars had their different considerations. The exchange and coordination capacities between them were fairly weak. Their decisions to Serbia and Montenegro were divided and beyond coordination. When the EU launched the accession negotiation with the State Union, Solana allowed Serbia and Montenegro to access to the EU with the loose federal system conditions, which meant firstly accession and then state building, however, the Community emphasized that the EU must be a full functional state, which meant firstly state building and then accession. Their standards were different. This led to the distractions of Serbia and Montenegro's state decision-making. At last, the Montenegro made a choice to independence.

The EU's conditionality in the western Balkans was often viewed as exogenous to Brussels' relationship with the region. Due to the incoherence between two different pillars, the EU didn't get the objective of setting up a functional state. Gordon Crawford had conducted relevant researches on aid with conditionality. He found that the effectiveness of conditionality relied largely on different donors' coordination. The better coordination if they could conduct, the greater effectiveness they could receive (Crawford 1997). Nikolas George Emmanuel, in his doctoral dissertation - *Conditioning Relations: Evaluating a Political Conditionality Approach*, made the conclusion that, political conditionality was most effective when close coordination existed between donors (Emmanuel 2008). Here, if compare the two pillars with different donors, you can get the same truth.

As a matter of fact, the peace and stability in Serbia and Montenegro is not easy to get in the short time. The EU's approach should be geared to the principle that all measures focus mainly on positive conditionality which provides incentives for the promotion of economic development, democracy and human rights, meanwhile the use of negative measures should be considered only if all other means have failed. One reason why the EU should prefer positive conditionality to negative measures is that these measures are considered to be less disruptive of donor-recipient relations

and easier to achieve greater consistency. What's more important is the EU should develop a new mechanism institutionally which makes the positive and negative conditionality more coordinated and coherent, thus the pattern of positive and negative conditionality can function more effectively and successfully.

PATTERN OF CONDITIONALITY-COMPLIANCE

The pattern of conditionality-compliance is another representative case on the EU's enlargement to the western Balkan countries. Its operational logic is relatively the same as the pattern of positive and negative conditionality, which is, firstly granting the applicant the EU potential candidate, then letting it accept the EU's conditionality-for example, conducting the political, economical and legal reforms. But there existed some common characteristics in the western Balkan countries: most of them were weak functional states. That is to say, in those countries, the central government which was dominated by two or more ethnic groups had no way to form a unitary authority. For example, in BiH, the state was controlled by the Serbian, Muslim and Croatian national groups, and each ethnic group carried out its political and economical policies relatively independently. The EU's objective was to establish a single functional framework under which united different ethnic groups to a single core. The western Balkan countries would make cost-benefit calculations between becoming the EU members and keeping the current status, because the EU membership would bring economic and political benefits in the long run but incur compliance costs which the antagonistic groups must offer essential powers and interests to one center in the short run. If the long-term benefits which the EU membership brings are more than the conditionality-compliance costs, the ethnic groups will choose to accept the EU's institutional model. If the long-term benefits are less than the conditionality-compliance costs, the ethnic groups will choose to refuse the EU's conditions. If the long-term benefits are equal to the conditionality-compliance costs or hard to calculate in the short time, the ethnic groups will accept the institutional model but make little progress (fake compliance) (Noutcheva 2006).

When the author studied in Mannheim University of Germany in 2007 and was taught by Prof. Beate Kohler-Koch, he tried to make some comparisons on the conditionality-compliance relationship between differ-

ent western Balkan countries. These countries were including Serbia and Montenegro, BiH, and Macedonia.⁵

CASE STUDY FROM THE COMPARISONS BETWEEN THREE TYPICAL WESTERN BALKAN COUNTRIES

Generally speaking, the EU took the following three steps to realize its objective.

- The first step: in those three countries, the EU tried to establish something like a functional state, through which the EU wanted to extinguish the antagonism by power sharing, territory distribution or other state building methods. In Serbia and Montenegro, the EU set the Belgrade Agreement in motion which was mentioned above in detail. In BiH, the EU cooperated with USA and other international actors to sign the General Framework Agreement for Peace in BiH (also was called the Dayton Agreement) to end the violent conflicts between ethnic Serb, Muslim and Croat. However, BiH was established in the Dayton Agreement as an extremely decentralized and weak functional state. Each ethnic entity in this state had its own parliament, government, police force and army, and carried out most of the functions of a country within its territory. It was a composite, unbalanced structure in which about 80 percent of the institutional powers were held at entity level (Soloiz 2005: 87). On 27 March 2002, the High Representative together with BiH politicians made important constitutional amendments and signed the Mrakovica-Sarajevo Agreement. This agreement granted the same status to all the three peoples in the whole territory of BiH, which ensured that all the peoples and citizens were proportionally represented at all levels of government and public administration in each entity (Soloiz, 2005: 96). The final objective is to transform BiH into a modern, multiethnic and functional state. That means the three ethnic groups' presidents should devolve their powers to the level of the state government so as to establish an effective government which is capable of negotiating an accession agreement with the EU.

⁵Geogana Noutcheva gives me much enlightenment about this comparison. In her doctoral dissertation 'EU Conditionality and Balkan Compliance: Does Sovereignty Matter?', she conducted comparisons between Bulgaria, Serbia and Montenegro, and Bosnia and Herzegovina, which are from different and heterogeneous regions-the eastern Balkans and the western Balkans, and what I compared is from the homogenous region, all of which are from the western Balkans.

In Macedonia, the EU-brokered the Ohrid Framework Agreement signed by the government of Macedonia and ethnic Albanian representatives in bution of assets and access to economic gains. Vertically integrated enterprises controlled by political parties and patrimonies, linked the welfare of supporters to economic empires encompassing hotels, casinos, restaurants, banks, tobacco, forestry, telecommunication, energy and water companies (Pugh 2002: 470-71). The profiteers formed the major nationalist parties and each hegemonic nationalist party created its own successor to gain access to all kinds of interests. Within the different entities and ethnic groups, the antagonistic ethnic groups formed interests-competing actors and parties. Allegiances were thus dominated by a social clientism that was weakly mediated by constitutions and rules which were set up by the EU. The EU made annual assessments on BiH's economy. The European Commission identified BiH's response to the reform priorities (market economy and cracking down gray/black economy) as 'slow and low-key' (European Commission 2003) in 2003. The Parliament of BiH rejected a reform package which was agreed by political party leaders in April 2006. The package included enhancing state-level competencies, improving and simplifying decision-making procedures and the representation of minorities in the State Parliament. BiH thus missed the opportunity to take a first and important step towards a more democratic and efficient state (Commission of the European Communities 2006a: 6). "The functioning of market forces is hampered by the strong influence of the public sector in the economy and the weak business environment and legal climate. Markets are also sometimes fragmented between the entities (Commission of the European Communities 2006a: 21, 25)." In the 2005 annual report, it said: "Survey and assessments conducted by both national and international organizations confirm that corruption remains a serious and widespread problem in BiH. Corruption affects almost all aspects and levels of the society (European Commission 2005: 18)."

Macedonia had made a rapid progress within the EU's arrangement. In the 2004 annual report, the EU gave such general evaluations: a number of measures have been taken which indicate a wish to accelerate the EU oriented reforms within the SAP. These measures include better coordination in the implementation of obligations deriving from the contractual relationship between Macedonia and the EU (Commission of the European Communities 2004). The two ethnic groups had not so severe antagonism and both of them realized that the accession benefits were more than the compliance costs. Within the Ohrid Framework Agreement, Macedonia implemented the conditionality relatively effectively. The Albanian and

Macedonian ethnic groups in this country can accommodate very peacefully after the antimony and intolerance was alleviated greatly. In the 2006 progress report, the EC said: 'all relevant parties agree on establishing a market based economy.' 'A broad political consensus on the fundamentals of economic policy has been maintained (Commission of the European Communities 2006b: 18).' About the state building, the functional state constructions proceeded smoothly.

Just make some comparisons on the accession developments between those three countries, you can find out different accession paces clearly (See the following table).

Table 1: Different Accession Paces of Three western Balkan Countries⁶ (by the end of March 2010)

Phases of SAP	Consultative Task Force	Feasibility Study	SAA Negotiation Process	SAA signed	SAA Implementation Process	Candidate Country Status
Macedonia	Jan. 1998	Jun. 1999	Jan. 2000	Apr. 2001	2001-2004	Dec. 2005
BiH	1998	Nov.2003	Nov. 2005	June 2008	ongoing	
Serbia and Montenegro	2001-02 EPD 2003-04	Apri.2005	Oct. 2005			

From the above truth, you can see that, the success of conditionality-compliance pattern depends on the different cost-benefit calculations from ethnic groups in different countries. The EU should take full account of the most important variable—the degree of seriousness of the ethnic antagonism with which different countries had different situations and adjust its conditionality accordingly. Gergana Noutcheva expounded in her doctoral dissertation on the Balkans research that, the EU political and economic conditions varied in different countries (Noutcheva 2006: 8).

Comparing with the positive and negative conditionality, this pattern is more flexible and predicable. It takes more considerations about the ap-

⁶This table is made by the author. Here the SAP means Stability and Association Pact, the SAA means Stability and Association Agreement, the EPD means Enhanced Permanent Dialogue.

plicant countries' incentives. However, on many occasions, the EU could find out the countries' incentives, but could not change them in the short time or easily. For example, in Serbia and Montenegro, and BiH, the EU was really aware of the seriously weak statehood, but the conditionality could not easily change the current situations. So, it is necessary to choose the long-term instruments and have enough patience for the EU.

PATTERN OF TECHNICAL CONDITIONALITY

The pattern of technical conditionality is from the hypothesis of functionalism in the European integration theory, i.e. 'Form follows functions' (Rosamond 2000: 34). The technical nature of the EU conditionality is mainly in reference to the obligations embedded in the adoption of the *acquis communautaire*. The EU emphasizes the objectivity of conditionality which should be applied equally to all candidates all the times. The European Commission which is often regarded as the technical bureaucracy is moreover entrusted with the task of implementing conditionality by abiding by the 'objective' and 'non-political' standards. For conditionality is to be taken seriously by the recipient parties, it requires an aura of technicality and objectivity. This allows for the specification of clear and measurable benchmarks, the effective monitoring of compliance, the detached appraisal of performance and the 'objective' decisions to proceed with the successive steps in the accession process (Tocci 2007, preface).

The EU exerted definite and immediate influence on the western Balkan countries based on the technical conditionality, which could assure the transparency of the EU's policies, and could make the conditionality understandable and operational without any ambiguities. This was consistent with the EU's regulatory nature (Eising - Kohler-Koch 1999: 6). Regulations emphasized that the decree and rules should be specific and obvious, abide by the law, and have its technical nature. .

However, as the introduction of more and more technical conditionality, EU's justification and objectivity were also challenged due to different considerations from different EU members. For example, Greece, Austria and France just had their different views and strategic considerations about the western Balkan countries' accession. Greece once came into conflicts with Macedonia. In order to solve the disputes, the Greek government supported the accession of Macedonia. In 2003, when Greece held the rotating EU

presidency, it initiated the accession negotiations with Macedonia. Because of the close trade links between Austria and Croatia, when acting as the rotating presidency in 2006, Austria also accelerated the accession negotiations with Croatia. Italy, concerning its adjacency to the western Balkans, spared no efforts to support the stability in this region, and insisted on the EU's enlargement to the western Balkans. On the contrary, as the accelerator of the EU integration, France objected to the fast enlargement to this region which would strike the agriculture and employment in France. The Great Britain, taking account of the budget, was reluctant to give more assistance to the 'poor countries' in the western Balkans. Due to different interests and considerations from the EU member states, the western Balkan countries didn't receive the same conditionality all the time.

The EU politics is also a factor to influence the conditionality. The French and Netherland's veto to the EU draft constitution in 2005 slowed down the pace of the Balkan countries' accession. The EU summit in 2006 increased and enhanced the accession conditionality which was really different from the previous statements. In previous enlargements, taking on the EU rules and regulations, the *acquis* had been considered to be more or less sufficient. However, in the process of enlarging to the East, the EU had moved from the *acquis* toward a wider set of reform and transformation targets, defined first in the well known Copenhagen criteria from 1993. The EU gradually increased the scope of conditions. As a result, there were so numerous criteria added that it could even be said that a new enlargement method had been developed. A separate 'enlargement *acquis*' had emerged including requirements for constitutional reforms, regional cooperation, ethnic minorities' rights, the war criminals and etc in further enlargement to the western Balkans. The added standards increased the subjectivity of conditionality. Currently, the downturn of world economy has compelled the EU member states to concentrate more on their own pressing domestic difficulties, meanwhile, the EU elites and publics have been forced to revisit whether they can afford the costs of both the EU enlargement and a more centralized and activist union (Cohen: 128). All those facts make the EU tend to attach other conditions in the western Balkan countries.⁷

⁷In March, 2010, Croatian Minister of Foreign Affairs and European Integration Gordan Jandroković visited China. On March 1, he exchanged views with Chinese Scholars at the Chinese Institute of International Studies. He said that Croatia would access to the EU in January 2012. The author attended the meeting and asked him: 'You have just said your country would access to EU in 2012. I don't know whether it is a rough or definite schedule. Have you got the guarantee from EU about the accession date? If that was the case, what about the other western Balkan countries?' The Minister

In essence, technical conditionality is the outcome of politicization. Although the EU insists on the objectivity of the conditionality, it is still a manner of EU's pursuit for some 'normative value' objectives, such as peace, democracy and human rights. For example, as the basic and top standard, the Copenhagen criteria are just political conditionality. The *Acquis Communautaire* which has the strong technical nature, was often neglected during the accession negotiations. On the contrary, the Copenhagen criteria were upgraded to the 'objective standards'. Just as Smith noted, the EU did not provide any data to substantiate its conditions so conclusion could only be impressionistic (Smith 1998: 266). This led to the confusions between the technical and political criteria.

From the experience and history of the EU's enlargement, you can see that the technical conditionality was neither 'technical' nor 'objective'. The EU's assessments to the applicant were filled with 'discriminations'. Both the Luxembourg Resolution of European Council in 1997 (which the EU only launched the accession negotiation with six advanced Central Eastern European countries⁸ and didn't negotiate with other five follow-up countries⁹ based on one standard) and the Helsinki Resolution of European Council in 2000 (the EU began to negotiate with the Southeastern European countries over the accession, but this action aroused the dissatisfactions from the five follow-up Central Eastern European countries. Under the pressure of the Central Eastern European countries, the EU committed to negotiating with them. However, the process just kicked off, the EU heard the complaints from the six advanced Central Eastern European Countries) had showed that the conditionality was neither unanimous nor objective (Friis - Murphy 2001: 4-5; Andrews 2000: 62).

COMMENTS AND ANALYSIS ON THREE PATTERNS

From the above case studies, it can be found out that there are the following characteristics among the three patterns of conditionality.

acknowledged that there were still a lot of things to do. Croatia didn't get the guarantee but the negotiation process was smooth. However, he didn't want to the EU attach to other conditions, otherwise, the Croatian people would really frustrate.

⁸They included Cyprus, Hungary, Poland, Estonia, the Czech Republic and Slovenia.

⁹They included Romania, Slovakia, Latvia, Lithuania, and Bulgaria.

(1) The main paradigm is rational choice. By giving the applicant candidate status and some kinds of assistance, the EU let the western Balkan countries step on the accession track, made these countries understand and choose benefits and costs by cost-benefit calculations. The advantage of rational choice paradigm is to provide with an opportunity to mutual complementarities among those three patterns. Actually, those patterns cooperated most often with each other because they were all built on the rational choice mechanism. For example, in Serbia and Montenegro, by endowing it with the candidate status, the EU imposed the positive and negative conditionality, and at the same time, the pattern of conditionality-compliance was also applied to let the two ethnic groups make cost-benefit calculations. In the process of implementation, technical conditionality was also imposed on the State Union.

Although this paradigm has very strong power of explanation, the shortcomings are also obvious. In order to establish the conditions for better conducting the rational choice, the EU emphasized the closeness, fairness and objectivity of conditionality. When there are some troubles in one tache, its ability to self-remedy is relatively low. For example, the first pattern lacked the coordination mechanism between the negative conditionality and positive conditionality within different pillars, which led to the failure of the EU's state-building policy in Serbia and Montenegro. The second pattern didn't take full account of the most important variable—the degree of seriousness of the ethnic antagonism in different countries. Because of the different outcomes of calculation, some countries carried out the EU's conditionality, but the others didn't. The third pattern is that as technical conditionality is attached more and more exceptions, the justification disappeared. The conditionality was also failed.

In sum, the EU's conditionality policies in the western Balkans testified the shortcomings of rational choice paradigm. It is not scientific and reasonable if it is just based on the cost-benefit calculations. In order to explain the motivations of political behaviors, it is not sufficient if only to depict the facts objectively and explain the observed tactical behaviors with rational reflections on the situations (Wendt, 1992). The researchers should pay further attentions to the identity and norm, for example, social learning (through exchange and consultation) also plays an important role in increasing the understanding to the facts. The real political interaction is not just based on the rational cost-benefit calculation coming from the rational person's hypothesis, which is an ideal model but not the political reality. Both short-

term rational choice and long-term social construction/ communication are needed.

(2) All those three patterns of conditionality have the 'top-down' and coercive characteristics. In practice this Europeanization simply from the EU was widely applied to the applicant (Richardson, 2005, p.59). More and more scholars doubted and challenged the manners, and called on the EU to pay more attention to the 'bottom-up' methods, especially the adequate interactions between the EU institutions and the applicant (Borzel 2002: 193-214).

Due to the vertical and hierarchical nature, the conditionality also showed strong coercive characteristic - i.e. if comply then give benefits, and if not, then stop or withdraw benefits. Because of the coercive nature, it increasingly aroused the doubts about the legitimacy of the EU conditionality, especially as to the interference in the applicant interior affairs. In the western Balkan countries, the EU utterly let the countries change their constitutions, governmental institutional structures, the legal foundations and etc. If the EU wanted to implement those measures fluently, it should win the identity from the applicant countries. Actually, more and more countries were increasingly unpleasant with the EU's arrogance and finger-pointing.

(3) The conditionality is also underlying the 'regatta principle', which is to reward the front-runner and punish the laggard. However, the western Balkans is not only a region where was abounded with failed states, but also a failed region in which most countries had similar troubles and challenges. What's more, all of the troubles and challenges were interdependent and interacted. In order to solve the regional conflicts, the EU must push the regional cooperation. But the conditionality had fewer functions to achieve this.

Then, how to overcome the shortcomings? Making the three patterns complementary is a good choice, but the final and best choice is to solve them institutionally.

Concerning the first pattern, the EU should establish a single conflict resolution framework, rather than let the two pillars share the responsibility. It is fortunate that, the EU began to deal with this matter and the 2005 constitution draft provided a new framework, i.e. under the framework of the Union's External Action, the EU integrated the relevant instruments and institutions between the two pillars, to establish a united conflict resolution mechanism (Gourlay - Helly, etc 2006: 11). Although the constitution was

vetoed by France and Netherland, as the simplified Lisbon Treaty has been passed in 2010, this question is being further pushed.

Concerning the second pattern, besides the cost-benefit calculations mechanism, the EU should broaden the normative instruments, introduce the social learning process and enhance the mutual exchanges and understandings between decision-makers and policy-absorber. The coercive and top-down methods would damage the ownership of western Balkan countries' governance, so the EU must change them. It is fortunate that, in BiH, the power of the High Representative is more and more small and its main objective is to enhance the ownership of this country. From Carl Bildt (1995-97), Carlos Westendorp (1997-99), Wolfgang Petritsch (1999-2002), Paddy Ashdown (2002-05) to Christian Schwarz-Schilling (2006-07), it is characteristic from the resolute and more interventionist use of special powers (for example Bonn Powers) to a more proactive reform-pushing approach, and from conditionality-compliance relationship to partnership. If the EU wants to a lasting peace in the western Balkans, it finally depends on the self-sustainability of these countries and more endogenous motivations from local governments.

About the third pattern, as to objectivity, the technical conditionality must be consulted between offers and receivers which was just the same as the above mentioned. Offers have the responsibility to let receivers know the real incentives behind the conditionality policies. Receivers should let offers know that which standards they can use and which not. If receivers don't have a say in the making of the conditionality, the policy makers of the EU could not make sure the objectivity of conditions. In sum, the EU should improve the growing-up of the civil society, foster the democratic spirit, focus mainly on the economic development, and respect the real situations of the locality.

CONCLUSION

From the comparative analysis of the three patterns of conditionality used in western Balkan countries, this paper concludes that: Firstly, only rational choice methods could not solve the complicated inner conflicts in those countries. The EU should take more long-term, positive, normative and social interactions measures to supplement its shortcomings because the transformations and reforms of those countries in this region would

be long-term and gradual; Secondly, the *sui generis* institutions of the EU's conflict resolution policies, the unsustainability and inequity of the conditionality impacted the effectiveness of the conditions. The EU should try to establish a unified conflict resolution mechanism. Meanwhile, it should assure the sustainability and equity of the conditionality. And lastly, the EU should also find out the different degrees of inner conflicts among those countries and adopt corresponding conflict resolution policies based on different influential variables. It should change the conditionality policies from coercive conditionality-compliance model to partnership.

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Security Personnel Training in Southeast Europe: An Analysis of Solutions in Slovenia

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ABSTRACT

This paper begins with an outline of the significance of private security entities within modern national security systems. The paper focuses on the training system in some EU member states, especially the countries of southeast Europe and the Balkans. Special emphasis is placed on the latest developments in the education and training received by security personnel in Slovenia. The paper concludes with an analysis of the education and training system in Slovenia and focuses on the latest solutions established there.

KEY WORDS:

private security, private security agencies, private security personnel, education and training

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1. INTRODUCTION

In order to gain insight into private security and security personnel training, it is necessary to understand how private security is organized in other countries. Private security is booming all around the world, including in Slovenia. One could argue that private security is regulated in a very comprehensive and detailed manner in Slovenia (the question is, however, whether it is regulated well) and, most importantly, that it is regulated by the Private Security Act as well as by a number of implementing rules and regulations. It should be stressed that private security has advanced significantly, especially in the developed countries of western Europe and even more in the U.S., achieving a high degree of professionalism due to high standards driven by the requirements of industries and the entire economy. In addition, citizens' awareness of personal security has increased, crime is on the rise, and people are becoming increasingly aware that they will not receive an adequate or expected level of protection from the state. One of the reasons for the current rapid expansion of private security agencies lies in increased needs for protection, safety, security, the protection of private property, and the identification of torts and offenders. Private security is mainly needed due to increasing values of private property because the state no longer guarantees an adequate level of protection in view of rising crime rates (Čas 2005: 262). Considering this fact and the ever-increasing quantity of private property, societies today are moving towards a sociopolitical system that calls for private security to complement and tackle what cannot be done by the state or what the state refuses to do or considers minor security issues (Pečar 1995).

This paper therefore starts by highlighting the significance of private security entities within modern national security systems. In addition, it examines the training system and the authority to issue licenses and carry out supervision of the private security industry in some EU member states, especially the countries of southeast Europe and the Balkans. The paper concludes with an analysis of the education and training system in Slovenia and focuses on the latest developments there.

2. THE SIGNIFICANCE OF PRIVATE SECURITY ENTITIES WITHIN MODERN NATIONAL SECURITY SYSTEMS

2.1 NATIONAL SECURITY AND PRIVATE SECURITY

Today national security is a political and personal commodity embodied in societies as a fundamental human right, guaranteed by the state through the law, judiciary, and entire national security system. The notion of national security has broadened in modern societies to include awareness that the security of individuals, their culture, and nature is part of national security, which is exercised by the state and civil society on the basis of responsible, public, and mutually supervised action. Providing security to citizens means providing for fundamental human rights and freedoms, which are normally defined as constitutional rights in societies today and are guaranteed by means of a national security system (Grizold 1998: 14). National security serves to protect national and social values and is a value in itself (Edmonds 1988). Shearing (in Findlay - Zvekič 1993: 203) examines the relation between public and private forms of security and defines security as a value that encompasses the maintenance and restoration of order against anything representing a threat, disturbance, or danger.

If individual security is considered security related to an individual or security provided to individuals by the state in modern societies, it cannot be synonymous with private security, which is nonetheless also related to an individual. Private security represents the condition, need, wish, and feeling achieved through additional security (i.e., private security), and it complements the security provided by a modern society and its national security system. Private security goes beyond citizens' self-defense and other informal types of institutional provision of security as citizens' self-defense. Similar to informal social service authorities, it relies on its own resources and financial and other capabilities. Private security can thus be described as above-standard security predominantly provided by private security agencies, private investigators, and private investigation companies (Čas 2006: 36). The provision of private security must be additionally organized, carried out, and ultimately paid for. At any rate, the provision of additional security (i.e., private security) is only reasonable where it is economically justified because it would be a waste of money if the provision of private security cost more than the damage it prevented (Čas 1995: 23, 24).

Private security, similar to citizens' self-defense, is not exclusively linked to individuals, but primarily to their property and the property of other entities, as well as to ensuring other rights and freedoms that might be threatened. In this sense, private security manifests itself as the need to achieve even greater safety, which can be ensured through private security. This type of security ensures protection of people and property from destruction, damage, harm, theft, and other detrimental activities when such protection is not provided by the state. Private security thus entails not only a higher level of safety for the person that obtains and pays for it, but also ensures a higher security level for society, resulting in a higher level of national security. This is precisely why private security can be considered a component of national security today, and hence also a component of Slovenia's national security (Čas 2005: 260).

The discussion on private security and private security entities as part of national security and the national security system therefore leads to the conclusion that private security is part of national security; that is, the internal security of the state.

2.2 PRIVATE SECURITY AND THE NATIONAL SECURITY SYSTEM

According to Grizold (1992), the division into the institutional provision of security at a general or state level (i.e., the police, armed forces, and civil protection) and the provision of security at the individual level (i.e., needs, interests, and rights) and the collective level (i.e., the working and living environment, and spheres of interest) may therefore appropriately include private security because this is partly regulated by the state, whereas the provision of private security is left to the individual and to the private security user and provider (i.e., private security agencies and private investigators). These providers are private security entities and their activity is private security (Čas 2006: 38).

The modern national security system encompasses the security policy, security structure, and security self-organization of civil society. Considering the definition of private security and its integration into national security private security entities (which constitute important factors of providing comprehensive security; i.e., national security today) can be placed within the framework of modern national security systems.

Such a position is quite justified because in today's societies private security entities perform a broad range of various tasks and activities that provide additional security (i.e., beyond the standard security that is not provided by the state or as part of civil society's security self-organization). Such above-standard security (i.e., private security provided by private security entities) also represents a major contribution to comprehensive security (i.e., the national security of modern society). Private security entities, and especially private security agencies, protect people and property from destruction, damage, theft, and other harmful activities. In modern societies, their operation is directed toward the technical and physical security of people and property, preventing crimes and other types of deviant behavior, escorting transports of money and valuables, engineering and counseling, trading in efficient security devices, training of security officers, and other activities. To this can be added various activities and methods that private security entities use as part of their operation, including observation, patrolling, ambushes, surveillance, taking photographs, investigating, tracking, and other types of operations (Čas 2006: 38).

For these reasons, the state de-monopolizes part of its internal security issues, leaving it (albeit subject to the rule of law and strictly regulated) to private security agencies, thus tacitly and for specific reasons allowing them to do what is expected of the state in terms of security. Therein may lie the reason for the spread of the concept whereby not only increasingly more security issues but also increasingly more rights and consequently power and reputation will fall within private control. Although security has been characterized by private ownership throughout history, there is no place in the world where the police have enough power to meet all the requirements they are faced with, which necessarily leads to the liberalization of security and private authority in taking responsibility, ultimately to achieve personal peace (Pečar 1995).

Because private security is necessary and often supplements the security provided by the state through its national security system, including private security entities in the national security system is all the more justified. Furthermore, it is justified because today the effectiveness of the national security system is not only manifested in the state's capability to protect its fundamental social values from external and internal threats, but also in its capability to ensure economic, political, scientific, and technological development in general as well as people's social, cultural, ecological, and other welfare (Grizold 1992: 68, 69), and in the extent to which

it protects the human rights and fundamental freedoms enshrined in the constitution. This is why private security should find a special place as an independent element within the national security system, alongside the fact that private security entities have their place in internal security in any case (Čas 2006: 40).

3. THE TRAINING SYSTEM IN SOME SOUTHEAST EUROPEAN COUNTRIES AND THE BALKANS

The regulation of the training system differs from one country to another. For this paper, data were analyzed² for Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Macedonia, Moldova, Romania (Dimitrijević 2006), and Slovenia.

Table 1: The training system in selected countries

Country	Types of training, issue of license, and supervision
Albania	There is a 15-day training program with the technical director; the examination is taken before the police; the license is issued by a three-member committee of the director general of the police
Bosnia-Herzegovina	The training consists of 40 hours of theory and 10 hours of practice; it is performed by the Federal Ministry of the Interior (Faculty of Criminal Justice Science) and the Cantonal Ministry of the Interior; the responsibility for the work of private security agencies lies with the Federal Ministry of the Interior, the Cantonal Ministry of the Interior, and municipal state security centers
Bulgaria	The training lasts six days and includes theory and practice; it is performed by the College of the Ministry of the Interior and supervised by the Ministry of the Interior's inspection service

²SALW and Private Security Companies in South Eastern Europe: A Cause or Effect of Insecurity?, South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC), Belgrade, Serbia, 2005, Published with the permission of the Center for the Control of Small-Caliber and Light Arms in Southeast Europe (Program for Developing the Stability Pact for South Eastern Europe. Translation: Danilo Đorđević, Milan Jović, Dragana Matović, Aleksandar Zagorac, Goran Bratić, Tatjana Ugarak, Boris Viculin (Klub studenata Fakulteta bezbednosti).

Croatia	There are three specialized schools for security personnel; students that have finished secondary school receive training that lasts 40 or 80 hours; supervision is performed by the Inspectorate of the Ministry of the Interior; private security agencies must be registered and have a license
Macedonia	Students must pass an examination in at least seven of 12 prescribed subjects, after which they obtain a permit or license from the chamber in charge of the area; supervision is performed by the chamber and the Ministry of the Interior
Moldova	Annual training of security personnel is mandatory and is held by the Ministry of the Interior, which is also the main authority for regulating and supervising private security activities
Romania	Security personnel must receive training that lasts 90 days and is performed by the Romanian national police and other authorities holding a training license; the Ministry of the Interior is responsible for licensing and supervision
Slovenia	The training lasts between 40 and 152 hours and is performed by institutions holding public authority granted by the Ministry of the Interior; licensing and supervision is carried out by the Ministry of the Interior's Internal Affairs Inspectorate

Table 1 shows that the duration of training differs considerably from country to country: from 40 or 50 hours in Bosnia-Herzegovina, Bulgaria, and Slovenia to 152 hours for bodyguards in Slovenia and 90 days in Romania. It should also be pointed out that in Croatia there are three specialized schools for security personnel (see Note 1) and the situation is similar in Slovenia because in 2007 the Ministry of Education and Sport adopted a program of secondary professional education for graduates in security. This program is provided by the Čas Private School for Security Education, which has been entered into the register of schools and organizations offering publicly certified educational programs by the Ministry of Education and Sport.

It is worth adding that Austria has three-day courses; in Belgium the training for managers lasts at least 72 hours and 66 hours for security officers, and is performed by licensed centers; in Denmark the training takes 111 hours and is provided by national schools for security; in France the training for supervision lasts 32 hours, for monetary transport 70 hours, and for airport security 70 hours; in Germany the training lasts 40 hours; in the

United Kingdom there is voluntary training organized by private security agencies; and in Italy the training consists of 40 hours of theory and 40 hours of practice (Dimitrijević 2006).

Additional interesting information on training can be found in the survey *Stanje zasebne varnosti v Bosni i Hercegovini* (The State of Private Security in Bosnia-Herzegovina, Kržalić 2009) and it is worth noting that the set-up of the private security sector was well thought out by the government and progressed in a similar fashion as in western countries (Kržalić 2009) or, according to Wolf, using a top-down approach (Wolf 2006, Kržalić 2009).

4. THE EDUCATION AND TRAINING SYSTEM IN SLOVENIA

There are four systems in Slovenia for acquiring the knowledge and skills necessary for private security work:

- Education of security personnel
- Training of security personnel
- Advanced training of security personnel
- Periodic professional training

The sections below describe all four systems in detail as they constitute the entire education and training system for private security personnel. According to the Private Security Act (2003), security personnel include:

- Security guards
- Security officers
- Bodyguards
- Security supervisors
- Security technicians
- Security surveillance center operators and authorized security system engineers
- Security managers

Concrete programs within these systems should also find a way to incorporate relevant past experience (Čas - Sotlar - Dvojmoč - Škrabar 2008).

4.1 THE SYSTEM OF PROFESSIONAL EDUCATION FOR PRIVATE SECURITY PERSONNEL

As mentioned earlier, the Ministry of Education and Sport has adopted a program of secondary professional education for graduates in security, through which students can obtain a four-year secondary-school level of education and receive a degree in security. This is a new program that was developed in 2007 based on international comparisons of education programs in Finland, Germany, and the Netherlands. Slovenia has thus joined the countries that devote special attention to the system of providing security within their education system instead of leaving this important segment only to sporadic forms of training. “As we know, years ago we used to have a secondary school for police officers” (Čas 2007: 43), which is missed by many. For young people, the education program lasts four years and is worth 240 credits. Adult education, however, can last a considerably shorter time, depending on the entry requirements and adapted programs. The entry requirements and fields as well as the education level of instructors and other specialist staff in the security education program for secondary students are adapted accordingly (Rules 2008).

After completing the secondary professional education program, graduates in security are qualified to perform the following tasks:

- Security of persons
- Protection of people and property
- Transport and security of money and other valuables
- Security at public gatherings
- Managing a security-surveillance center
- Planning security systems
- Implementing technical protection systems

These activities, determined with regard to the basic services of private security activity and comparable to legislation in other countries, in fact represent the fundamental forms of private security in Slovenia (Čas 2006).

For this purpose the program also includes specialized courses or modules (presented in Table 2) in addition to general education courses (2,378 hours or 111 credits) such as Slovenian, two foreign languages, mathematics, art, history, geography, psychology, physics, chemistry, and physical education.

Table 2: Specialized modules for the security techniques program

Specialized modules	Type	Total hrs	Credits
1. Protection of people and property	Core	330	16
2. Technical security	Core	196	10
3. Occupational health and safety	Core	130	6
4. Fire protection	Core	160	8
5. Supervision of security services	Elective	196	10
6. Operational work at a security surveillance center	Elective	196	10
7. Security technology	Elective	196	10
8. Criminal investigation and criminology	Elective	98	5
9. Public gatherings	Elective	98	5
10. Transport of money and valuables	Elective	98	5
11. Security in logistics	Elective	98	5
12. Security of information systems	Elective	98	5
13. Interventions	Elective	98	5
(Total)		1,404	70

Students are required to select at least one of the specialized modules from 5 to 7 and as many of the others as needed to collect the 30 elective credits required, and the core courses amount to 40 credits. Also required is practical instruction at school (568 hours), workplace training with an employer or other on-the-job training (304 hours), extra-curricular activities (352 hours), and 574 hours for open curriculum.

Upon completing their education and being awarded a degree in security, graduates are qualified to carry out tasks for private security agencies and other companies involved in security. They also acquire a body of knowledge and skills that make it easier for them to retrain if they opt for work as police officers, soldiers, municipal wardens (Čas - Krajger 2008), or similar jobs. One provider of this education program is the Čas Private School for Security Education (*Čas – Zasebna šola za varnostno izobraževanje d.o.o.*), the director of which is the author of this article.

4.2 THE PROFESSIONAL EDUCATION SYSTEM FOR PRIVATE SECURITY PERSONNEL

The Private Security Act (2003) and its amendments (2007) define the personal requirements for performing the duties of security manager, security officer, security technician, authorized engineer of security systems, and operator at the security surveillance center of a private security agency. The legislation follows the guidelines of the National Professional Qualifications Act (2003). The Private Security Act thus establishes a uniform system of professional adult education in accordance with the Adult Education Act (2006) for all jobs in private security and introduces national professional qualifications for security managers, security officers, security technicians, authorized engineers of security systems, and operators at security surveillance centers of a private security agency. “National professional qualification is a working or professional qualification necessary to practice or perform a set of responsibilities at a certain level of difficulty” (Čas 2006: 95).

The act makes it possible to acquire professional qualifications in an alternative way other than through formal education. In an examination procedure in front of a committee (Rules 2001), students can acquire a document or certificate stating that they are professionally qualified to perform certain responsibilities of the job. The manner and procedure of examination and certification of national professional qualifications are defined in the rules issued by the Minister of Labor, Family, and Social Affairs in 2001. Professional qualifications acquired in this way can be used both in seeking a job and in further education because they can be used as proof that part of the education program for attaining a particular education level has already been completed. It should be noted that certain professional standards for private security have already been adopted whereas others are pending adoption.

The professional training system for security personnel is defined in the Rules on the Curricula and Modalities of the Professional Training of Security Personnel (2008), adopted by the Ministry of the Interior. In the course of their professional training, students acquire the knowledge and skills necessary for carrying out the duties of security personnel. These rules specify the forms and duration of training, presented in Table 3.

Table 3: Forms and duration of training for security personnel

Form of training	Minimum hrs
Security manager	60
Security officer	92
Security guard	54
Security technician	40
Authorized engineer of security systems	100
Operator at a security surveillance center	56
Bodyguard	152

Table 3 shows that the fewest training hours are required for security technicians and the most for bodyguards. In all these programs there are some common courses, such as introduction to private security, measures and duties of security officers, human rights and fundamental freedoms, selected topics in criminal law and criminal procedure, communication skills, and safety at work.

According to the 2008 rules, individual programs are characterized by courses that are specific to or typical for managers, security technicians, and other security personnel. The most frequent among these are work methods of security officers, technical means in systems for protecting people and property, private security powers and ethics, skills and practical procedures, criminal conduct and measures, basics of occupational safety, fire safety, and first aid. Some even more specific courses in the rules include tactics for protecting people, weapons and shooting, safe driving, technical regulations and security standards in force, security-surveillance center technology, security planning, methods of assessing threats and security risks, video surveillance systems, anti-burglary protection, fire protection, access control, mechanical protection, and industrial alarms.

Students' readiness to obtain a specific national professional qualification is verified by a committee in the examination and certification process for national professional qualifications in accordance with the regulations on national professional qualifications, which also includes an examination of professional skills.

4.3 THE ADVANCED PROFESSIONAL TRAINING SYSTEM FOR PRIVATE SECURITY PERSONNEL

Advanced training expands professional knowledge and keeps participants abreast of developments in the field. The Rules on the Program and Method of Professional Training and Advanced Training defines the following three forms of training:

- Advanced training for internal surveillance, which lasts at least 12 hours, of which 8 hours are devoted to theory and 4 to practice;
- Advanced training for interventions, which lasts 24 hours, of which at least 16 hours are devoted to theory and at least 8 hours to practice; and
- Advanced training for security at public gatherings, which lasts at least 12 hours, of which at least 8 hours are devoted to theory and 4 to practice.

The program for internal surveillance covers all the procedures and methods of internal surveillance, reporting, notifying, and communication skills.

The program for interventions covers the following areas: intervention and its purpose, the legal basis and duty of carrying out interventions, basic principles and procedures of receiving notification of a security incident, a security officer's procedures during intervention, procedures before and after use of force, use of force, subduing persons that resist, technical means for protecting people and property systems, and communication basics and skills.

The program on security of public gatherings covers the following areas: regulations on public gatherings, types of public gatherings, organizing public gatherings, providing order at public gatherings, specifics of providing order at sports events, communication skills, and mass psychology. Recently, much attention has been devoted to security at night clubs with music because these clubs require security officers with greater professionalism (Škrabar - Bach 2008).

The regulations governing national professional qualifications are also applied to the examination procedure in advanced training programs, and the committee is appointed by the Ministry of the Interior.

4.4 THE PERIODIC ADDITIONAL PROFESSIONAL TRAINING SYSTEM FOR SECURITY PERSONNEL

The purpose of periodic additional professional training is for security personnel to refresh their knowledge, become acquainted with new features related to the work of security personnel, and prepare for the periodic examination of professional qualifications (Rules 2008). The curriculum of periodic additional professional training is determined either by the Ministry of the Interior at the proposal of license holders, training providers, and professional associations in private security, or by the Ministry of the Interior itself. Periodic additional professional training lasts at least 8 hours. During the last 60 minutes, participants take an examination.

4.5 PROVIDERS OF PROFESSIONAL TRAINING, ADVANCED TRAINING, AND PERIODIC ADDITIONAL PROFESSIONAL TRAINING

Regarding professional training and advanced training of security personnel, the Ministry of the Interior has the following responsibilities:

- To draw up and implement programs for professional training and advanced training of security personnel for persons in charge, security officers, security technicians, authorized security systems engineers, and security surveillance center operators;
- To provide the personnel, material, facilities, and equipment required to carry out programs for professional training and advanced training;
- To keep records of professional training and advanced training;
- To draw up proposals for catalogues of standards of professional knowledge and skills pursuant to the act governing national professional qualifications; and
- To propose members of committees for verification and certification of national professional qualifications and perform other tasks determined in the act governing national professional qualifications.

In relation to these tasks, the Private Security Act defines the Minister of the Interior as responsible for prescribing in greater detail the manner of implementing the tasks as well as personnel and material conditions for implementing professional training and advanced training of security personnel. In an open competition, the Minister of the Interior may grant public authority to a legal or natural person meeting the conditions defined in the Private Security Act in order to implement professional training and

advanced training (i.e., to prepare and implement programs for professional training and advanced training for security personnel).

A legal or natural person applying for public authority must fulfill the following conditions:

- The organizer of professional training and advanced training must have a relevant higher education degree, be certified for teaching and adult education, and have passed the professional examination prescribed for the area of education;
- Trainers and other practitioners fulfilling the conditions prescribed for individual fields of professional training and advanced training must be provided; and
- The premises and equipment prescribed for implementing individual programs must be provided.

The legal entity or natural person to whom the Minister of the Interior grants public authority becomes a holder of public authority and may prepare programs for professional training and advanced training, forwarding them to the ministry for approval. To date, the Ministry of the Interior has issued public authority to six legal entities that carry out training and advanced training in Slovenia for security personnel.

5. CONCLUSION

This analysis has shown that the education and training of security personnel is regulated quite differently across southeast Europe and some Balkan countries. However, there are some common features. Special schools providing students with private security education are exceptional. In Slovenia, secondary professional education in private security was not introduced until 2008, and the first students are due to complete their educations this year.

A common feature of all the countries analyzed is that they provide security personnel with various forms of training of different duration. Moreover, education and training providers are mostly similar institutions, and basic and advanced training of security personnel are monitored almost everywhere by ministries of the interior or the police, which also regulate and supervise the private security industry.

Therefore the last part of this paper focused on the system of education and training for security personnel in Slovenia, which has been harmonized in recent years with the trends in other types of education for awarding national vocational qualifications. The system analyzed is comparable to other systems operating in private security.

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reviews

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JOSEF SCHWEGEL - ERINNERUNGEN UND BRIEFE

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In classic more or less secretive diplomacy every diplomat was striving towards being *eminence grise*, a publicly unexposed and on the other hand influential persona. Baron Josef Schwegel might fit rather well into this characterisation. In his career of Austro-Hungarian consul and diplomat baron Schwegel took an active part in many important diplomatic encounters in the second half of the 19th century. The most important among those was his role at the Congress of Berlin.

But let us start at the beginning. The monograph "*Spomini in pisma*" / "*Errinerungen und Briefe*"¹ is a part of the book collection *Studia diplomatica Slovenica – Personae*, the aim

of which is to present Slovenians, who were diplomats and as such left a certain mark on history. This book is basically divided into four sections, preceded by two forewords by then-foreign ministers of Slovenia and Austria, Dimitrij Rupel and Ursula Plassnik, and followed by section of pictures and different documents, related to baron Josef Schwegel. Excerpts of the letters that Schwegel had been writing to his wife during the Congress of Berlin and his memories he has written in 1911 represent the central part of the monograph. Both above mentioned parts are accompanied by analyses written by Franc Rozman who also edited the monograph.

In his introductory study the author characterizes baron Schwegel as a diplomat, a politician and a businessman. He was born on February 29th, 1836 in Zgornje Gorje pri Bledu as a fifth child of a not very

¹The title of the book can be translated as "Memories and Correspondence". The book collection, the part of which is this monograph, maintains the tradition of bilingual editions – every book is written in Slovene and one other language, in this case in German.

wealthy family with a surname Žvegel that indicates his Slovenian descent. During the time in the grammar school young Josef has been writing poems in Slovene that show a certain talent for literature. After the grammar school he, supported by his older brother who was also a doctor, enrolled to the medical school, but soon realised he would rather be a diplomat. As an imperial scholarship-holder he joined *Orientalistischen Akademie* (Orientalist Academy) at Vienna, where many of the future Austrian-Hungarian diplomatic officers, serving mostly in Ottoman Empire, were educated. According to this school curriculum was emphasizing the study of oriental languages, namely Turkish, Arab, and Persian. Students also took classes of law, history, good manners, even fencing and riding. Baron Schwegel graduated from the Academy in 1859.

Immediately after the graduation he was sent to Alexandria, Egypt. In Alexandria he took upon a position of consul at the Austrian Consulate-General. 'He believed the years in Egypt to be his happiest, while they brought him successes and contentment in all areas of life' (p. 18). He asserted himself professionally through his work at the consulate; his most important task during his mandate in Alexandria was preparation of the visit of the emperor Franz Joseph I of Austria in Egypt

on the occasion of the inauguration of the Suez Canal. For his professional achievements he was knighted in 1870. He also succeeded in his private life. At first he married Maria Battisti di San Giorgio in 1868. During his Egyptian mandate he also enlarged his financial means. Despite the rumors of him illegally improving his financial situation, nothing was proved to him. In June 1969 he bought large estates and mansion Grimšče near Bled.

After a decade in Egypt, Schwegel was transferred to Constantinople, where he took upon a position of Consul-General. During his staying in Ottoman Empire Schwegel focused his attention to trade affairs. Among other activities he established a chamber of commerce, established contacts with Dalmatian sailors and was striving for Rumelian Railway. With acquaintances he formed with many influential businessmen and financiers during his mandates in Alexandria and Constantinople baron Schwegel essentially helped the development of Slovenian countries, especially Carniola. He was especially dedicated to the construction of railways, many of which he also co-financed.

Schwegel's mandate in Constantinople was much shorter than in Alexandria. In spring of 1871 he was nominated the organizer of the Orient department for the

1873 World's Fair that was held in Vienna. His department comprised Maghreb states, Egypt, Ottoman Empire and the whole Asia, including China and Japan. He formed a special bureau with branch offices in several Oriental capitals. 'It is important, that this bureau continued its work after the end of the World's Fair, especially to promote Austrian commercial and industrial interests' (p. 20). Not unexpectedly his part of the World's Fair gained a lot of attention.

The World's Fair marked the beginning of another, probably the most important, part of his diplomatic career. In March 1873 he was appointed to the position of the head of economic and political department in Austrian foreign minister count Andrásy. Schwegel dedicated his special attention to commerce and naval agreements with other European states. For his dedicated work and merits he received a baron diploma before the age of 40 in 1875. He also received some other medals, and became one of the highest ranking imperial officials. Besides that he gained the respect and trust of then Austrian foreign ministry count Andrásy. In the following years, before he retired from diplomatic service, baron Schwegel gained a recognizable influence over the Austro-Hungarian foreign policy, especially in his role of the head of the Balkan section.

In my opinion the starring diplomatic moments of baron Schwegel embrace his work at the Berlin Congress in June and July 1879. Despite not being a member of the official delegation that consisted of only three people, he was working really hard on the Congress issues, especially those important for Austria-Hungary, namely the question of Bosnia-Herzegovina, question of Serbian territories and many others. In his letters from Berlin to his wife he wrote several times that certain decisions of the Congress were strongly based on his suggestions or even drafts of resolutions. After Berlin Congress Schwegel became a chairman of Bosnia-Herzegovina Commission in Austro-Hungarian ministry of finance. After the resignation of count Andrásy from the office he soon retired from his position due to political relationships in the imperial government. In the evaluation of professor Rozman, Josef Schwegel achieved almost everything in civil service, 'but he had never been on the top. He never became a state minister or state deputy. Despite that no one of Slovene peasant ancestry didn't achieve higher positions during the Austrian constitutional era' (p. 26).

After retirement Schwegel continued to appear in public, he started a successful political and parliamentary career respectively. He was

elected to the state parliament in July 1879. After his first 6-year term, Schwegel was re-elected in four consecutive elections between 1885 and 1891. After the introduction of universal suffrage in Austria-Hungary in June 1907 baron Schwegel became a member of the chamber of lords. In the state parliament he was active especially in the field of railways as he was a chair of railway construction committee. Baron Schwegel was also elected to the parliament of province Carniola for five consecutive 6-year terms starting in 1883. He was elected in 1908 for the last time and gave up his mandate in 1912. In the parliament of the province, where he was very active, he was the leader of the Germany party. He also expressed special interest in railway construction in the Carniolian parliament. He had merits for the construction of railroads in several parts of Carniola.

In his last years he remained active in business and finance and additionally enlarged his wealth. He died on September 16th, 1914 in his mansion in Grimšče. He bequeathed his wealth partly to his nephews and partly for general cultural purposes.

At this point I would like to return to the composition and writing style of the book. Schwegel's memoirs and letters reveal his precise yet fluent writing style. Despite many details he offers in his memoirs, the main

'story' is rather easy to follow. The same holds true for the letters he wrote to his wife during the Berlin Congress. In letters to his wife he was analyzing the course of the negotiations and his impressions of the process as well as of the other participants on the one hand and on the other his social activities during the Congress. All small and seemingly unimportant details are a treasurehouse for scholars, especially for historians that are researching the 19th century Austria-Hungary.

In my opinion parts of the book that contain Schwegel's correspondence and memoirs are well written, interesting and abundant with data, and both studies give relevant analysis of Schwegel's writings, his diplomatic, political and economic activities. Important part of the analysis also represents the collection of opinions and characterizations of Schwegel that were written by Slovenian politicians of that time.

At the end, I would recommend this monograph to everyone interested in diplomatic history, 19th century history of Carniola and Austria-Hungary respectively. The book also gives a particular view on European history of that time.

Anže Voh Boštic

Robert J. Donia

SARAJEVO: A BIOGRAPHY

Hurst & Company, London, 2006

435 pages

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Robert Donia is a distinguished expert on the history of Bosnia and Herzegovina. As he puts it in the preface, the book is an intimate history of the city of Sarajevo – it is a result of his extensive research and on site experience. Over the past three decades, during which he has conducted research in archives and libraries in the city, he had visited Sarajevo many times, also during the Bosnian war of 1992–1995. In 1974–5, he has lived there while conducting research. He asserts that by now, he has reached the stage where he does not feel as being an outsider in the city anymore, and one can feel that while reading the book.

Sarajevo is a remarkable city. It is a place where four cultures, corresponding to four different religious groups, namely the Muslims, Catholic, Orthodox and Jews, have been living in peace from the time

of its founding in the fifteenth century until the Second World War when the latter were almost totally exterminated, and then again until sad events in 1990s, when the city became a synonym for human agony. However, even during the siege of Sarajevo by Bosnian Serbs' nationalists during the Bosnian war, Sarajevans of all religious beliefs showed a remarkable resistance towards ethnic hatred and violent nationalism.

The book describes the history of Sarajevo from its beginnings until the present. It is divided into ten chapters. The first chapter describes Sarajevo's founders and foundations. The city was founded in the middle of the fifteenth century by Ottoman Empire, with a purpose of being an expression of Ottoman Islamic civilization. Its role was to advance empire's strategic interests and its promotion. The plans of

Ottomans for the city included accommodation of neighbourhoods for Catholic, Orthodox and Jewish residents within the city (p. 8), however Muslim citizens had some special rights. The second chapter deals with the beginning of Habsburg rule over the city that lasted from 1878 until the end of First World War. Opposition towards the Habsburg rule was strong and had even resulted in armed struggle; however it was rather quickly subdued. However, as chapter three asserts, city thrived at the end of nineteenth century under the rule of Benjamin Kállay, joint minister of finance of the Austro-Hungarian monarchy. Sarajevo was at the beginning of the twentieth century larger, more developed and more European than ever before. The city blended the cultural influences of Vienna and with its oriental heritage that stemmed from four centuries of Ottoman rule (p. 60).

First decades of the twentieth century coincided with the arousal of nationalism in Sarajevo, as the fourth chapter describes. Sarajevo become uncontested centre of institutional life in Bosnia-Herzegovina, however, it conservative local elites and imperial rulers were facing young nationalist movements that had no doubts about using violence to meet their ends and to draw attention. That resulted in Sarajevo being a "culprit" for the probably most famous assassination of the

twentieth century and providing for a final push towards the beginning of the World War I. Even though the city was largely spared from violence, it emerged from the war as "*an orphan of the defunct Austro-Hungarian monarchy*" (p. 130), and become a part of Kingdom of the Serbs, Croat and Slovenes that was in 1929 renamed the Kingdom of Yugoslavia. As the fifth chapter asserts, transfer of many institutions to Belgrade resulted in the gradual decline of economy, culture and political life. City was not as lucky during the World War II as it was in the Great War. As the sixth chapter describes, Nazis and their collaborators exterminated almost all Jewish population from the city. Violence of the occupational forces resulted in formation of various resistance groups, the most successful of which had been Communist-led Partisans that liberated the city in April 1945.

Seventh chapter deals with Sarajevo during the period of the Socialist rule that emerged after the World War II. During this period the city has expanded greatly. The population grew from about one hundred thousand to over half a million at the beginning of nineties. Its inhabitants were living a cosy life that was made possible mostly by newly-build residential areas and thriving economy. Sarajevo had reached its peak in the seventies and then, as the whole Yugoslavia, gradually de-

clined, with another brief moment of glory during the Sarajevo winter Olympics that took place in 1984 when Sarajevo took a central role on the world stage for a fortnight.

Eighth chapter looks into Sarajevo's shift from socialism into national division of the city. Nationalistic parties were gaining on power in early nineties. At first, they had been operating as an alliance with a common goal of defeating socialist counterparts in free elections after the fall of Socialism; however, they soon turned against each other. Because of fragile political institutions, Sarajevo and Bosnia-Herzegovina as a whole was not able to subdue the aggressive Serb and Croat nationalism that strived for separation and divide of the Country into Croatian and Serbian part. Because of that, the armed struggle was imminent. Sarajevo's agony during the Bosnian war of 1992–5 is described in the ninth chapter. During the war, Sarajevo was besieged by Bosnian Serbs' nationalistic armed forces, supplied with heavy weaponry from Yugoslav national army. The purpose of the siege, i.e. regular shelling and sniper fire directed at the civil population, was not to conquer or destroy the city of Sarajevo, but to inflict as much misery as possible on its inhabitants, in order for the Serb nationalists to be able to use Sarajevo as a bargaining chip in the negotiations with their adversaries

and international community. Even though international community provided the city with humanitarian assistance, the Blue Helmets were often the tool of the Serbian nationalist military to reach their objectives. For example, Serbian nationalists mandated rendering the operation of Sarajevo airport to UN forces with the condition that UN Protection Force lets no Sarajevans out of the city, and thus Serbian nationalists were effectively using the "protection force" as means to close the gap in the siege's circle. However the siege did not manage to completely break the city's spirit: Sarajevans made huge efforts for maintaining life in the city during the siege by organising events, mainly cultural ones, for its inhabitants. That was the form of brave defiance of the terrors of war.

The war has left the city with many scars, and some of them are still visible today, as the last chapter that deals with the legacy of the armed struggle shows. Sarajevo made quick progress in physical reconstruction; however, development of the new post-war life gained momentum only at the beginning of the twenty-first century (p. 335). However, Sarajevo and the whole Bosnia-Herzegovina still have some substantial hurdles to overcome.

I believe that besides a comprehensive overview of Sarajevo's history,

the most important achievement of the book is that manages to show, based on the historical analysis, that members of different cultures and religious beliefs can live peacefully side by side, even more, that they prefer that. Ever since founding the city, Sarajevans have never turned against each other because of differences in their beliefs until 1990s; they had acknowledged the fact that they are a part of different community, but were still able to live together and respect practices and rituals of other groups. Only when religion and nationality were abused did different nationalities start a violent struggle between themselves, and even then inhabitants of Sarajevo, regardless of their beliefs, managed to step together and jointly defy the aggression from nationalists. The book thus clearly shows how differences in culture and religion can be either respected by politics with a purpose to strengthen the civil society, or exploited for selfish goals of the minority with devastating consequences. Many of especially western scholars sometimes forget to take into account historical reasons while rendering their opinion for contemporary events and state of the region, probably because they are "used" to living in a consolidated democracy, where peaceful resolution of conflicts is a norm. One cannot blame them for that. However, precisely because of that, I would like to recommend the book

Sarajevo: A Biography not only to historians interested in the area of Western Balkans, but also to policy makers, political scientists and others that wish to understand the historical component of the reasons for the situation in the Western Balkans as it is now.

sarajevo
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**The Ethnic Engineering in Bosnia and Herzegovina
and the International Community**

Nermina Mujagić

The Ethnic Engineering in Bosnia and Herzegovina and the International Community

Nermina Mujagić¹

ABSTRACT

This study inquires the issues of multi-party democracy in Bosnia and Herzegovina (Hereinafter: B&H), the role of the International community as well as its contribution to the overall institutionalization of ethnic identities in B&H. Author critically reviews theoretical and practical issues from the Dayton Agreement (1995) to Prud Agreement (2008) and attempts to indicate the necessity of transformation of the Constitution of B&H (Annex 4 to the Dayton Agreement) implementation of which further disintegrates and divides Bosnian society. The ethnic engineering in B&H displayed itself as dangerously attractive for its simplicity, yet disastrous since it results in an authoritarian regime that could be confronted only by constant emancipatory efforts.

KEY WORDS:

conflicts, social responsibility, political elites, international community, ethnic identities.

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INTRODUCTION

It has been quite awhile since famous theorist of conflicts Johan Galtung has attached certain naivety to wide spread opinion that a conflict is solved the moment parties to the conflict – leading structures / elites – reach an agreement and confirm it in written by signing a document. Such a diplomatic enterprise is for Galtung ‘merely a piece of paper’ (Galtung 1996: 24). Yet for us in Bosnia, such document means more because since the Dayton Peace Agreement has been signed to the Prud and Butmir agreements, B&H lives in the state of permanent semi disintegration, without a legal and legitimate Constitution, with an undefined structure of the state and society, and with an uncertain future. Exactly because of that ‘piece of paper’ that had been signed by Izetbegović, Tuđman and Milošević, as well as representatives of major world powers, B&H is no longer a land of hope and prosperity, but a land without political, economic and cultural perspective. Its primary social conflict has been the ethnic one, and in any conflict involving the ethnicity, the very state structure becomes its focal point (Smith 2004: 121). In that regard, after the war against B&H (1992.-1995.), this country’s constitutional structure including its territorial and administrative organization have shifted to the focus of ethnic conflict.

The public space of B&H has for long been ethnically divided, just to become even more polarized during 2007. and 2008., distinguishing those who advocate the acceptance of factual ‘situation on the ground’ – basically, those who support the Dayton construction of B&H, on one side, and those actors who advocate change – either moderate or radical. Yet this second group is fragmented into few (in)consistent, even agonistic conceptions, such as: liberal-democratic conception, consociational or ethno-territorial federal conception presupposing the three ethnic entities, etc. It is paradoxical that it has never been so many ‘solutions’ in the air, while at the same time B&H has never been so diminished in its statehood, while the political responsibility has never been so scarce. Among other reasons, such a state of affairs has been caused by a long-term lack of state personality of B&H which is impossible without an efficient political and legal framework that would produce and affirm the development of the country in the direction taken by majority of modern democratic states.

The Dayton Peace Accords projects national(ist) and ethnic ideological elements into a wider social context, while *general* or *common good*, or *public interest* is being reduced to particularistic, that is, an ethnic / party affiliation which brings us to a certain type of political community with-

out two important agents of social responsibility: citizens, on one side, but also the democratic institutions and overall structure of democracy on the other side. The subject of social responsibility – the citizen – has for long been lost since, according to Šarčević, in Bosnian political community “demos no longer has its legitimating force, but ethnos, that is the ethnic affiliation – the ethnic will that cannot be equal with will and force of an abstract citizen” (Šarčević 1997: 25), but with a will of an abstract collectivity. According to the present Constitution, the society of B&H, as alleged carrier of sovereignty, is not understood as whole, but only as mechanical sum of the three constituent peoples which have been respectively now constituted as carriers of sovereignty. So, the constituent peoples are understood as the three separate ethno-national wholes which, according to the Constitutional logic, function as separate societies with the sovereignty of their own.

Within the overall Bosnian political community, as well as within its three particular ethnicities, a specific form of responsibility has developed, a form which Victoria Camps coins as ‘the responsibility without an agent’ (Kamps 2007), or, more contextualized to Bosnian situation – pseudo-ethnic responsibility. This process reveals that on one side, for political, economic, cultural or some other problematic situation citizens tend to blame their politicians attaching to them characteristics of inadequacy ‘to do the job’, disorientation, or even politicians’ tendency to use inflammatory rhetoric. Yet at the same time, these very politicians, subjects to this usually sharp criticism, will gain citizens’ trust on the following elections for the very reason of their use of nationalist rhetoric and vocabulary of ‘the defense from the attacks of enemy’, of alleged ‘protection of national interests’, of fight for ‘ethnic and national rights’, always to the detriment of others. Yet when confronted with the issue of political responsibility, the scapegoat is easily found – the International community that is generally perceived as a body in charge of resolving Bosnian problems. Thus, a particular ‘bewitched triangle’ is being sealed with the ethnically colored ballot box when voters display their social (ir-) responsibility. Once again, votes and trust is given to those politicians who allegedly protect them from vicious others, and promise better ethnic status as if it ever had improved during 15 years of nationalist rule. This whole misunderstanding between ethnic elites, citizens and the International community has been constructed by particular constitutional engineering. Its main feature refers to the vast reduction of political freedoms, narrowing of the democratic horizons, and furthermore, it refers to a meaningless favoring of

the ethnic identities to the detriment of the state, its institutions and procedures, and its citizens. “Citizens are, from the very beginning, divided into autochthonous and other, foreign groups. Since the cultural traditions Bosnian citizens inhabit are not separate but interwoven – there are no language barriers, rituals and practices are similar, it is impossible to understand the history of any Bosnian ethnic group without understanding the histories of the other two, etc. – even presupposing the existence of an Other, the problem ethnopolitics faced was reconstructing or inventing a founding ethnical narrative and thus producing a particular ethnic culture without an Other that has been a constitutive part of any particular tradition, cultural narrative, and experience in Bosnia. Genocide and ethnic cleansing seemed helpful means for reinventing such a story from 1992. to 1995., while the ethnically-based political arrangements established by the Dayton Agreement as well as ethnically-segregated education proved their effectiveness from 1992. to 2005.” (Mujkić 2007: 117). Such a course of ethnic engineering in B&H has ignored the autonomy of free citizens and their freedom to decide. Thus the ethnic engineering in B&H does not solve conflicts; it only multiplies them through production of ‘nationalist freedoms’. However, these freedoms eventually turn out to be mere fallacies because they reside beyond political, that is beyond the democratic institutions which protect fundamental human rights and freedoms.

REFORMS IN BOSNIA AND HERZEGOVINA VS. REFORMS IN THE INTERNATIONAL COMMUNITY

The relation to the rights, freedoms and the equality presupposes the context of the political, and as such it is relation of an irreducible responsibility. If the agent of responsibility in B&H is the International community, and indeed it is, at least partially, it could be inferred that in the context of the imposed ethnical monolithic identity that was legalized by the provisions of the Constitution, it was difficult to promote or work on the construction of the citizenship identity even for the numerous representatives of the international community. Furthermore, as time went by, very few representatives of this community understood significance and paid attention to the necessity of the success of alternative identities based on the conception of citizenship.

That is the reason why many researchers tend to place B&H under the category of countries in which “processes of democratic transition actually

stimulated nationalist conflicts” (Snyder 2001: 265) with the assistance of the International community that has not still found its political meaning in B&H, although it could be noted that it indeed exists to significant extent in this country.

The decision-making on constitutional arrangement in B&H that has its source out of Bosnia brings us to the question whether B&H is semi-protectorate or true protectorate of the International community? If so, does it then mirror a fundamental tension between European and American politics? It could be said, however, that the specific feature of the role of the international community in B&H is so called ‘acting from outside’.

‘Acting from outside’, that is under the dictate of decentered sources of geopolitical and geo-economic power whose representatives are either directly or indirectly involved in political life of B&H, provided the international community with legitimacy to assist the development of institutions and mechanisms of protection of fundamental rights and freedoms of the citizens of B&H that correspond to international standards.

Generally speaking, the international community has invested tremendous efforts in transition of B&H, however, not in terms of classical transition to which all other countries of the region were subjected – transition towards full market economy, parliamentary democracy and generally civil society, but in transition, and I wish to emphasize it here, from the state of war to the state of peace.

The international community indeed had important stake in many reforms such as legislation, judicial, and media. It imposed whole variety of legal solutions in many spheres of society, and also decisions such as those on introduction of common currency, common registration plates, the imposition of the Law on National Hymn, flag etc. However, all such new solutions and decisions were brought without wider consultation to general public², which further undermined the legality of the International community and gave rise to suspicion in its claims to true democratization of B&H. If the agents of social responsibility were the Bosnian ethnic elites, then it could be concluded that they, due to the support of the

² Illustrative example is the imposition of the Law on Elections which reached full support of all key agents of the international community in B&H. However, the draft of this law has been, almost unanimously rejected by domestic legal experts.

International community which had failed to sanction those actors who had realized their political goals through the use of force, act as absolute masters of the country without any social responsibility whatsoever. So, the key mechanism of the development of Bosnian democracy, the election system, remained as discriminatory to its citizens, skillfully created by representatives of the main ethnic parties in B&H ignoring legal expertise and analyses that suggested that this key mechanism of the development of Bosnian democracy is at the same time the key obstacle. As such, it has, in my view, legitimized ethnopolitical social order within which the ethnopolitical elites and not its peoples enjoy monopoly over B&H and its citizens.³ Among other problems, the Election law:

Does not grant equal voting rights to all citizens of B&H. Thus a specific form of election apartheid or political discrimination is encouraged;

Bosna and Herzegovina is not an uniform polling precinct;

The election to the Presidency is based on ethnic – territorial (entity) criteria which undermines the overall general interest of B&H;

The full voting right is violated by the entity based election of delegates to the House of Representatives of the Parliamentary Assembly of B&H;

The election of delegates to the House of Peoples of the Parliamentary Assembly of B&H is mediated twice in the Federation of B&H, and once in the RS, which does not reflect the will of B&H citizens;

The election of the President and two vice-presidents of the Federation of B&H, and the President and two vice-presidents of the RS is disproportional preventing members from all constituent peoples an equal chance to be elected (Sinanović 2007: 48).

Because of such and some other legal frameworks the ethnic identity has become the primary political identity, and having in mind that being as such it is reductionist one, because citizen gains her or his political relevance only as member of this or that ethnic group, it is at the same time fully a-political identity. That is, the entire political sphere has been reduced to some form of political sophistry which discourages any constructive approach, arrangement and transcendence of political games “within which one wins only when the other loses” (Bieber 2004: 135).

³For more comprehensive analysis see Šačić, Nermina (2007b): „Međunarodna zajednica u Bosni i Hercegovini – od decembra 1995. do marta 2007. godine“, in: Održivi koncepti ili sranputice međunarodne zajednice, Fondacija Heinrich Boll, Sarajevo.

ETNO-PARTY PLURALISM – FALSE POLITICAL PLURALITY

The experience has convinced us that the ethnopolitics is indeed the mechanism of production of permanent ethnic crisis and state of endangerment. Because the lack of civic public, including the constitutional and legal possibilities of its construction, so called ethnic – publics have been developed becoming the very source and generators of political principles such as ethnocentrism, nationalism and national chauvinism.

All this leads the society of B&H to dangerous situation that prevents any reasonable state and national building due to ever increasing ethnic polarization.

„On one side, the ethnic confrontation does not allow the internal fragmentation of social being, fragmentation of one, rather organic body into numerous autonomous groups and ‘egoistic’ individuals. On the other side, the *Other* (the other ethnic community) which is to be confronted and resisted, remains immovable, unapproachable and completely foreign. The other party to the ethnic conflict is the enemy, very often deadly enemy (and its name should be written in capital letters), while the other in civic conflict, and in numerous conflicts of lower intensity, is never completely foreign and inimical, but the other whom, sometimes, can be cooperated with, or even develop a sense of solidarity with (and its name should be written in plural and in small letters) (Vlaisavljević 2006: 183/184). Thus in the public sphere only pseudo-political debates and polemics dominate; they are in fact desirable and favorable. “Bosniacs” are verbally opposed to the politics of “Croats” and “Serbs”, and the other way around, “Croats” are in opposition to “Serbs” and “Bosniacs”. So these three political agents of ethnical uniformity became instruments of differentiation. We are getting the impression that there is some serious opposition. This leads us to conclude that the so-called triple-ethnic identity of B&H is nothing more than false political pluralism.

From the position of so called ‘constituent’ to non-constituent peoples (Jews, Roma, Ukrainians, Polish, Chechs, Italians, Hungarians, Albanians, Slovenians, Macedonians, Montenegrins, etc.) who live in B&H it can be concluded that the ethnopolitical conflicts are conflicts with the ‘political’ (Šačić 2007a). The present legal and real position of members of national minorities, as well as members of constituent peoples in areas where they do not make majority (‘constituent minority’) is often very discriminatory.

Compared to all states that came out of the breakup of Yugoslavia, B&H has already in the Preamble of its Constitution declared its citizens and members of national minorities as 'Others'. The Constitution provides that B&H is the state of Serbs, Croats, Bosniacs and *Others* (italics N.M.).

However, by today it is becoming well known that the ethnic oligarchies maintain their power thanks to their encouragement – and I want to emphasize this – of insecurity, conflict and instability. As such, they cannot produce stability because they remain on power due to conflict.

CONTROVERSIES IN PRACTICE

When the three national parties in Bosnia and Herzegovina, SDA - Stranka demokratske akcije ('Party of Democratic Action' – the leading Bosniac national party, led currently by Sulejman Tihić), HDZ – Hrvatska demokratska zajednica ('Croat Democratic Union' – the leading Bosnian Croat national party, led currently by Dragan Čović), and SDS – Srpska demokratska stranka ('Serb Democratic Party' – the leading Bosnian Serb national party, led currently by Mladen Bosić, originally led by Radovan Karadžić) – under the international pressure were forced to moderate their nationalist rhetoric, rivals within their respective ethnic blocks, SzBiH – Stranka za Bosnu i Hercegovinu ('Party for Bosnia and Herzegovina', led by Haris Silajdžić), HDZ 1990 – Hrvatska demokratska zajednica 1990 ('Croat Democratic Union 1990', in fact the faction of the original HDZ that had departed in April 2006.), and SNSD – Stranka nezavisnih socijaldemokrata ('Party of Independent Social Democrats' led by Milorad Dodik) – took over their inflammatory rhetoric and were awarded on 2006 Elections. Some serious analyses imply that the 2006 elections showed that the most radical parties had not become moderate, but that the most radical parties are in fact moderate parties. That is why there are many reasons to claim that the radicalization of nationalism in fact had occurred in Bosnia and Herzegovina instead of its projected moderation.

Now the mandate of the Office of the High Representative⁴ (OHR) has been extended – to some extent because of the awareness among the internation-

⁴Pursuant to Article 1 of Annex 10 of the Dayton Peace Accords (1995) "The Parties agree that the implementation of the civilian aspects of the peace settlement will entail a wide range of activities including continuation of the humanitarian aid effort for as long as necessary; rehabilitation of infrastructure and economic reconstruction; the establishment of political and constitutional

als that the true constitutional reforms are highly needed in B&H. Still, however, due to an ethnicized constitution, and therefore to ethnicized law, the affirmation of individual rights is totally missing from overall picture in B&H.

The International Community in B&H promoted more the category of a “peace process” than peace as a value political/democratic orientation. A political philosophy of the ‘peace process’ is in fact the tool of the International Community which it is using to control the war and peace through permanent production of what is neither a war nor peace. That is the form of political rule of the International Community in post-conflict countries. “The peace process (...) proves in the case of Bosnia that Europe is much closer to the peace process than it is to peace. A Post-Dayton Bosnia is characterized by a peace process as a negation of democratic principles and a as latent destruction of the Bosnian state which is denied to have peace and its elements, that is, democracy” (Ćurak 2002: 157). “The Dayton” as the Peace Accords or as the guardian of the “peace process” is not only the International Community’s tool for conflict and violence management in this area. Its major weakness is that it was imposed as a norm, a Constitution of Bosnia and Herzegovina (Annex IV to the Dayton Agreement is the Constitution of B&H, which is absurd), based on the given situation on the ground, and an insufficient respect for cultural and historical background of Bosnia and Herzegovina. This will be elaborated further in this paper.

After the Dayton was initiated, “the peace process” began to be implemented first through the presentation of what had been agreed on outside of Bosnia, far from the public eye in Bosnia, and far from the Parliament (B&H has a Constitution which was not approved by its Parliament, which is nonsense). It was agreed in Dayton that B&H is indeed a state, but which consists of two entities, the Federation of Bosnia and Herzegovina and Republika Srpska. The status of Brcko remained unsolved in the Dayton. But further to the earlier agreements, it was decided that a final deci-

institutions in Bosnia and Herzegovina; promotion of respect for human rights and the return of displaced persons and refugees; and the holding of free and fair elections according to the timetable in Annex 3 to the General Framework Agreement. A considerable number of international organizations and agencies will be called upon to assist.” Furthermore, in paragraph 2 of Article 1, the following is determined: “In view of the complexities facing them, the Parties request the designation of a High Representative, to be appointed consistent with relevant United Nations Security Council resolutions, to facilitate the Parties’ own efforts and to mobilize and, as appropriate, coordinate the activities of the organizations and agencies involved in the civilian aspects of the peace settlement by carrying out, as entrusted by a U.N. Security Council resolution, the tasks set out below”. (for further information see Article II of the Dayton Peace Accords).

sion on a status of this town would be made by an Arbitral Tribunal for Brcko, established in the summer of 1996. The Federation of Bosnia and Herzegovina was seen as a state of Bosniaks and Croats, and the Republika Srpska as a state of Serb people. Brcko was given a Supervisor pending a final arbitrary award for “the Brcko District” (March 2000.) by which Brcko was given to both the Federation of Bosnia and Herzegovina and the Republika Srpska, and thereby to all citizens of B&H. Anyone with at least some knowledge of the political science will know that the existence of a Republic in a state is a *novelty* indeed, which should be analyzed in detail. This political scandal prevented the implementation of a well-known goal of the International Community – “the building of a society and a war-torn state”. The first problem which prevents the implementation of this goal lies in the constitutional discrimination of the political rights of the citizens of B&H. Ethnic identities are fixed in constitutional and institutional terms, and all individuals within the B&H society are forced to align himself or herself with one of the three defined and fixed ethnic identities; not a single individual may implement his or her political rights (nor can he or she count on a practical social promotion) outside those identities. Moreover, an individual is not functioning as a citizen in politics, or in the society, but only as a member of one of the three strictly defined ethnic identities.

Unfortunately, overall priority in Bosnian political community was given to the ethnic, that is to the collectivist rights heavily supported and advocated by the representatives of the ethnic / nationalist blocks. Having in mind that the partnership of the international community with local ethnopolitical parties has been long standing now, each of them had quite enough time to advocate peace process as the purpose of political life in B&H, and not peace as political, or value orientation.

Immediately after the Dayton Peace agreement was signed in the autumn of 1996 democratic elections at all levels of Bosnia and Herzegovina took place. *Democratization* was a priority task which was taken by the OSCE. In the years following 1995 a legal framework was created for the institutions required for democratic elections, the OSCE monitored a whole range of laws, of which we shall mention the most important:

The (entity) laws on political parties (Federation of Bosnia and Herzegovina, Official Gazette of FBiH, 27/91; RS Official Gazette 15/969);

The general election law (BIH Official Gazette 23/01);

The law on funding of political parties (BIH Official Gazette 22/00);

The law on conflict of interest in the government institutions of Bosnia and Herzegovina (BIH Official Gazette 12/02)

The judicial review of elections was assigned in the autumn of 2000 to the Court of Bosnia and Herzegovina established by the High Representative's decision (BIH Official Gazette 29/00.).

In addition to institutionalization of review of elections, the decision was also important for the state of Bosnia and Herzegovina as the seed of judicial institutions was sowed at the state level. The elections have been the national responsibility since 2000. There are no grave objections by international observers of elections. True, the election system is still going through constitutional and legal early throes which will not be removed without the constitutional reform. In an attempt to respond to all ethnic components of the nation of Bosnia and Herzegovina, the Dayton Agreement created a system of obstacles and hurdles (such as the blockade by the minorities), which run counter to the principle of equality or the basic right to an equal access by all citizens to public services.

The constitutional reform was a taboo for many years, and serious talks. But whether the obstacles which bring about inequality in elections will be removed in the coming constitutional reform remains a question.

Ethnopoliticians are today masters of the peace process and so they control both war and peace in B&H by creation of artificial crises, mainly helped by media inclined to them, in the context of the decisions of the international community regarding problems in the region. For example, during the talk on constitutional solutions for Kosovo, or some other turbulent area, ethnic representatives opt for territorial dissolution of B&H, which is at the same time negation of the democratic principles they allegedly support.

ASSESSMENT AND ANALYSES

If one is to conclude from controversies regarding the constitutional reforms – especially those reforms that had been rejected by the Parliament of B&H – the issue of the equality of citizens remains in the domain of accidental pressure from outside – such is the pressure from so called Venice Commission, because, among other things, there is no coherent individual rights and freedoms policy of Brussels regarding Bosnia.

Having in mind the intensity and complexity of Bosnian conflicts, the degree of their destructiveness, today it is of utmost importance to refocus our attention on political communication. Similarities among ethnic

groups today could be found in the practice of negation of the other side, and not in their common ground for the establishment of new relations. These are the negative identities. Their content is filled only by the opposition to the Other, and not in the search for common interests which makes Bosnian future as uncertain as ever.

A highly ethnicized sphere of political communication in B&H disables any reasonable constitutional solution. These solutions could be found only in the process of de-ethnicization of politics. They are in fact the key presuppositions for political stability and political legitimacy that are the very foundations of contemporary liberal democracy.

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CROQUIS



THE GRAČANICA MONASTERY

The Gračanica monastery is one of the Serbian King Milutin's last monumental endowments, a beautiful Byzantine building. In fact, it is a Serbian Orthodox monastery, located in Kosovo, built in 1321. The village of Gračanica itself is a Serb enclave nearby Priština.

The Monastery was declared the Monument of Culture of Exceptional Importance in 1990. No wonder: it shares a strong cultural, historical and symbolic message. It is under protection of the Republic of Serbia and placed on the UNESCO World Heritage

List under the name of Medieval Monuments in Kosovo as an extension of the Visoki Dečani site, which was overall placed on the List of World Heritage Sites in danger.

A few decades after its establishment, with the battle of Kosovo in 1389, that territory became part of the Ottoman Empire. But at the same time it accelerated its meaning as an emotional pictogram for Serbian national and ethnic identity. During the Ottoman rule Gračanica became an important cultural center and it was renewed after the Second World War, serving as a convent. After the war in Kosovo in 1999 the Bishop of Raška and Prizren transferred his official seat from Prizren to the Monastery. Since then it is the national and political center of the Serbian people in Kosovo. Contemplating the single destiny of an individual who is always under pressure of historical circumstances, Gračanica stands out above differences and divisions.

Her symbolism is, though, a highly complex one, but perhaps exactly for this reason also rich in offering challenges as well as opportunities. It is on the contemporaries to understand, grasp and develop the nuances of the messages and advance them towards cooperation, consensus and creativity. These almost near cryptograms should govern and encourage, not that archaic experience of hatred, conflict and phobia.

The monastery in Gračanica belongs to one of the most splendiferous achievements of Milutin's period, characterized by the Byzantine style Paleologan Renaissance. Beside numerous frescoes and paintings, there are some examples in the narthex, which represent the Ecumenical Councils, i.e. conferences of bishops of the whole Christian Church.

The Ecumenical message, no matter of the religious frame – which is in Kosovo not only Christian, but also Muslim – is most important in the area. It should be pointed out that beside any ideological prejudice, the Gračanica Monastery is a splendid piece of art, under the heritage protection, with deep historical mission, impregnated in its paintings – that it is possible, for different orientations towards God, to live as one. Is this mission not the most important for all areas where conflicts or violence still prevail? A mission, which overcomes killing in the name of any Transcendence?

Anja Fabiani

GENERAL SUBMISSION GUIDELINES

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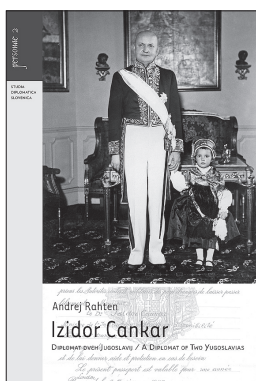
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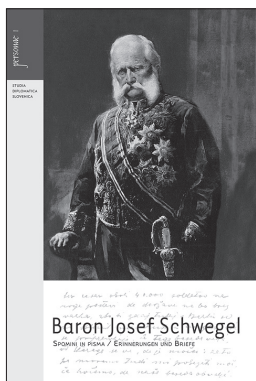
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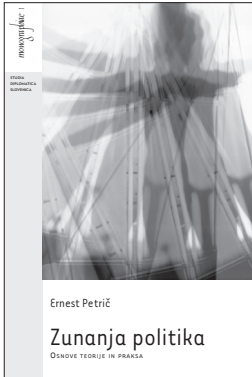


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