

# **FROM FOUR PILLARS OF FOREIGN POLICY TO EUROPEAN INTEGRATION:**

## **IS THERE A WILL FOR STRATEGICALLY ORIENTING SERBIA'S FOREIGN POLICY?**

Foreign policy priorities, the Republic of Serbia's system for adopting and overseeing foreign policy decisions and harmonization with the European Union's Common Foreign and Security Policy

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## ABBREVIATIONS

EU - European Union

ICJ – International Court of Justice

ICTY - International Criminal Tribunal for the Former Yugoslavia in The Hague

MP – Member of Parliament

NATO - North Atlantic Treaty Organization

UN – United Nations

UN SC – United Nations Security Council

SAA – Stabilisation and Association Treaty (with the EU)

OSCE – Organization for Security and Cooperation in Europe

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# EXECUTIVE SUMMARY

Since the breakup of the former Yugoslavia to this day, Serbia has been conducting an unadjusted foreign policy in its different incarnations as a state, with vague and unclear priorities which have shifted depending on the ruling political elite. Over the past twenty years, the orientation of foreign policy, priorities and open issues were the determining factors in the rise and fall of ruling elites, i.e. of political groups coming to power after winning popular elections on all levels. It is therefore evident that a foreign policy, as an outcome of dialog based on rational priorities, is crucial to the internal process of reforms and successful completion of the process of transition. The moot issue in deciding these priorities is the country's relationship with the European Union, that is, of achieving its vocally embraced yet not fully accepted – either as a foreign, or domestic – goal of joining the EU as a member state.

This study focuses on practical policy and examines the problems of Serbia's foreign policy from 2008–2012, as evaluated on three points: its lack of long-term strategy; the malfunctioning of its system of decision-making and supervision; and the problems of its process of harmonization with the EU's Common Foreign and Security Policy. The main purpose of this study is to offer a set of recommendations for reforming the approach to these questions, derived from an in-depth examination of the mentioned foreign policy aspects with the aim of bolstering the nation's political standing abroad.

This paper points to a lack of a harmonized and balanced foreign policy strategy rooted in a pre-established, broad social consensus. Although elements of a foreign policy strategy exist in various documents composed by state institutions, as in parliamentary resolutions and strategies, they lack a common thread, are inconsistent, and do not oblige the ruling political elite to conduct any kind of policy. Elements of foreign policy strategy are also present in the programs of the political parties that make up the Cabinet, but they are very meager in reach and scope, and only declaratively oblige government representatives to engage in some kind of foreign policy.

The process of adopting foreign policy decisions is one of the least transparent processes of implementing the Republic of Serbia's policies in practice. There is no vertical link of *foreign policy priorities to foreign policy creation to citizens*, which is highly unusual considering that foreign policy figured as one of the major reasons determining the ascent/fall of almost every Serbian government since 1990.

The ruling majority between 2008–2012 also did not respect the legislative framework for defining and adopting foreign policy decisions, as none of the institutions of the state were consistent in conducting a comprehensive foreign policy. It almost appears as if the jurisdictions were divided among various institutions ad hoc, all haphazardly engaging in different foreign policy approaches. Frequently, policies led by these institutions would collide. On the other hand, the National Assembly, which is in charge of overseeing the executive branch of government, did not perform its job in foreign policy matters. Its Committee on Foreign Policy had neglected its role as a supervisory body, and even ignored a portion of its legal duties that pertain to overseeing the operations of the Cabinet and of the Foreign Ministry.

Finally, this study takes a look at the process of harmonization with the EU's Foreign and Security Policy, based on Serbia's answers to the European Commission's Questionnaire. The study establishes that the country's accession to the EU was not reflected in terms of values in its foreign policy decision-making process, in the 2008–2012 period. The very process of alignment with the EU foreign policy declarations, common positions and statements also failed to incorporate these values; hence, it has been of scant aid to improving the country's foreign political standing.

The authors of this study have concluded that there is a vertical link between three aspects of foreign policy. The (non-)existence of a foreign policy strategy rooted in

consistent priorities is one of several factors that have prevented the National Assembly and its designated committee from performing their supervisory role, both formally and legally. Furthermore, a free overlapping and overstepping of the powers vested in various institutions charged with passing and implementing foreign policy decisions was made possible.

In conclusion, the lack of clearly-set priorities and the overlapping of jurisdictions has brought about the treatment of the harmonization with the EU's Foreign and Security policy as a mainly technical process of inferior significance, relative to other foreign policy priorities – this doing little to improve Serbia's political standing with the international community.

# RECOMMENDATIONS

## QUESTION OF FOREIGN POLICY STRATEGY

1. Serbia's leading political parties lack clearly and consistently defined foreign policy commitments. Launching internal debates inside political parties would help prevent ad hoc and arbitrary definitions of foreign policy priorities by members and party leaders, depending on their current utility.
2. Civil society, the media and academic community need to act in unison and publicly raise the question of adopting a foreign policy strategy by applying pressure on state institutions to instigate a public debate on the matter. So far, individual initiatives and proposals had little effect.
3. State institutions – above all the National Assembly – should raise the question of harmonizing existing strategic documents that outline some of the country's foreign policy priorities as soon as possible. At the present, the majority of these documents conflict each other, and need to be harmonized so that a comprehensive foreign policy strategy may be adopted.
4. A public debate on key foreign policy questions needs instigation, with the purpose of mobilizing the political elite, civil society and academia around the prospect of Serbia's optimal position in international affairs, by taking into account the country's geopolitical situation and economic interests. The following subjects demand detailed and thorough appraisal:
  - The relationship toward Kosovo, its self-styled independence, and the countries which recognize it;
  - The relationship toward the EU and the obligations arising from it; the harmonization of pro-European agenda with other major issues;
  - The relationship toward individual EU member-states, including minor ones;
  - The relationship toward the break-up of the former Yugoslavia, and Serbia's position relative to that of the other former Yugoslav republics, as well as a joint approach to some important foreign policy questions (i.e. the EU, the Non-Aligned Movement, etc.)
  - Relations in the region, and redefinition of Serbia's position within it, taking into account regional cooperation and European integrations;
  - The relationship towards Russia, and definition of priorities in cooperation with this historical Serbia's sometime patron, partner or ally;
  - The relationship toward China and emerging global powers (i.e. Brazil, India);
  - The relationship toward Turkey, with which Serbs share a substantial cultural inheritance and numerous economic and political interests;
  - The relationship toward Euro-Atlantic integrations – needful of a debate on the relationship toward the Partnership for Peace program, the contents and limits of Serbia's "military neutrality," and the relations with NATO;
  - The relationship toward Serb Diaspora, and Serbs elsewhere in the region.
5. The debate should rely on the body of documents passed by the European Movement in Serbia's Forum for International Relations since 1997, as well as the country's foreign policy strategy and the programs of other countries in the region.
6. Based on this public debate, the political elite needs to adopt a comprehensive and precise foreign policy strategy, and form a consensual hierarchy of foreign policy priorities.

## **THE INSTITUTIONAL FRAMEWORK FOR ADOPTING FOREIGN POLICY DECISIONS, AND THE SYSTEM FOR OVERSEEING THEM**

1. It is vital to ensure greater respect for the formation of a framework for adopting and implementing foreign policy through the adoption of a foreign policy strategy and better supervision by state institutions and, informally, by the civil sector and the media. The adoption of a strategic foreign policy framework would provide an anchor point for the National Assembly, the civil sector and the media, for controlling the adoption and implementation of foreign policy decisions.
2. The National Assembly of the Republic of Serbia should honor all legislation passed with the intent of supervising state executive authorities. In particular, special pressure should be exerted towards increasing a regular interaction between the Assembly and the Cabinet, so its ministers would appear regularly before the lawmakers in order to answer their queries – in addition to regular annual Cabinet reports submitted to MPs for debate.
3. The Foreign Affairs Committee needs to begin focusing on issues in its jurisdiction, especially those to do with supervising the executive authorities. The Committee needs to go over practical political decisions arrived at by the executive arm of government, all the comments and proposals concerning these decisions, as well as insist on regular communication with the Ministry of Foreign Affairs.
4. The Foreign Ministry should abide by the Law and have the Minister regularly, at least twice a year, brief the National Assembly's Foreign Affairs Committee in accordance with the law, as well as attend query sessions of the parliament.
5. MPs are the owners of their mandates, regardless of eventually not having been chosen in majority elections. Hence, they should accept their duties and insist on the prerogatives granted by law to the National Assembly, and the permanent and temporary task forces and bodies they form a part of. Partisan loyalties should not affect a free expression of opinion, or responsible performance of their duties of office.
6. The National Assembly needs to increase its efforts to ensure that the public and civil society be provided full access to debates held in it or before its committees, through transcripts of every session of the parliament and its supplementary bodies.



## **THE ADOPTION OF FOREIGN POLICY DECISIONS IN PRACTICE AND HARMONIZATION WITH THE EU'S COMMON FOREIGN AND SECURITY POLICY**

1. Serbia's foreign policy needs to be practically built upon realistic interests and attainable goals that reflect the country's geopolitical situation and economic interests. In that sense, it is essential to precisely define both these interests and attainable goals by a foreign policy strategy, in turn to be interpreted and carried out by relevant state institutions in accordance with the law.
2. It is essential to establish cohesive action of state institutions which define and implement foreign policy while honoring legal hierarchy and jurisdictions. Only then can the state be accepted as a serious factor on the international scene, i.e. by firmly abiding its foreign policy and internal political priorities, interests as well as the underlying values it has undertaken to uphold.
3. If Serbia's membership in the EU is definitely established as the country's ultimate goal, a value-based reevaluation of past foreign policy must publicly be undertaken, and an approach that clearly reflects European values defined. Abandoning the present technical approach to European integrations is absolutely indispensable.
4. In its foreign policy Serbia needs to nurture a culture of dialog and balance as opposed to the one of confrontation, while expanding the degree of trust it enjoys among partner states, thereby creating the necessary basis for the attainment of its realistic goals.
5. Serbia needs to use every opportunity in open forums to manifest its devotion to European integrations and European values, even if the current interests of most EU member-states and its own do not overlap. An ideal way to achieve this is through the alignment with the EU's declarations, statements, and common positions, which form a part of Chapter 31 of its negotiations with the EU, and of its obligations within the European integrations process.



# INTRODUCTION

At the beginning of 2012, the research team of the International Security Affairs Center (ISAC Fund) set out to analyze Serbia's foreign policy between 2008 and 2012. The basic idea of the project was to conduct a detailed analysis of the process of deciding on foreign policy priorities and their practical application, as well as an analysis of the consistency of Serbia's pro-European orientation by examining the degree of its harmonization with the EU's Common Foreign and Security Policy through alignment with the EU's declarations, common positions and opinions. Despite a lack of strategic documents on Serbia's foreign policy, the objective was to highlight its inconsistencies in the light of the country's aspirations to become a member of the EU.

The process of foreign policy decision-making is one of the least transparent in the Republic of Serbia. This is largely due to the removed relationship between foreign policy issues and the country's citizens. That is, there is no chain **foreign policy priorities – foreign policy creation – citizens** (chain of competence, control and implementation), which is highly unusual, considering that foreign policy has figured as one of the main reasons for the ascent or fall of almost every Serbian government since 1990. Thus, the incumbent government, formed by the Serbian Progressive Party (formerly an opposition party) and the Socialist Party of Serbia, which took office in 2012, was also able to constitute itself only after acquiring legitimacy by publicly embracing European integrations as a strategic goal shared by all the ruling parties.

**Despite this paper essentially being an overview of the previous Democratic Party-led Serbian government's performance in the domain of foreign policy, it is not, by any means, our intention to criticize the present opposition. Our goal is to present the new Cabinet with recommendations based on a methodological analysis leading towards an improvement of the system of foreign policy decision-making and of the operation of state institutions by ensuring their adherence to legal norms, as well towards enabling well-grounded decision-making based on a comprehensive and precise foreign policy strategy.**

Furthermore, this study has been conceived as laying the groundwork for a continuous promotion of reforms of the foreign policy decision-making process within the Republic of Serbia, via policy briefs. This paper and its publication were made possible by the European Fund for the Balkan's *Think and Link* program.

## ***Serbia and its position in a changing world***

Political and economic circumstances around the globe have radically changed over the past 20 years. On the one hand, the rise of states like China, Russia, Brazil, Japan etc., and the birth of a united Europe, reveal a process of emergence of new power centers around the world, thereby effectively laying the foundations for a multi-polar world, and relatively diminishing the overall power of the United States of America. On the other hand, in today's highly-interconnected and interdependent world, new, trans-national problems and challenges such as asymmetrical security threats (international terrorism, trans-national crime, cybernetic threats, drug trafficking etc.), trans-national migrations, and advanced communications, demand that countries – and even global powers – unite into integrated wholes. In this respect, trust is becoming the key element in international relations, providing a basis for an establishment of deeper relations between different countries, for the purpose of devising better and more efficient responses to regional and global challenges. In Europe, these factors have deepened the process of European and Euro-Atlantic integrations, and the enlargement of the EU and North Atlantic Treaty Organization (NATO), including the expansion of the NATO

Partnership for Peace program, as the most successful, nation-transcending ventures so far.

Unfortunately, Serbia hasn't been able to adjust its domestic or foreign policy priorities to the new state of international affairs. After the conflicts and wars in Bosnia-Herzegovina and Croatia, in which Serbia's authorities were more than superficially involved as well, the country's confrontation with the West led to its international isolation in the form of economic and political sanctions, and eventually to NATO air strikes against it in 1999, provoked by the Kosovo conflict. The hostilities were ended by UN Security Council's adoption of Resolution 1244 on Kosovo that same year, and the withdrawal of Serbian police and army units from the territory of Kosovo, which became an international protectorate until the final resolution of its status. In February 2008, Kosovo declared its independence – by the end of 2012 recognized by 98<sup>1</sup> members of the UN

With the downfall of Slobodan Milosevic's regime in October 2000, the way had been cleared for a shift in Serbia's foreign political orientation. The new authorities revealed intentions for the country to join the UN., the Council of Europe, and pursue membership in the EU, NATO Partnership for Peace, and even NATO itself. At the European Summit in Thessaloniki in 2003, the perspective of European integrations was expanded to the Western Balkans for the first time. A Joint Declaration on political dialog between the EU and Serbia laid the foundations for a formal dialog between both sides.

In the first decade of the 21<sup>st</sup> century, Serbia's three foremost foreign policy problems remained regulating relations inside the joint state of the Federal Republic of Yugoslavia, i.e. the State Union of Serbia-Montenegro; meeting the requirement of cooperation with the International Criminal Tribunal for the Former Yugoslavia in The Hague (the ICTY)<sup>2</sup>; and the question of Kosovo.

In 2006, Montenegro became independent. General Ratko Mladic, the last suspect wanted by the ICTY, was delivered to that Court in 2011, whereas Kosovo had declared its independence back in 2008.

These problems have been the reason why Serbia hadn't been able to coherently articulate and pursue its foreign policy priorities. The most formidable obstacle standing in the way to a resolution of this is the issue of Kosovo's status. That is, Kosovo had broken away in 2008, to be recognized by the majority of EU states, as well as the US and several other countries. Two Security Council members, China and Russia, continue refusing to recognize Kosovo, thereby becoming Serbia's more important foreign policy factors than they used to be. Even so, Serbia has aspirations toward joining the EU and in, March 2012, it became a candidate for membership. It was admitted into the NATO Partnership for Peace program in November 2006, although it officially has no ambition to become a full NATO member, and has proclaimed a vague "military neutrality" in a parliamentary resolution on the question of Kosovo. Serbia's foreign policy approach is thus torn between the two goals: of preserving its sovereignty in Kosovo, and further integration into European and Euro-Atlantic institutions. The country's foreign policy priorities, and approach to foreign policy in general, still depend on shifts in the ruling elite and are, hence, inherently unstable. This became evident during premier Vojislav Kostunica's reign (2007–2008), when using all available means to keep Kosovo inside Serbia figured as number one foreign policy objective, whereas prime minister Mirko Cvetkovic's cabinet (2008–2012) at least formally equated these two, quite separate foreign-policy priorities<sup>3</sup>.

### ***Formulating the thematic confines of this research paper and the main research questions***

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<sup>1</sup> In several countries, such as Nigeria and Sao Tome and Principe, some state officials have questioned the validity of Kosovo's recognition.

<sup>2</sup> <http://www.icty.org/>

<sup>3</sup> See Addendum I for a more comprehensive historical survey.

The basic purpose of a country's foreign policy is to realize its national interests, i.e. to use diplomatic means in removing potential foreign threats and dangers to the state and its citizens, thereby creating and maintaining the necessary conditions for its unhindered development, and the prosperity of its citizens. In that sense, the key to any successful foreign policy lies in an approach based on rational evaluation of state priorities, viewed through the prism of several factors – the country's geopolitical position, the size of its territory and its population, its economic potential, security risks, historical heritage etc. Based on these, a series of priorities is defined which then become the basis for creating state foreign policy. Thence, a proper analysis of sundry factors must take into account future developments, while viable policy priorities must be able to withstand long-term challenges. Thus, the basic interests of small countries may largely be achieved in their immediate environment, and then in wider areas, among those nations that wield the strongest economic and security influence over the region a country is located in.

***The first, basic research question which underlies this document is: Does Serbia have a foreign policy strategy? Since the formal introduction of democracy into the country to this day, Serbia has not been able to set up a hierarchy of its foreign-policy priorities founded on its real position, and on the basis of a broad consensus among its elite and its citizens. Instead, its foreign policy priorities have been ad hoc and transient.***

The very process of defining foreign policy priorities and their implementation is an altogether separate issue. It is precisely the lack of a state foreign policy strategy that enables political figures to sidestep the formal authorities as defined by the Constitution of the Republic of Serbia, numerous laws and by-laws. It is that which prevents efficient control, there being no effectual "lever" for criticism. In the past, huge inconsistencies in honoring the regulative framework appeared, coupled with the mixing of jurisdictions of different state institutions – chiefly those of the President, the Cabinet, and the Foreign Minister – legally designated to act in determining and implementing foreign policy. Furthermore, the National Assembly and its Foreign Affairs Committee were notably passive in their supervisory role in the process, as in forging foreign policy and its implementation.

***The second basic research question is: In what manner were foreign policy decisions adopted and applied within the "triangle" formed by the Cabinet, the President of the Republic and the Ministry of Foreign Affairs in the 2008–2012 period, and how was the process controlled by the National Assembly of the Republic of Serbia and its Foreign Affairs Committee?***

We must also keep in mind that, in public discourse, Serbia's full membership in the EU has been declared its supreme foreign policy goal, demanding a predictable and values-oriented policy for its successful achievement. We will therefore review the effectiveness of the two performances mentioned in this study of Serbia's harmonization with the EU's Common Foreign and Security Policy – that is, the record of its compliance with the EU Council's declarations and common positions, and that of its representatives in the OSCE. The formal demand that Serbia should embrace the EU Council's declarations, common positions and opinions, including those of the EU mission in the UN and the OSCE, was agreed to at the 2003 EU Summit in Thessaloniki. With its receiving the status of a candidate state this process became particularly important, given its proclaimed intent of becoming a member of the EU. Therefore, such a performance review is necessary to provide an insight into the predictability and validity of its foreign policy in terms of values.

***The third basic research question is: To what extent has Serbia harmonized its stances in international organizations with the declarations, common positions and opinions of the EU Council, and the EU representatives in the OSCE, during the 2008–2012 period? This study should provide concrete answers on the practical effects of Serbia's lack of a well-grounded foreign policy strategy, and of its flawed processes for adopting, implementing and checking foreign policy decisions in its national interests.***

Also, one of the aims of this study is to provide political recommendations to the state on the ways and means to remove the observed flaws, omissions and logical inconsistencies in its foreign policy.

### ***Research methods and document structuring***

The ISAC Fund's Investigative Team employed several research methods. Firstly, it analyzed the content of the official documents published by Serbia's state institutions, each containing elements of a foreign policy strategy (a total of 5 resolutions passed by the National Assembly of the Republic of Serbia, and three strategies adopted by the state institutions of the Republic of Serbia in 2003–2009), as well as programmatic segments and party program documents on foreign policy priorities, parliamentary transcripts and logs from the Foreign Affairs Committee's sessions, and other committees of relevance, in addition to the sessions of the National Assembly. After this, an analysis was made of statements and speeches by top officials during the tenure of Prime Minister Mirko Cvetkovic, with references to the strategic priorities of the Republic of Serbia.

A legal analysis of the Constitution of the Republic of Serbia, and sundry laws (the Law on Foreign Affairs, the Law on the National Assembly, the Law on Government, etc.) as well as other relevant acts (the National Assembly's Rules of Procedure etc.) was also undertaken.

In addition, open interviews with state officials and civil servants, representatives of civil organizations, and experts were conducted, to collect information and verify our conclusions.

The task was divided into three segments. The first has to do with the (non-) existence of a formal strategic foreign policy framework, and focuses on the elements of strategy (as the basis for foreign policy), discussed in various documents or publicly mentioned by state officials. The second part examines the constitutional and legal framework for defining short-term foreign policy priorities and adopting decisions, and the supervision of this process. Hence, it deals with the behavior of state institutions and authorized individuals in actual practice. The third and final portion illustrates the consequences of the questions analyzed in the first two parts, by evaluating Serbia's harmonization with the EU's Common Foreign and Security Policy, i.e. Serbia's endorsement of the EU Council's declarations, common positions and opinions, and those of EU representatives within the OSCE in 2008–2012.

# 1

## THE ISSUE OF THE REPUBLIC OF SERBIA'S FOREIGN POLICY STRATEGY

### STRATEGIC DISORIENTATION

In 2010, the European Movement in Serbia's Forum for International Relations launched a project envisaging three foreign policy proposals drafted by three multi-disciplinary teams. The intention was to incite a public and expert debate on the foreign policy priorities and motivate the state representatives and institutions to join in. The scope of the targeted audience prompted the Forum to offer three versions of the strategy – Euro-Atlantic, the Strategy of Balance, and the Eastern Perspective – each resting on a different vision of foreign policy priorities and different understanding of contemporary international relations, all of them existing in Serbia's public discourse. The strategies were published in the book *Serbia's Foreign Policy – Strategies and Documents*. Although the initiative failed to attract any wider attention, it remains very significant as a starting point for some future discussion, after conditions for that have matured and the political will to pass a foreign strategy for Serbia has emerged.

Foreign policy strategy is one of the key elements of foreign policies of EU countries, as well as of Serbia's neighbors, being the basic document on which future foreign policy decisions will be made. Serbia, however, does not have a foreign policy strategy, nor has its political elite or its public ever voiced the idea that a document of this kind should be drafted.<sup>4</sup>

The civil sector and certain academics (D. Djukanovic, D. Zivojinovic, V. Pavicevic et al.) were the only ones to advocate the adoption of a national foreign policy strategy. Back at the end of the 1990s, the Forum for International Relations of the European Movement in Serbia went public on two occasions with proposals for a foreign policy strategy based on a course opposite to the one pursued by the government of the time.

Foreign ministers of the Federal Republic of Yugoslavia, i.e. the State Union of Serbia and Montenegro – Goran Svilanovic and Vuk Draskovic respectively – during their terms in office (2000–2004, 2004–2007) did not raise the issue of strategy, but presented the basic tenets of their foreign policy visions in their speeches before the National Assembly of FR Yugoslavia, i.e. the Assembly of the State Union.<sup>5</sup> Minister Vuk Jeremic, the first legitimately elected foreign minister of Serbia since the country once again became independent in 2006, has failed to come forth with a foreign policy vision during either of his terms in office. During the previous government's term (2008–2012), neither the Government nor the National Assembly initiated the adoption of a foreign policy strategy.

It appears that the absence of this document has been the result of the international challenges Serbia has been facing (the issue of Kosovo, the European integration process, the question of cooperation within Partnership for Peace and relations with NATO, the level and the degree of cooperation with Russia, etc) on which internal consensus is

<sup>4</sup> Serbia has failed to pass any documents similar to the ones adopted in the neighboring countries. Bosnia and Herzegovina adopted its strategic document titled *General Directions and Priorities for Implementing the Foreign Policy of Bosnia and Herzegovina* in 2003; Croatia passed its *Foreign Policy Determinants* at the beginning of 2000s; Montenegro adopted its *Foreign Policy Priorities* shortly after adopting its Constitution in 2007; Macedonia adopted its *Goals and Priorities* document in 2009; whereas Kosovo passed an internal document titled *The Program and Core Objectives of the Ministry of Foreign Affairs of the Republic of Kosovo* immediately after its unilateral declaration of independence in 2008. More on that in D. Djukanovic, *Spoljnopoliticke orijentacije drzava Zapadnog Balkana: Uporedna analiza*.

<sup>5</sup> Both speeches contained the following elements: return of Serbia into the international community, redefinition of relations among neighbors, as quick as possible implementation of the European and Euro-Atlantic integration processes, the best possible relations with Russia, and similar.

hard to achieve, as much as of its internal political situation. The latter seems to allow politicians to interpret the country's foreign policy as they please, that is, to change its course depending on the circumstances, if a pursued foreign policy at a certain point starts threatening their political ratings, and the standing of their political party.

Still, certain foreign policy priorities have been incorporated in the strategic and programmatic documents passed by state institutions, as well as in parliamentary resolutions. In addition, elements of foreign policy priorities of the 2008–2012 ruling elite have been set out in platforms and related documents of political parties. The public and news media, however, accepted the statements of senior state officials as the basis of the country's foreign policy goals. Therefore, **in the text that follows we will analyze the foreign policy priorities of political parties whose representatives conducted the country's foreign policy; strategic and programmatic documents issued by state institutions; certain resolutions passed by the National Assembly, as well as speeches and statements by the highest state officials regarding foreign policy priorities. On the basis of this we will make conclusions on the existing "system" of foreign policy priorities.**

## 1.1

### ELEMENTS OF FOREIGN POLICY STRATEGY IN SPEECHES AND STATEMENTS BY STATE OFFICIALS

In the absence of a foreign policy strategy, the public's and news media's interpretation of foreign policy priorities based on statements and speeches by state officials prevail. In the 2008–2012 period neither the Minister of Foreign Affairs nor the Government of the Republic of Serbia came forth with a detailed and well-grounded set of foreign policy priorities, nor a vision of the policies that should determine and implement these priorities.

In the expose of the Prime Minister-Designate Mirko Cvetkovic in 2008, the basic priorities of the future government's foreign policy were briefly outlined. As the foremost priority Mr. Cvetkovic quoted Serbia's full-fledged membership in the EU, which is *the most vital interest of the state of Serbia and all its citizens*. Numerous reforms were announced so that Serbia would get closer to EU standards as soon as possible, as well as that at the end of its term of office the Serbian Government would be fully *prepared to join the EU*. The speech also announced continued efforts for the preservation of the country's sovereignty and territorial integrity – exclusively, however, waged by diplomatic means.

The future Prime Minister then underlined that EU membership should not hinder the development of close relations with third countries, including Russia.

Later on in his speech, the Prime Minister-Designate said that the diplomatic fight for Kosovo would be waged in cooperation with Russia and other countries. He also stressed the extreme importance of advancement of relations with the US, as well as pointing to the deepening of relations with China, India, and the countries belonging to the Non-Aligned Movement as equally significant. As far as security was concerned, the speech underlined the importance of participation in the Partnership for Peace program.

In his speech before the Parliament on the occasion of the Cabinet reshuffle in March 2011, the Prime Minister designated Serbia's joining the EU a historic goal, stressing that acquiring candidate status for EU membership was the country's *quintessential interest*. Cvetkovic then said that the Government wants to maintain the best possible relations with the US, the Russian Federation, and China. By openly naming these three countries, the Government placed them on an equal level, as opposed to the previous expose wherein the US was given the most important role. The Prime Minister then

In the 2008–2012 period neither the Minister of Foreign Affairs nor the Government of the Republic of Serbia came forth with a detailed and well-grounded set of foreign policy priorities, nor a vision of the policies that should determine and implement these priorities.



mentioned good neighborly relations with the countries in the region and underlined the importance of regional cooperation, also not mentioned in his previous speech. Finally, he reiterated the Government's resolve to preserve Kosovo through diplomatic means.

In their article "An analysis of the decision-making process in the Republic of Serbia's foreign policy," which is a part of the study titled *Serbia's Strategic Partnerships*, Dragan Zivojinovic and Dragan Djukanovic correctly remark that a statement on the "four pillars" of Serbia's foreign policy is an evolved version of the President of the Republic's previous speech mentioning only "three pillars" – the EU, US, and Russia. This platitude was initially launched during the President's first inauguration in 2004.

In his two speeches before the Parliament's Committee for Foreign Affairs, the Minister of Foreign Affairs Vuk Jeremic also defined the country's foreign policy.

At a meeting held in December 2008, Minister Jeremic said that *the defense of sovereignty and territorial integrity [of the country] is an absolute political priority*. Later on he also insisted that Serbia's EU accession *remains the Government's priority*, as is the cooperation with neighboring countries and other countries in the region. At a session of the Committee for Foreign Affairs held in April 2011, the Minister underlined as priorities *the European integration process, the defense of sovereignty and integrity of the country by diplomatic means, regional cooperation and economic diplomacy*, as well as stating that the country's foreign policy rests on four pillars – the EU, the US, China, and Russia. Serbia's foreign policy priorities in the 2008–2012 period, publicly most frequently mentioned, thereby becoming almost generally accepted, were defined by the Serbian President Boris Tadic in August 2009. According to his definition, the country's foreign policy orientation is based on four pillars – the EU, the US, Russia, and China. Stating that China is the future economic giant, which had become evident during the global economic crisis, the President listed that country as one of the four pillars. It was underlined, however, that EU membership is an unchangeable goal.

The President's statement became the polestar in explaining all foreign policy moves, a task not difficult given the statement's vague and general nature, and it served to justify certain moves, some of which were met with almost unison disapproval by both domestic and foreign public, as was the case with the decision not to send any representatives to the Nobel Peace Prize Award Ceremony in 2010. The decision was made by the Foreign Minister, who explained it as a consideration of the fact that the recipient was a Chinese dissident, and that by attending the ceremony Serbia would endanger its relations with China – one of the *four pillars* of its foreign policy. It should be noted that on certain occasions the former president did not mention this "doctrine", focusing instead on general priorities – primarily on European integration and regional cooperation. In this sense his speech at the annual conference of Serbian ambassadors in January 2012<sup>6</sup> is significant, clearly demonstrating the arbitrariness and the ad hoc nature of the state's foreign policy. Because of the time of its enunciation, in expectance of EU candidate member status – that being perceived as an element of uttermost importance for the President and his party in the oncoming general vote – the platitude concerning "four pillars of foreign policy" was deliberately omitted.

Other, in real life more than dominant topics were also conspicuously absent from the foreign policy-related statements by state officials, such as:

- Regional cooperation and relations with former Yugoslav republics were mentioned only sporadically (the Foreign Minister, for example, occasionally refers to this priority as a "political condition" set by the EU for Serbia's further integration);

<sup>6</sup> The audio recording of the entire speech can be heard at <http://www.youtube.com/watch?gl=UG&feature=related&hl=en-GB&v=F3giddvX4tY>

- Relations with Turkey, which in the meantime became a more than close political and economic partner (Turkey even mediated between Serbia and Bosnia and Herzegovina, as well as in disputes between two Bosniak factions and between two Islamic Communities in Serbia);
- A novel close cooperation with Azerbaijan, an apparently important investor in Serbia, which funded the reconstruction of public areas and the construction of religious facilities and monuments;
- Establishment of strategic partnerships with Italy, France, and China, as well as the preparation of strategic partnership with Russia;
- Ambiguous relations with individual EU countries, some of which are members of the Group of Eight (G8), i.e. the most developed countries of the world, although strategic partnerships have been established with some of them, some of them being among Serbia's most important economic partners.
- Finally, the centerpiece of Serbia's obligations and of its attitude toward fundamental values and foreign policy priorities, the EU has not been elaborated upon in these speeches in any detail.

Foreign policy-related statements by Serbia's state officials reveal a scarcity of foreign policy priorities and their poor elaboration, a lack of their coherent hierarchy, as well as a confusion of foreign policy priorities/goals with concrete moves that should be made to realize them. If we look into these statements more carefully, we will see that the positions of Serbian officials had evolved from the time the Government was formed. Prime Minister Cvetkovic's first expose clearly delineates the importance of the EU and the European integration process as Serbia's basic and key objectives. In his speech, the US and Russia are given an almost equal importance, while China is listed on par with India, the Mediterranean and non-aligned countries. Later on, after Kosovo's unilateral declaration of independence, this position changed, and the President came forth with a statement about the foreign policy's four pillars, probably because China, as a member of the U.N. Security Council, was against Kosovo's independence.

In President Tadic's speech EU membership remains an unchanged foreign policy goal, but Serbia's foreign policy now rests on four pillars. Foreign Minister Jeremic's foremost goal and an absolute priority is the defence of the country's sovereignty and territorial integrity, followed by Serbia's integration with the EU, and cooperation with neighbours and the region.

What is obvious from these statements is that they constantly confuse Serbia's foreign policy goals/priorities with the policies to be implemented for their attainment. The foreign policy direction is imprecise and vague, as the officials appear not to discern short-term from long-term goals, and fail in establishing a hierarchy of goals or to explicitly define the policies they would pursue to realize them. Priorities are changed or amended ad hoc, depending on the current situation and interests instead of on the basis of a long-term strategy, grounded in real interests and the general consensus. A foreign policy strategy even seems to be undesirable because it obstructs the balancing on the Serbian political scene, this tactics proving to be necessary in view of the fact that the foreign policy issues in the past two decades have played a major role in any Serbian government retaining, or losing, office.

## 1.2

# RESOLUTIONS AND STRATEGIC DOCUMENTS OF THE REPUBLIC OF SERBIA

Although the foreign policy strategy in itself did not exist, from 2003 to 2007 state institutions passed several strategic and programmatic documents, as well as parliamentary resolutions indicating some coordinates of the country's approach to foreign policy. Among them were the following: the National Security Strategy, the Defense Strategy of the Republic of Serbia (2009), the National Strategy of Serbia in Accession of Serbia and Montenegro to the EU, the Declaration on the Defense of National Sovereignty and Territorial Integrity of the Republic of Serbia (2007), and the Resolution on EU Accession of the National Assembly of the Republic of Serbia (2004).

### 1.2.1 The Constitution and the Resolutions of the National Assembly of the Republic of Serbia

As opposed to some other constitutions which in their preambles declare the state's fundamental values, its international position, and desirable relations, the Preamble of the Serbian Constitution is very short and sums up the already-mentioned stance expressed in the resolutions pertaining to the question of Kosovo.<sup>7</sup> Thus formulated and lacking any additional clarifications, the Preamble leaves plenty of room for variant interpretations of Serbia's obligations by the elected citizens' representatives, allowing any oncoming, new political elite to offer its own view of the country's interests in Kosovo, and of the "red line" that cannot be crossed.

In October 2004 the National Assembly, encouraged by the Declaration of the 2003 EU Summit in Thessaloniki, confirmed its resolve to pursue EU membership by passing a Resolution on Accession to the EU. In the Resolution, among other things, the National Assembly committed itself to strive towards *meeting all necessary preconditions for a speedy integration with the EU; to ensure fulfillment of all international obligations; to further develop all forms of regional cooperation; to demand from the Government of the Republic of Serbia the soonest possible drafting of a national strategy for Serbia and Montenegro's accession to the EU; to undertake steps for accelerated harmonization of Serbia's legislation with the EU's legal traditions; and, finally, to actively contribute to the spread of European values, and the acquaintance of the Serbian public with the importance of the country's joining the European Union.* This Resolution confirmed Serbia's pro-European perspective, urging all state institutions to work on accomplishing this task, whereas the National Assembly took upon itself to continuously foster the speeding up of the entire process.

During the 2003–2007 period, the National Assembly of the Republic of Serbia passed several declarations and resolutions<sup>8</sup> on the situation in Kosovo, suggesting what position the state should take regarding concrete problems in Kosovo, but also in regard to Kosovo's future status. All three resolutions stress that Kosovo is an inalienable part

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<sup>7</sup> The Preamble states: Considering the state tradition of the Serbian people and the equality of all citizens and ethnic communities in Serbia. Considering also that the Province of Kosovo and Metohija is an integral part of the territory of Serbia, that it has the status of a substantial autonomy within the sovereign state of Serbia and that from such status of the Province of Kosovo and Metohija follow constitutional obligations of all state bodies to uphold and protect the state interests of Serbia in Kosovo and Metohija in all internal and foreign political relations, the citizens of Serbia adopt CONSTITUTION OF THE REPUBLIC OF SERBIA.

<sup>8</sup> These are the following documents:  
– declaration on Kosovo and Metohija (2003)  
– Resolution on Kosovo and Metohija (2004)  
– Resolution by the National Assembly of the Republic of Serbia on the Mandate for Political Talks on the Future Status of Kosovo and Metohija (2005)  
– Resolution on the need for a Just Solution of the Question of the Autonomous Province of Kosovo and Metohija, based on international law (2007)  
– *The Resolution of the National Assembly on the Protection of Sovereignty, Territorial Integrity and Constitutional Order of the Republic of Serbia, the National Assembly of the Republic of Serbia* (2007).

of Serbia in accordance with international law and UN Security Council Resolution No. 1244, and insist on a solution for its future status within this framework, in accordance with the European practice on autonomy. Also, the state organs undertake to assist in protecting the Serbs and other non-Albanians, the Serbian Orthodox Church, their rights and property, as well as to preserve the Serb cultural and religious heritage in Kosovo. In accord with the positions expressed by these resolutions, in its two resolutions passed in 2007 the National Assembly rejected the Comprehensive Proposal for the Kosovo Status Settlement by UN special envoy Martti Ahtisaari, the so-called Ahtisaari Plan, insisting on new negotiations until a just solution has been reached.

Certainly the most interesting document from this group, outlining concrete foreign policy coordinates, is the *Resolution of the National Assembly on the Protection of Sovereignty, Territorial Integrity and Constitutional Order of the Republic of Serbia* of December 2007, which introduced new priorities in the country's foreign policy. The Resolution offered a precise set of measures to be implemented in the event of Kosovo's unilateral declaration of independence; opposed the implementation of any part of the rejected Ahtisaari Plan – among other things, the setting up of the EU Mission in Kosovo (EULEX) without a prior decision by the UN Security Council; created a direct link between Serbia's further Euro-Atlantic and NATO integrations and the Kosovo situation; declared "*military neutrality*" regarding all existing military alliances," even proposed a referendum on the final decision on this issue (not a single document to follow ever elaborated on this concept); bound the Serbian Government to pass precise measures to be undertaken *in case of Kosovo and Metohija's<sup>9</sup> illegal declaration of independence*; established a connection between European integrations and the situation in Kosovo, and stated that even the Stabilization and Association Agreement with the EU should take into consideration the preservation of the sovereignty and territorial integrity of Serbia. Finally, state bodies are instructed to use *all legal means before relevant international and national courts to protect the Serbian state's sovereignty and territorial integrity*.

This last resolution is of key importance because it links all the country's integration processes with activities aimed at preserving Serbia's sovereignty and territorial integrity, regardless of the previous decision that Serbia's EU integration process does not involve the territory of Kosovo under international administration. Thus, the National Assembly attempted to determine a set of measures aimed at exerting pressure on other EU member countries not to recognize Kosovo's unilaterally declared independence, intimating that the integration process will otherwise be delayed or maybe even abandoned. The most interesting notion of all is the time-limited "military neutrality", whose depth, importance and significance were never clearly defined. The text suggests it only serves to provide a legal obstacle to Serbia's possible entry into NATO, and as a potential "political lever" against Western countries – primarily the key Alliance member, the United States of America.

## 1.2.2 Strategic Documents of the Republic of Serbia

***The National Strategy of Serbia for Serbia and Montenegro's Accession to the European Union*** was drafted in 2005 by a task force with the Serbian Government's Office for EU Accession. The document, adopted by the Government, is the first to truly assess the significance and the process of Serbia's EU accession. The document stresses the advantages of the process for the political situation in Serbia, and the advancement of relations in the region, as well as its significance in reducing foreign policy challenges. It also states that EU membership is *the natural outcome of Serbia's reform efforts* and that accelerating the process and acquiring EU membership are *long-term strategic goals and social orientation of the state*. In this sense, the document defines Serbia's basic foreign policy priorities within these parameters. The Strategy also points to the unsolved state

<sup>9</sup> *The Resolution of the National Assembly on the Protection of Sovereignty, Territorial Integrity and Constitutional Order of the Republic of Serbia, the National Assembly of the Republic of Serbia*, December 27, 2007, [http://www.mfa.rs/Srpski/spopol/Prioriteti/KIM/kim\\_rezolucija\\_07\\_1\\_s.html](http://www.mfa.rs/Srpski/spopol/Prioriteti/KIM/kim_rezolucija_07_1_s.html)

framework – the uncertain future of the State Union with Montenegro, and the problem of Kosovo – as the basic problem on this path. The political elite is directed to develop good relations with Serbia's neighbors (*"to advance regional cooperation at state and sub-state levels"*), by utilizing the opportunities provided by international organizations, initiatives, programs of regional and municipal cross-border cooperation, as well as by various multilateral agreements in the region. The Strategy also recommends acting in agreement with the obligations mandated by the Dayton Peace Accords and the UN Security Council Resolution No. 1244.

The document underlines the importance of Euro-Atlantic integrations, in accordance with national interests, i.e. the pursuit of a foreign policy harmonized with *the principles of the EU Common Foreign and Security Policy*. It also directs Serbia to make use of every opportunity to *join all major EU initiatives in the area of Common Foreign and Security Policy* even before its EU accession. The document also calls for an advancement of relations with the US, China, and Russia, as well as other, traditionally friendly countries.

As far as Kosovo is concerned, the authors believe that Serbia should insist on consistent implementation of Resolution 1244, preservation of multi-ethnicity, achievement of the internationally accepted standards, and of *future status of Kosovo that would not threaten stability in the region, by being sustainable in the long run*. The paper, however, defines Serbia's minimum interests in Kosovo, to be ensured in the near future, those being *"a true security and protection of basic human rights for members of non-Albanian communities in Kosovo."*

The National Strategy of Serbia for Serbia and Montenegro's Accession to the European Union is a well-balanced and complete document addressing almost all aspects of the Serbia and Montenegro's – and in particular, Serbia's – foreign policy related to the EU accession process. The document confirms the strategic importance of EU membership for the country, and calls on the ruling elites to pursue a consistent foreign policy, open toward the EU and region, especially concerning Bosnia and Kosovo.

***The National Security Strategy of the Republic of Serbia*** was adopted in April 2009 after a comprehensive debate among the political elite and various experts. The document was meant to clearly and transparently present the domestic and international public with Serbia's strategic directions, and express the country's readiness to actively contribute to the development and advancement of regional and global security. In this sense, foreign policy is inseparable from national security. The Introduction to the document explicitly states that the National Security Strategy is a platform for drafting other national strategy papers: the Strategy of Foreign Policy, the Strategy of Economic Development, the Strategy of Defense, etc.

The document identifies contemporary security threats, specifically the so-called asymmetrical ones, which call for an expansion of security measures into new sectors. The paper repeatedly underlines this as being of utmost significance for the security of the entire international community, while urging neighboring and regional countries to cooperate and act jointly in response to asymmetrical challenges in keeping with the *Cooperative Approach to Security*. Breaches of international law, interfering with internal matters of sovereign states, the concept and practice of preemptive attack and military intervention, as well as attempts to *legitimize the creation of new states in the territory of sovereign, UN member states*, are listed as threats to the international order. The paper goes on to list security threats to Serbia and its immediate region (the Western Balkans), such as aspirations of other countries to take control over geo-strategic transit routes through Serbia and the region, the risks of regional conflicts, separatist ambitions, terrorism and organized crime, of the unilaterally declared independence of Kosovo, etc. All of these point to the following national priorities: the preservation of sovereignty, independence and territorial integrity; internal stability resulting from the rule of law, the development of democracy and democratic institutions, integration with the EU and other international structures; protection of the lives and property of Serbia's citizens, as well as their rights and freedoms; economic development, strengthening of good neighborly relations and regional cooperation, and so on.

As the policies necessary for these national interests to be realized the document lists adherence to international obligations, support to strengthening the role of the UN, the OSCE and the EU, and the use of diplomatic, legal and other legitimate means to protect sovereignty and territorial integrity of Serbia. It further states that Serbia can achieve better cooperative security by strengthening its ties with EU member countries, as well as with NATO members and partners. The Strategy further explicitly goes on to state that “*the Republic of Serbia will harmonize its security and foreign policy with the positions and actions by the EU in all most important issues of global, European, and regional nature*”. Further on, it confirms the significance of the process of European integrations and of NATO’s Partnership for Peace program in developing cooperative security, specifically mentioning the importance of Serbia’s Stabilization and Association Agreement with the EU.

The text of the National Security Strategy explicitly states that this document is a platform for drafting other national strategy papers: the Strategy of Foreign Policy, the Strategy of Economic Development, the Strategy of Defense, etc.

In the *Elements of National Security* chapter, a whole section (4.1) deals with foreign policy as a means for achieving national interests, stating the basic priorities of Serbia’s foreign policy, going on to elaborate upon each one of them individually. In this sense, the document singles out three elements: *perseverance in diplomatic efforts to defend the constitutional order*, *speeding up of the European integration process* (which it describes as a “strategic priority”), and *development of good neighborly relations and regional cooperation in the Western Balkans*.

Also stressed is the importance of strengthening ties with Russia, as an important element within the context of Serbia’s EU accession. The US is listed as a high-priority partner, deserving of efforts at renewing a century-long tradition of mutual good relations based on common values of the two countries, regardless of America’s recognition and support of Kosovo’s independence. Finally, the document stresses the necessity of paying special attention to relations with the People’s Republic of China, Brazil, and India, as well as other traditional partners, of which members of the *Non-Aligned Movement* are specifically mentioned.

Finally, the document underlines Serbia’s resolve to support a regional approach to the operative aspects of cooperation in the security area (multinational operations, fight against terrorism, crime and corruption, and the like).

***The Defense Strategy of the Republic of Serbia*** generally reiterates the positions set forth by the National Security Strategy. Although it mentions the danger of establishing new states, the document underlines the *deep interdependence of states and regions and indivisibility of international security*, pointing out that *interconnection of contemporary challenges, risks and threats, as well as their transnational and asymmetrical character, have imposed the need to strengthen the principles of cooperation and cooperative approach to defense and security of national states*.

As basic priorities of Serbia’s foreign policy, the National Security Strategy singles out three elements: perseverance in diplomatic efforts to defend the constitutional order, speeding up of the European integration process (which it describes as a “strategic priority”), and development of good neighbourly relations and regional cooperation in the Western Balkans.

The National Security Strategy, as opposed to the Defense Strategy, which is prescribed by the Constitution, is nowhere mentioned as an obligatory document. According to data gathered by the ISAC Fund team (from an interview with an official of the Defense Ministry of the Republic of Serbia), a proposal to pass such a document was a result of a personal initiative from the Defense Ministry’s Strategic Planning Sector. The proposal was recognized by state institutions as being of good quality.

The importance of the UN, OSCE, EU, and NATO, as organizations crucial for implementing the goals of national security and defense; the Partnership for Peace and European Security and Defense Policy programs and regional initiatives is also underlined.

These documents indicate a discord existing in Serbia over the basic strategic priorities. The two most complete documents – the Strategy for Serbia-Montenegro's Accession to the EU and the National Security Strategy – are only partly complementary. The Accession Strategy urges a cooperative approach to all issues in order to enhance the European integration process. The Strategy also recognizes the strategic importance of the EU and Euro-Atlantic integrations for Serbia's security, whereas provisions pertaining to Kosovo seem to be only formally listed. The document is actually torn between these two goals, but it can easily be seen that the essential security challenges (i.e. those which Serbia can adequately respond to) are precisely those that are of asymmetrical nature. The entire text actually indicates that the danger of Kosovo's declaration of independence is a security challenge of the general nature, and that it is exclusively tied to Serbia's foreign policy initiative and moves. In general, all programmatic documents passed after 2000 stress the importance of the EU both for internal reforms and for the country's international position. Special attention is paid to regional cooperation as an indispensable priority of Serbia's foreign policy. On the other hand, some of these documents indicate the importance of other international factors. Thus, specially underlined is the importance of Russia and the US, together with the future significance of the rising powers (India and China), as well as of the non-aligned states.

On the other hand, resolutions on Kosovo, especially the one passed in December 2007, are very strong and are calling for all foreign policy goals to be subject to the preservation of territorial integrity of Serbia, suggesting an abandonment of the cooperative approach, and even of the European integration process, in the event Kosovo declares independence, although European integration was declared the country's foremost goal by another parliamentary resolution.

## 1.3

# FOREIGN POLICY PRIORITIES IN PROGRAMS AND PROGRAMMATIC DOCUMENTS OF THE DEMOCRATIC PARTY AND OF THE SOCIALIST PARTY OF SERBIA

In their programmatic documents political parties as a rule offer their vision of the foreign policy environment upon which their understanding of foreign policy priorities rests. During the 1990s, foreign policy visions of Serbian political parties largely did not recognize – or did so only partly – the process of change in the region. Only ahead of the 2000 parliamentary elections did the Democratic Opposition of Serbia coalition come up with a program, stating the regaining of an equal position in the community of European states, and the eventual accession to EU membership, as its goal.<sup>10</sup>

In the next period, and especially after the EU 2003 Summit in Thessaloniki, the core parties of the ruling coalition – the Democratic Party, the Democratic Party of Serbia, and G17 Plus – began promoting EU accession as the country's foremost goal. At the time, the opposition parties, primarily the Socialist Party of Serbia and the Serbian Radical Party, considered EU accession unimportant or a choice to be rejected. The exception was the Liberal Democratic Party, since 2004 an uncompromising advocate of the EU. Since Kosovo unilaterally declared independence, the Democratic Party of Serbia has turned Euro-skeptical, while the Serbian Progressive Party, formed after a split in the Serbian Radical Party, accepted a pro-European agenda.

The party that in the period 2008-2012 took upon itself the essential responsibility for foreign policy was the Democratic Party – the Serbian President, the Prime Minister (though formally not a member), the Foreign Minister, and the Chairman of the Parliament's Foreign Affairs Committee all came from its ranks. This enabled the party to implement its foreign policy and the principles upon which it rested.

The 2008 elections marked the last outright clash over the foreign policy concept – this time in the form of a choice between the necessity of preserving Kosovo as part of Serbia and speedy progress toward EU membership. The winner was the *For a European Serbia* coalition gathered around the Democratic Party, led by then Serbian President Boris Tadic. The coalition's primary goal was Serbia's EU accession, made palatable to nationalists by a promise that this does not exclude the fight to preserve Kosovo within Serbia. The new government was formed by the *For a European Serbia* coalition and the Socialist Party of Serbia, whereby the Socialists were, to a degree, rehabilitated for their 1990s record and policies.

The party that presently took upon itself the essential responsibility for foreign policy was the Democratic Party – the Serbian President, the Prime Minister (though formally not a member), the Foreign Minister, and the Chairman of the Parliament's Foreign Affairs Committee all came from its ranks. This enabled the party to implement its foreign policy and the principles upon which it rested.

In this overview we must, however, also examine the foreign policy goals of the Socialist Party of Serbia, the Democrats' main partner in the government.

### 1.3.1 The Democratic Party

The Democratic Party honed its program while in opposition from 2000 to 2007, confirming and upgrading it during election campaigns as well as in the 2008–2012 period, while in power. We will now look into several of its programmatic documents still in effect, and analyze the party's vision of Serbia's position in international relations.

The basic party document, **The Program of the Democratic Party**, adopted in 2002, offers the tenets of the policy the party wants to implement, as well as values on which these policies rest. In its Introduction, the Program sets forth its foreign policy priorities,

<sup>10</sup> The Democratic Opposition of Serbia, "The Program for a Democratic Serbia," *Vreme* No. 502, August 19, 2000. [http://www.vreme.com/arhiva\\_html/502/10.html](http://www.vreme.com/arhiva_html/502/10.html)



stating that the world has essentially changed, and that the process of globalization carries new opportunities as well as new dangers. Therefore a *well-thought out and far-sighted state policy is in order*, founded *neither on isolationism nor a passive acceptance of globalization*, but with the purpose of enabling the state to function in the 21<sup>st</sup> century. The party stresses the importance of European integrations, saying that this process is crucial to resolving all open issues of state borders in the Balkans, thus paving the way for *the Balkans' removal from the list of high-risk regions of the world*. The Democratic Party declares the essence of its program a major transformation of the state, in order to enable the nation to adapt to changes that are *the most prominent feature of the modern world*. In this sense, transforming Serbia into *an equal member of the European community* is the party's *foremost goal*.

The document underlines the importance of changes and adaptability to them, and states that *Serbia should be a country capable of implementing various options at any moment, be it concerning the future relations with Montenegro, the status of Kosovo and Metohija, or a new form of regional integration*. Finally, the Democratic Party pledges to *affirm European values wherever it has the power to do so, thus preparing the country for true integration with Europe*.

In its program the Democratic Party points out to the link between foreign and internal policies as inseparable fields of action in the endeavor of joining the EU. EU membership is the key goal which supports a readiness to accept different options regarding essential questions. As opposed to EU accession, the problem of Kosovo and Metohija is a valid but not an essential issue for Serbia and its society's further development. In other words, these two matters are not considered of equal importance.

In the document titled ***The Strategy of Change*** adopted in 2005, while it was in opposition, the Democratic Party unambiguously identified the European idea and the European integration process as being of paramount significance for the country. The Strategy criticizes the Government for *making functional communication and the process of rapprochement with the EU difficult*. The Democratic Party defines Serbia's most serious problem as an absence of political accord *on the basic strategic goal of society – its rapprochement with Europe through an acceleration of reform processes*. The party particularly criticizes "new patriots" for imposing irrationally-charged topics upon the public and thus endangering the country's integration with Europe.

Further on the document once more equalizes the process of necessary reforms aimed at modernizing society, advancing living standards, and redefining Serbia's international position (*its economic and political transition*), with the EU approximation process. It reiterates that *acquiring EU membership is the most important state goal, and that the reform path is a sum of the means whereby this goal is being realized*. The document further goes on to elucidate that the Democratic Party has no intention of acting as an utopian organization in its efforts, *based on true European standards in the economy, politics, society, and international relations, to pave the country's way towards the European Union*.

Thus, in item 10.3 of the document, titled *International Position of the Country and Foreign Policy*, the party proposes a set of priority moves intended to improve the country's international position. The party states that the priorities of the most important world actors (the US, EU, and Russia) have changed, and that Serbia cannot redefine its position *primarily because of its demonstrated inability to understand these changes*. The authors say that *Serbia must become a reliable and predictable partner, both in meeting its international obligations and in joint efforts at finding solutions to global challenges and problems*.

Further on the document stresses that foreign policy strategy should be directed at strengthening the country's influence in the region by improving its cooperation with neighboring countries. The authors of the strategy see the Balkan Peninsula – and then Europe itself – as regions relevant for Serbia's interests. They further insist on first-class relations with the US, whereas those with Russia and China, both countries of world importance and traditionally close to Serbia, should follow the requirements of dealing with strategic partners. The Democratic Party also proposes a thorough reform of Serbian diplomacy, stressing that *diplomatic strategy is not limited only to relations with other*

In its program the Democratic Party points out to the link between foreign and internal policies as inseparable fields of action in the endeavor of joining the EU. EU membership is the key goal which supports a readiness to accept different options regarding essential questions. As opposed to EU accession, the problem of Kosovo and Metohija is a valid but not an essential issue for Serbia and its society's further development. In other words, these two matters are not considered of equal importance.

*countries, but involves creation of the country's positive image and recognizable values, which necessitates changes in the very approach to diplomacy, by making it ever more public in its service to Serbia's economic and cultural interests.*

In its **Strategy of Change** the Democratic Party reiterates its positions on the EU, for the first time proposing actual methods of defining the foreign policy strategy. The document grades foreign partners (the EU, the US, Russia and China), but though mentioning the EU as prime priority, does not elaborate on the three remaining partners. Finally, the party calls for a reform of the Serbian diplomatic service, i.e. the redefinition of the country's international image.

The **For a Better Life** document is in fact the party's platform for the 2007 parliamentary election and for the 2008 vote as well. At its very beginning the document announces the party's long-term goal as the creation of *an economically strong and prosperous state, a member of the EU.*

In Chapter 9 the intent of *improving Serbia's image and of ending the inertia of the 1990s, when Serbia was viewed with mistrust*, is underlined. The Democratic Party, that is, advocates a reconfiguration of Serbia's diplomatic approach in order to aid potential partners in treating it as a reliable partner. Also, the Democratic Party unambiguously and for the first time mentions *Euro-Atlantic integrations* as a long-term political goal *that would ensure an international position Serbia deserves.*

Finally, in Chapter 10 titled *Together for a European Serbia!* the Democratic Party sums up its position on social reforms, equalizing them with the process of joining the EU, and reminding the public that *EU membership is the natural goal of the reform path.* The document further states that only the Democratic Party can implement this policy since it is the only force that can *correctly assess global trends and is capable of fitting Serbia's interests into them.* According to this document, *Serbia's road toward the EU* is, for the Democratic Party, *the most important state question.* At the end of this chapter the authors underline that *the solution to our most pressing social, economic and political questions lies in the process of integration.* Most interestingly, the Democratic Party is adamant that the values EU is founded on are the values of the Democratic Party.

As far as Kosovo is concerned, the Democratic Party expresses caution, does not offer any final positions nor does it draw any "red lines" – placing the stress instead on *a realistic strategy for solving the Kosovo problem.* Further on, the party demands an end to *all abuses of the Kosovo problem for ephemeral political promotion*, defining such activity as damaging to the state and national interests.

### **1.3.2 The Socialist Party of Serbia**

The Socialist Party of Serbia leads a coalition (including the Party of United Pensioners of Serbia and the United Serbia party) which, with the *Together for a European Serbia* coalition constituted the ruling group during the 2008–2012 period. The Socialist party joined the government with its 1992 program, which viewed the global world processes, and especially the integrative processes in Europe in negative terms. The then-EU order is perceived as relatively close to the Socialist party's principles, but, according to the document, *EU principles suffer from pronounced materialism and need supplementation with spiritual values of our own tradition.* The program further states that *international organizations have become tools of the Great Powers*, and that the existing global and European orders aim at a new form of liberal imperialism, striving to gain control over countries in the South and the East by making them first *economically*, and then *politically dependent* on the West.

At the end of 2010, however, the party's Steering Committee adopted a new Program, redefining the party's earlier stands, and adding a number of positions enumerated in the

Declaration adopted by the party's Sixth Congress.<sup>11</sup> The party reiterates that its foreign policy priority is to preserve the order described in the Declaration and, subsequently, in accordance with *the preservation of sovereignty, independence, and territorial integrity within the borders recognized by valid international treaties*. In Chapter 17, titled *European Union*, the party states it favors Serbia's further integrations in principle, because Serbia shares a *common historical heritage and civilizational values and traditions* – as well as *common economic interests* – with other European nations.

Except for mentioning European integrations, the party does not precisely grade its priorities, but only enumerates them: cooperation with the Great Powers, with the rising powers, with Latin American and Arabic countries, as well as its *support to all regional processes*. The party labels such foreign policy as one of peace and cooperation. It also, strangely, favors Serbia's *renewed, active participation in the Non-Aligned Movement*, which goes counter to its proclaimed European goals. In Chapter 14, titled *Security and the Policy of Neutrality*, the party resolutely rejects membership in NATO, and advocates further development of Serbia's military neutrality, noting that Partnership for Peace *offers enough opportunity for meeting our needs in the security field and fulfilling our international obligations*.

In its programmatic documents the Democratic Party establishes a direct link between the internal and foreign policies on the issue of Serbia's acquiring EU membership. The country's European integration project is an all-encompassing goal, surpassing all classical political motives. On the other hand, dealing with the European integration issue in its programmatic documents the Democratic Party is still primarily focused on internal politics, not elaborating much when it comes to the foreign policy issue. Still, the key foreign policy principles are listed, to guide and direct the government spearheaded by the Democratic Party.

The Socialist Party of Serbia's foreign policy vision is a mixture of different influences, pressures to accept the reality so that the party may survive, and of a legacy of the Socialist Federal Republic of Yugoslavia and the Slobodan Milosevic era. Still, the basic message is that the Socialist party had fully accepted integration with the EU as its main objective, thus redefining its position on the Serbian political scene. Except for that, the party's foreign policy vision is not grounded in reality and is rather a sum of principles and desires combining everything that can be achieved in foreign policy – of the East and the West, the Non-Aligned Movement and Europe. The Socialist party explicitly advocates a foreign policy primarily aiming to preserve Kosovo within Serbia.

The platforms of the ruling coalition's core parties – the Democratic Party and the Socialist party – in the 2008-2012 period are complementary only to a certain extent. The stress is on European integration, but while the Democratic Party underlines the importance of European integration for the transformation of society as a whole, the Socialist party views it as a necessity based on the common heritage. In addition, the Socialist party promotes a host of foreign policy goals, of which some are contradicting one another.

In its program the Democratic Party points out to the link between foreign and internal policies as inseparable fields of action in the endeavor of joining the EU. EU membership is the key goal which supports a readiness to accept different options regarding essential questions. As opposed to EU accession, the problem of Kosovo is a valid but not an essential issue for Serbia and its society's further development. In other words, these two matters are not considered of equal importance.

<sup>11</sup> One of important documents that enabled the later transformation of the Socialist Party of Serbia is the Declaration of the party's Sixth Congress. Its view of Europe and European integrations was substantially revised in this document, and one of its sections is titled *The Position of Our Country in Europe and the World – Europe as a Chance for Serbia*. In the paper the party states that the basic foreign policy priority is the preservation of sovereignty and territorial integrity, and that all other goals should be subordinated to that.

The document says that the Socialist party advocates the following:

- Closest possible cooperation with neighboring countries, the EU, and other European economic and political integrations;
- Comprehensive relations with important factors in international relations, especially with the five standing members of the UN Security Council;
- Strict implementation of international law and the UN Charter, and absence of any meddling in internal affairs of sovereign states.

Later on, the Program underlines the party's belief that Serbia's national, economic, and state interests lie in joining the EU within a foreseeable future. However, it states that the conditions for it to join the Partnership for Peace do not yet exist.

## CONCLUSIONS

- The foreign policy strategy of the Republic of Serbia does not exist, whereas other strategic documents, such as, for instance, resolutions passed by the National Assembly of the Republic of Serbia, lack harmonized positions on Serbia's foreign policy priorities. These documents frequently contradict one another, causing inconsistency in practical moves made by the state leadership. The Strategy for the Accession of Serbia and Montenegro to the EU from 2005 and the National Security Strategy from 2009 may serve as a good starting point for a debate on Serbia's new foreign policy strategy.
- In speeches and statements foreign policy priorities are frequently changed ad hoc, gaining or losing in importance depending on the current situation in the foreign policy field. Furthermore, in some speeches the foreign policy priorities are only vaguely outlined, such as, for example, in the Serbian President's mention of the four pillars on which Serbia's foreign policy rests. In programs and accompanying documents of the political parties that were the backbone of the ruling coalition (the Socialist Party of Serbia and the Democratic Party) in the 2008-2012 period, the attitude toward foreign policy and foreign policy priorities was little elaborated on. Still, the European Union emerges as the basic foreign policy goal that will help carry out internal reforms. Also mentioned is the question of Kosovo, and the programs suggest that this issue will be approached constructively. These positions, however, have not served to open a debate on a lack of hierarchy in foreign policy priorities or the non-existence of a foreign policy strategy, nor have they been made a part of the new government's program goals.
- In all documents and political statements in the 2008-2012 period the EU has a priority position, but it is viewed as a monolith political subject (especially in the statement on the four pillars of foreign policy, where it is placed on equal footing with the US, China, and Russia). The fact that the EU brings together some of the most powerful countries in the world today, of which two are members of the U.N. Security Council and four of the G7 Group, is mostly overlooked, whereas relations with some less influential EU states are not seen as overly important.
- The EU, US, China and Russia, as foreign policy priorities or pillars, cannot be considered as equal, primarily because of the basis on which relations with these entities/countries rest. Relations with the EU are not bilateral; they imply the process of Serbia's integration into the EU through structural reforms based on the values the EU is founded upon. The goal of this relation, therefore, is a specific "Europeanization" of Serbia, i.e. its essential transformation into a country capable of assuming all rights and obligations stemming from EU membership. Bilateral relations, such as Serbia has with the US, China, and Russia, imply equal connections between two subjects of the same rank.

## 2.

# THE PROCESS OF PASSING FOREIGN POLICY DECISIONS AND ITS CONTROL SYSTEM

In this chapter we will examine the institutional and normative framework for passing and implementing foreign policy decisions, the system of control, and how both of these functioned in practice in the 2008–2012 period. The Government, the Ministry of Foreign Affairs, the President, the National Assembly and, to a lesser extent, other ministries in accord with their jurisdictions, constitute the institutions formulating foreign policy priorities and their implementation. The National Assembly and its Committee for Foreign Affairs form the system of control. This system will be detailed more closely, since the importance and the role of the National Assembly in this process is rarely available to public scrutiny. An article by Vladimir Pavicevic and Dragan Zivojinovic titled *An analysis of the decision-making process in the Republic of Serbia's foreign policy*, of December 2011<sup>12</sup> is of particular importance for this chapter.

## 2.1 THE GENERAL NORMATIVE AND INSTITUTIONAL FRAMEWORK FOR PASSING AND CONTROLLING FOREIGN POLICY DECISIONS<sup>13</sup>

### 2.1.2 The Mechanism for Establishing Foreign Policy Priorities and Their Implementation

The normative framework of the Republic of Serbia<sup>14</sup> precisely defines the manner of establishing and implementing the country's foreign policy, i.e. designates the actors and their powers. The key actors are the Government, the Prime Minister, the President of the Republic, the National Assembly, and the Ministry of Foreign Affairs, whereas some other ministries also have certain jurisdictions.

**The National Assembly** has the following limited jurisdiction in the area of international relations:

- It confirms international treaties;
- It passes decisions on the change of state borders;
- It decides on war and peace – declares the state of war;
- It passes decisions on the deployment of the Army of Serbia outside Serbia's borders;
- It elects members of standing parliamentary delegations in international institutions.

Still, the role of the National Assembly, as an organ of the highest legitimacy, is of primary importance in controlling the Government's performance, which will be addressed in the next chapter.

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<sup>12</sup> Vladimir Pavicevic, Dragan Zivojinovic, *An analysis of the decision-making process in the Republic of Serbia's foreign policy*, in Milan Podunavac (Ed.), *A Collection of Papers: Serbia's Public Policies*, The Heinrich Böll Foundation, Belgrade, pp. 57–68.

<sup>13</sup> See ADDENDUM II.

<sup>14</sup> The normative framework regulating foreign policy consists of the following elements: the Constitution, the Law on Government, the Law on the President of the Republic, the Law on the National Assembly, and the Law on Foreign Affairs.

**The President of Serbia**, in his capacity of the directly elected representative of all citizens, stands for the state unity of the country and is in charge of the following:

- Representing the Republic of Serbia at home and abroad;
- Appointing and dismissing Serbia's ambassadors on proposal from the Government;
- Accepting letters of accreditation and withdrawal from foreign diplomatic representatives.

The basic body establishing and directing the policy is the Government. It is elected and dismissed by the National Assembly, and both Article 124 of the Constitution of the Republic of Serbia and Article 7 of the Law on Government stipulate that it stands accountable to the National Assembly for pursuing its policies, for its own performance, and for implementing decisions, laws, and other acts passed by the National Assembly.

**The Government of the Republic of Serbia** is the basic body establishing and implementing entire policy of the state. Its head, the Prime Minister, leads and directs it, while also carrying out the following duties:

- He oversees and ensures the unity of the Government's political activities;
- He harmonizes the work of Government members and represents the Government officially;
- Based on the Government's program and policy, he issues binding instructions or assigns special duties and tasks to other Government members.

The Prime Minister leads and directs the Government, while the Government as adopts and implements policies.

**The Ministry of Foreign Affairs** is the main executive organ for implementing the foreign policy set by the Government, its duties being the following:

- It represents the Republic of Serbia in relations with other countries, international organizations and institutions, as well as in relations with foreign missions and international organizations in Serbia;
- It protects the interests of the Republic of Serbia, its citizens, and its legal entities abroad;
- It proposes to the Government the establishment or severance of diplomatic relations with other countries;
- It takes care of Serbia's diplomatic and consular missions abroad;
- It proposes the country's membership or participation in international organizations and integrations, as well as in other forms of international cooperation;
- It prepares documentation, information, and analyses from the foreign policy field;
- It proposes to the Government a foreign policy development strategy and other measures shaping the Government's foreign policy;
- It initiates proceedings and coordinates negotiations and conclusions of international treaties, cooperates in their confirmation, and monitors their implementation.

**The Minister of Foreign Affairs** proposes to the Government all foreign policy priorities and ensuing concrete moves, and informs the Government of everything relevant to the Government's work.

## **2.1.2 The Mechanism of Control of the Decision-Making process in the Area of Foreign Policy**

Of particular importance is the role of the **National Assembly**, as the representative body of supreme legitimacy, elected at general and free polls, which has legislative powers and elects executive authorities, and to which the Government accounts for the policies it carries out, for conditions in all areas of its jurisdiction, and for the functioning

of state administration organs.<sup>15</sup> The National Assembly is thus the chief body controlling the Government's work, and this duty empowers it to conduct the following:

- Review the Government's performance as reported to the National Assembly at least once a year, or on the Assembly's demand;
- It discharges its control of the Government, or of a Government member, through parliamentary questions asked by MPs or through interpellation<sup>16</sup>; by organizing a vote of no confidence in the Government or its member; and by forming a panel to investigate a certain matter.

**The Ministry of Foreign Affairs** is bound regularly to inform the National Assembly of the most important foreign policy activities in written form, and the Minister is obliged to submit a report on the work of the Ministry to the Assembly's Committee for Foreign Affairs at least twice a year.

The Assembly's constitutive bodies which, among other, debate draft legislation and control the Government's work are committees. The committee charged with Serbia's foreign policy is the Committee for Foreign Affairs (further on referred to as the Committee).

The Committee has a number of obligations and powers, which include:

- Debating draft laws and other legal acts;
- Debating all matters relevant to foreign policy
- Instructing the ambassadors of the Republic of Serbia before their departure for their foreign posts;
- Conducting most of the activity related to the National Assembly's cooperation with representative bodies of other countries and the Assembly representatives' participation in the activity of international organizations and missions.

## 2.2

### THE SYSTEM OF PASSING FOREIGN POLICY DECISIONS AND PRACTICAL CONTROL IN 2008–2012

#### 2.2.1 The Work of the Ministry of Foreign Affairs, Government, and President of the Republic

Regardless of powers defined by the normative framework, a number of cases wherein these powers were exceeded occurred in this period, with various actors assuming different roles. Thus the Serbian Government, envisaged as the primary institution in defining the country's foreign policy, was overshadowed by the activities of the then-Foreign Minister and the President of the Republic. Better to describe this situation we will make use of the already mentioned article by Pavicevic and Zivojinovic, concerning the respect and functioning of the foreign policy decision-making system as prescribed by the Constitution and pertinent laws, based on the following two case studies:

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<sup>15</sup> The normative framework of the National Assembly's work and jurisdiction is defined by the Constitution and the Law on the National Assembly, the National Assembly's Rule Book, and the Law on Government, whereas the part concerning foreign relations is defined by the Law on Foreign Relations.

<sup>16</sup> In Serbia, this means an MP's query in the Parliament – to the Government or a minister – demanding a written or an oral explanation of an internal or a foreign policy matter.

- The case of passing a resolution submitted jointly by Serbia and the EU to the UN General Assembly following an advisory opinion of the International Court of Justice in The Hague in 2010, and
- The case of public refusal to send representatives to the Nobel Peace Prize Award Ceremony of December 2010, later to be annulled by of the Republic of Serbia Human Rights Ombudsman's attendance to the event.

### **CASE I**

After Kosovo's unilateral declaration of independence, the Government of the Republic of Serbia asked the UN General Assembly to request from the International Court of Justice in The Hague an advisory opinion on the legality of this act, which the General Assembly consented to do. The ICJ delivered its opinion at the end of July 2010 stating that the contents of Kosovo's Declaration on Independence did not violate general international law. Immediately afterward, EU representatives began discussing with the Serbian authorities the drafting of a joint resolution on the matter to be sent to the UN General Assembly. The ruling majority in the National Assembly, however, passed a resolution that was sent to the General Assembly without any consultations. Some Western ambassadors responded immediately by expressing regret over the manner in which they were acquainted with the resolution and the fact that it was not drafted in cooperation with EU officials.

In August and September, EU and US officials visited Serbia on several occasions, urging that the entire process of negotiations between Belgrade and Pristina be transferred to the level of Brussels, and that the resolution to be submitted to the UN General Assembly be harmonized with EU officials. The essence of their initiative was well summed up by British Ambassador Stephen Wordsworth shortly after the Serbian resolution was sent to the UN body: "It doesn't make much sense for Serbia and the EU to confront one another in New York while at the same time Serbia claims it wants to become a member of the EU," Wordsworth has said. After these visits, information coming from the authorities was rather disharmonious – President Tadic appeared not so opposed to these requirements, whereas Foreign Minister Jeremic insisted that the resolution remain unchanged. Only after a visit of EU High Representative for Foreign and Security Policy Catherine Ashton with President Tadic on September 7, 2010 was an agreement reached that consultations concerning a harmonized resolution that Serbia would submit together with the 27 EU members instead of the first one, will continue. The new, harmonized resolution was drafted two days later. The final resolution was essentially different from the initial one adopted by the National Assembly, and it served to open the process of dialog between the two sides.

### **CASE II**

In 2010 China expressed its dissatisfaction over the fact that the Nobel Committee had announced that the 2010 Peace Prize will be awarded to Chinese dissident Liu Xiaobo, and urged other countries to boycott the ceremony. Serbian Foreign Minister Vuk Jeremic shortly afterward announced that Serbia will join some other countries whose representatives will not attend the ceremony, adding that Serbia was paying particular attention to the protection of human rights and freedoms, but that it also greatly appreciates its relations with China, and that all state decisions are closely tied to attaining national interests.

EU officials responded to this announcement negatively, having in view the principles advocated by the EU as well as the fact that Serbia nurtures an ambition of becoming a full-fledged EU member. Civil sector representatives in Serbia also fiercely criticized this decision, and three parliamentary parties – the Liberal Democratic Party, the Serbian Renewal Movement, and the League of Vojvodina Social Democrats – did the same.

Government members reacted to this with much confusion – Nada Kolundzija, Democratic Party whip in the Serbian parliament, said that the Committee for Foreign Affairs had asked



the Minister to submit a report on this decision, whereas other officials, including Serbian President Boris Tadic, claimed that the decision was in accordance with the Ministry's jurisdiction, but that the Government did not debate it. The Prime Minister explained it as a tactical move, which was met in the public with ridicule.

The Foreign Minister responded to the growing criticism from abroad and at home by saying that the Ministry, and not the Government, was in charge of passing such decisions. Shortly afterward, Prime Minister Cvetkovic told the public that Serbia will be represented by Ombudsman Sasa Jankovic (who shortly before that on his own decided to attend), as his personal envoy, and that as an independent state organ he had the right to pass such a decision independently (sic!).

From these two examples the authors have drawn two diametrically opposed conclusions.

In the first matter, the Minister justified his position by stating that he was implementing the set foreign policy based on Article 2 of the Law on Foreign Affairs, confirmed by the Assembly's decision on the resolution. In this sense, though the Government had not debated the text of the resolution, the authors concluded that the Ministry had not violated the institutional framework, since it was implementing a policy prescribed by the Assembly. The draft resolution, however, was later withdrawn, based on an agreement between the Serbian President and the EU High Representative for Foreign and Security Policy, at a meeting on September 7, 2010, without consultations with the Government, the Ministry, or the Assembly, which had made the decision. The President imposed himself as the supreme authority, assuming the Government's prerogatives, whereas it did nothing in response to that. In this way the legally established decision-making framework had been violated.

In the second instance, concerning the 2010 Nobel Peace Prize Award Ceremony, the authors concluded that the basic problem in this case was the absence of a clear definition of Serbia's foreign policy orientation, which gave state institutions plenty of room for arbitrary interpretations. The definition of Serbia's foreign policy, based on the "four pillars" without determining their hierarchical precedence, had enabled institutions and state officials to make their own evaluations of which "pillars" to favor over the others, especially since the Government had failed to react in time. From this, the authors concluded that the Government had failed to exercise its authority granted it by the Constitution and the laws, while the Ministry of Foreign Affairs, albeit unauthorized to do so, came up with its own definition of the country's foreign policy priorities.

## **2.2.2 The Work of the National Assembly and the Committee for Foreign Affairs in the 2008–2012 Period<sup>17</sup>**

The National Assembly of the Republic of Serbia was convoked on June 11, 2008, and its Committee for Foreign Affairs was constituted at the beginning of July 2008. Dragoljub Micunovic, representative of the *For a European Serbia* coalition's caucus, was elected chairman. Milos Aligrudic, representative of the *Democratic Party of Serbia-Vojislav Kostunica* caucus, was appointed vice chairman. During its four-year term the Committee met 23 times, to discharge its duties prescribed by laws and the Assembly's Rule Book. Most of these meetings – 18 altogether – took place by March 2010, during the next two years the Committee having met only five times. Subjects discussed mostly pertained to

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<sup>17</sup> All data quoted here originate from minutes and shorthand notes from the sessions of the National Assembly, as well as from an interview with a Committee member (the only one who accepted to be interviewed, though invitations were sent to representatives of all parties in the Committee, as well as to its chairman). The minutes are available at the National Assembly's internet presentation [www.parlament.gov.rs](http://www.parlament.gov.rs), while the shorthand notes were obtained after the ISAC Fund submitted a written request to the Assembly's services. Unfortunately, as the Assembly's services explained, there are no shorthand notes from the sessions of the Committee for Foreign Affairs, because no obligation to take shorthand notes existed during the period in question.

meetings with newly-appointed ambassadors in foreign countries and with international organizations; cooperation with parliaments in other countries; assignments of National Assembly's standing delegations in international organizations; agreements on sending delegations to participate in international cooperation; adoption of their reports, and similar.

The general impression is that the Committee for Foreign Affairs had dedicated little time to control the functioning of the Government, i.e. the Ministry of Foreign Affairs. Although since its second session the Committee had requested the Ministry *to inform [it] regularly of its ongoing activities and deliver analyses of ongoing international developments*, it had failed to debate any foreign policy moves taken by the Government, or foreign policy priorities and their precise definition. In the period when major foreign policy events occurred, such as issuing of an advisory opinion by the International Court of Justice, and the passing of the Resolution submitted to the UN General Assembly, the Committee did not meet at all – from April to November 2010 also holding no sessions.

The Committee did not address the issues of crucial political implications for the country, such as the passing of the Resolution condemning the crimes in Srebrenica; the process of cooperation with the International Criminal Tribunal for the Former Yugoslavia in The Hague; the decision to nominate Serbia's representative to the post of the UN General Assembly President (prior to that, Serbia had supported Lithuania's candidacy); and so on. The Committee did not even feel obliged to meet, or hold a joint meeting with the Committee for Defense and Security and the Committee for European Integration, in order to evaluate the answers to European Commission's Questionnaire pertaining to Chapter 31 – Foreign, Security, and Defense Policy. The Committee members did express their views in consultations with the newly-appointed Serbian ambassadors, and during the sessions attended by the Foreign Minister, but that was far removed from exercising an organized, coherent and continuous control of the Ministry and the Government.

Certain Committee members, including Chairman Micunovic, did voice their opinions concerning the boycott of the 2010 Nobel Peace Prize Award Ceremony, promising to ask the Minister as soon as possible, and when his schedule and the Committee's allow, to edify the Assembly on all pertinent and ongoing foreign policy decisions, elements, and recommendations.<sup>18</sup> The Minister of Foreign Affairs, however, appeared before the Committee only as late as April 2011, four months after the event, when he submitted his report on the previous year. During that session no specific attention to the Nobel Peace Prize case was paid, the Committee instead dedicating most of its time to the upcoming conference of the Non-Aligned Movement that was to be held in Belgrade later that year. **In this case it is more than evident that Committee members had acted under public pressure, there being no binding schedules or practical implications for either the Minister or the Ministry of Foreign Affairs.** The public soon forgot the scandal, and the issue of holding a Committee session on this matter was never again mentioned by the Chairman or any other members of this body. **All of this happened most probably because all key foreign policy levers in the country were held by Democratic Party members, and because party solidarity among the key actors had prevailed over the gravity of the problem, and its importance to the discharge of the Committee's duties and prerogatives.**

In the country where foreign policy orientation has been the key for survival or fall of all governments since the first 1990 democratic elections, it seems reasonable to expect the Committee on Foreign Affairs to meet as frequently as possible, and to be obliged to acquaint the Government, the Ministry, and the wider public with its positions. But, though the Law on Foreign Affairs stipulates that the Minister of Foreign Affairs should submit a report on his work at least twice a year, he appeared before the Committee only twice in four years during the period surveyed. In the first instance, he attended the sixth session of the Committee in December 2008, upon invitation by that body, only to very briefly outline the Government's basic foreign policy priorities. His second attendance

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<sup>18</sup> D.M., „Jeremić uskoro pred skupštinskim odborom“, internet portal S Medija, INTERENT <http://www.sme-dia.rs/vesti/52290/Vuk-Jeremic-MSP-Odbor-za-spoljne-poslove-Dragoljub-Micunovic-Jeremic-uskoro-pred-skupstinskim-odborom.html#> . accessed August 16th 2012

occurred at the Committee's 20<sup>th</sup> session in April 2011, when he presented the Ministry's record of tasks and accomplishments for 2010 (that is, for the entire year, although the Law demands such an appearance of his before the Committee every six months). Except for this report, the Committee had not considered any reports from the Ministry of Foreign Affairs nor had it made, except only in several instances, any assessments of the work of the Ministry or the Government. These rare exceptions, unfortunately, also failed to result in any conclusions. Nor had the opposition MPs, otherwise quite vocal when criticizing the Government during the National Assembly sessions, been noticeable active at the Committee meetings. In short, the Committee had consistently failed to carry out its control duty.

If we compare the work of the Committee for Foreign Affairs with the work of the Committee for European Integration, we will note an enormous difference. The latter was one of the most active parliamentary bodies, owing to its role concerning the technical aspects of Serbia's EU accession. This Committee met 56 times during its four-year term. The Deputy Prime Minister in charge of European Integration, Bozidar Djelic, attended 14 of its sessions – slightly less than four per year. The Committee sessions were also attended by Milica Delevic, Director of the Serbian European Integration Office.

The survey of the National Assembly general sessions during this period reveals a situation no better than the one outlined above. Though foreign policy topics dominated the debates on some other matters, sessions actually devoted to them alone were rare. More important sessions were those held when Mirko Cvetkovic's Government was elected and reshuffled, in 2008 and 2011 respectively, and when the draft resolution to be submitted to the UN General Assembly was to be voted on. Although Government members attended the sessions frequently, the Minister of Foreign Affairs appeared rarely, i.e. only on the three above-mentioned sessions.

The Foreign Minister of the Republic of Serbia, Vuk Jeremic, appeared before the Parliament only once as a speaker, during a debate on the 2010 outstanding political event – the advisory opinion the International Court of Justice in The Hague passed in response to Serbia's motion regarding the Kosovo Assembly's unilateral declaration of independence. A fierce debate ensued, the main topic being the country's foreign policy orientation. The Assembly then adopted a draft resolution supposed to be submitted to the UN General Assembly – the contents of which, shortly before the actual debate on it in this international body was to begin – were changed.

In addition, there was no criticism of the failure to respect the procedure of submitting an annual report on the Serbian Government's performance, nor any organized debate on this report. On several occasions, at the Assembly's sessions open to the public, Mirko Cvetkovic's Government offered reports on its work, but the legal obligation to submit regular, annual reports to the National Assembly was never met.<sup>19</sup> According to the Government's Rule Book, the Government is obliged to submit a report on its work in the previous year to the National Assembly no later than May 1.<sup>20</sup> At the second session of the Assembly's second regular sitting, during a debate on the need to rebalance the 2008 budget, Slobodan Maras, an MP of the Liberal Democratic Party, raised the issue of this particular obligation of the Government, but also remarked that they (the MPs) *do not expect the Government to honor it*, though they do expect Government representatives to appear before the Assembly to answer parliamentary questions, there being so many of them concerning different topics.<sup>21</sup> This demonstrates that the MPs, and the Assembly as a whole, have also essentially failed to exercise their control functions, which they were bound to do by the country's laws and by its Constitution.

At sessions in which Government representatives answered parliamentary questions, foreign policy topics were rarely at issue, and, when raised, they were answered by other,

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<sup>19</sup> See *Saopštenje organizacije Transparentnost Srbija od 14.03.2011. godine*, INTERNET [http://www.transparentnost.org.rs/index.php?view=details&id=510:obezbediti-pouzdanae-informacije-o-radu-vlade&option=com\\_eventlist&Itemid=23&lang=en](http://www.transparentnost.org.rs/index.php?view=details&id=510:obezbediti-pouzdanae-informacije-o-radu-vlade&option=com_eventlist&Itemid=23&lang=en), Accessed July 21, 2012

<sup>20</sup> The Government Rules of Procedure, Articles 78 and 79.

<sup>21</sup> See *Transcript of the Second Sitting of the Second Regular Session of the National Assembly of the Republic of Serbia*, p. 13, INTERNET <http://otvoreniparlament.rs/2008/10/28/page/13/>, accessed August 25, 2012

or lesser, Government representatives. For, the Minister of Foreign Affairs had not once appeared at the sessions when Government members were answering parliamentary questions – there being a total of 27 such sessions.

The overall work of the Assembly points to a conclusion that all crucial decisions were promoted by the ruling elite, and pushed for confirmation in the Parliament – such being the draft declaration of the UN General Assembly concerning the International Court of Justice’s advisory opinion, or the resolution on condemning the crimes in Srebrenica, both examples of ad hoc response to foreign policy challenges.

The work of the Committee for Foreign Affairs was focused more on its independent functions than on controlling the Government or the Ministry of Foreign Affairs, if consultative talks with newly-appointed ambassadors in foreign countries and international organizations are not included.

The Foreign Ministry and the Foreign Minister almost completely ignored their legal obligation to regularly communicate with the National Assembly and the Committee for Foreign Affairs.

The National Assembly also focused more on its legislative than on its control function. The Government was subject to the Assembly’s control mechanisms quite rarely, and almost never when Serbia’s foreign policy was concerned.

Criticism and objections regarding the country’s foreign policy by MPs either in the Committee or the Assembly served more to promote them and their political groupings than to truly address the issues raised. This was mostly due to the fact that the National Assembly sessions were transmitted live. Not even these deficient objections, however, had ever been turned into any concrete initiatives, nor have the activities at the sessions had any impact on the work of the Committee for Foreign Affairs.

## CONCLUSIONS

- Although the legal framework for setting up the foreign policy priorities and passing foreign policy decisions exists, in the 2008-2012 period it was not consistently honoured. State officials frequently exceeded their powers, and the Government, the chief factor in determining the country’s foreign policy, had actually very little influence on the process.
- The entire work of the National Assembly in the 2008-2012 period leads to a conclusion that although the country’s foreign policy orientation and foreign policy priorities had been among the most frequently raised issues in debates, there was no key interest or initiative to carry out a systematic coordination and communication between the National Assembly and the Committee for Foreign Affairs, the Government, and the Ministry of Foreign Affairs.
- The Committee for Foreign Affairs, but the National Assembly, too, failed to demand from the Government and competent ministries to fulfill their obligations prescribed by the Constitution and laws (such as, for example regular performance reports), thereby preventing the National Assembly from fully carrying out its control duty.
- The work of the Committee for Foreign Affairs was reduced to informing the MPs and voting in instances where Committee has independence in its operation. The Committee had entirely failed to control either the Government or the Foreign Ministry, even in cases when such control was announced to be pending by the news media.
- Party solidarity and the fact that MPs depend on their party leaderships had efficiently undermined the National Assembly’s control function, which is well demonstrated by the Committee’s performance survey in the 2008-2012 period.

### 3

## SERBIA'S FOREIGN POLICY AND ALIGNMENT WITH EU COMMON FOREIGN AND SECURITY POLICY

This chapter will deal with the manner of establishing foreign policy priorities and their implementation by institutions of the Republic of Serbia in the 2008–2012 period, in the light of Serbia's declared ambition to become a full member of the European Union. Two approaches to such integration will be examined: first, the technical approach consisting of formally fulfilling conditions set by the EU and, second, the "values" approach, based on truly promoting the EU founding values and accepting them as the essence of Serbia's reform process. We will look into which of these two venues prevails in the ranks of the country's state officials, and to what extent. Finally, we will examine that part of the EU accession process wherein the difference between the technical and the values approach is most visible – Serbia's alignment with the Common Foreign and Security Policy of the EU.

### 3.1 THE IMPLEMENTATION OF FOREIGN POLICY IN PRACTICE, IN 2008–2012

The *For a European Serbia* coalition, consisting of the Democratic Party, G17 Plus and some other political groupings, was the main force in the 2008 Government. Instead of redefining the foreign policy in line with the coalition's programmatic goals, i.e. fully harmonizing the two foreign policy priorities (EU integration and preservation of the country's territorial integrity) – by applying the standards and procedures aligned with the EU's basic principles – the new government more or less followed the practice of its predecessors. With its progress towards the European integration hindered by the failure to fully cooperate with the Hague tribunal, the Serbian leadership began considering the entire EU accession process as a technical issue. Stress was placed on meeting formal requirements, completely neglecting the values aspect of the process.

Since the new government's approach rested on two positions, publicly defined as "both Kosovo and the EU," an informal division of foreign policy jurisdictions was created within the ruling coalition. Bozidar Djelic, **Deputy Prime Minister for European Integration**, was charged with the technical aspects of the process, having gained a public reputation as one of the biggest advocates of the European idea. The technical aspect of the process, coordinated by Deputy Prime Minister Djelic and European Integration Office Director Milica Delevic, supported by the National Assembly and its Committee for European Integration, proceeded quite well. The necessary legislative framework for EU accession was duly passed.

**The Government of the Republic of Serbia**, however, i.e. the **Prime Minister**, rarely voiced their views on foreign policy issues, not taking a definite position regarding a single major foreign policy event. The public became convinced that the Government is not responsible for formulating and implementing foreign policy, this being the charge of other institutions – the President of the Republic, and the Minister of Foreign Affairs.

**The Minister of Foreign Affairs** took upon himself to fulfill the basic tasks pertaining to the "defense of Kosovo by diplomatic means," and even to create foreign policy priorities directly or indirectly linked to that goal. The Minister had demonstrated enviable energy in accomplishing this task, so that one foreign news magazine described Serbia's foreign

policy *as if being on steroids*.<sup>22</sup> The impression was that the entire Serbian foreign policy was subject to preserving Kosovo, and that Serbia would not hesitate to upgrade the level of its rhetoric and thus endanger the integration process, unless the question of Kosovo is returned to the negotiating table. The Minister established a very good cooperation with partners from Russia and China, so as to ensure support to Serbia in international forums when it came to the issue of Kosovo. In many instances, however, obligations from the *Thessaloniki Agenda for the Western Balkans* were neglected. Instead, hard-line policy, even one of confrontation was promoted, though it often proved counter-productive. Many statements of the Minister's collocutors, described as true *faux pas*, testify to that. The most drastic example was the statement explaining the decision not to send Serbia's representative to the 2010 Nobel Peace Prize Award Ceremony, thereby openly demonstrating the absence of a clearly defined foreign policy strategy:

"We pay special attention to the protection of human rights, demonstrating this in our own territory. Protection of human rights is one of the preconditions for Serbia's European integrations. On the other hand, Serbia highly values its relations with China. All government decisions have to promote our national interests (...) China is one of the four pillars of our foreign policy."<sup>23</sup>

The Minister had thus decided to define on his own which of the "pillars" was of priority and in what segment, and carried it through, regardless of the fact that by doing so he had seriously disturbed the harmonious relations with another "pillar" of Serbian foreign policy. For the Ministry and the Government of the 2008–2012 period the European integration process was, apparently, nothing more than a technical issue.

Confrontation with the EU peaked shortly before the new parliamentary elections in 2012. Serbia nominated Minister Jeremic as its candidate for the post of president of the UN General Assembly. Obviously, this was an ad hoc decision, especially having in view that Serbia had already supported the candidate from Lithuania, nominated back in 2004. It is still not clear what the motive for this decision was, as there was no visible or reasonable strategic interest for Serbia to join the race. To the contrary, this ad hoc decision jeopardized good relations with an EU member country. It **should be noted that in December 2012 Lithuania remains the only EU country that has yet to ratify Serbia's SAA with the EU.**

The role of **the President of the Republic of Serbia** in defining and implementing the country's foreign policy is certainly the most interesting. Although the President has quite limited constitutional powers, the then-President had undertaken to define the key political priorities, and acted as the supreme authority in passing all key decisions, regardless of whether they were received well by the public or not. The foremost condition for European integrations – cooperation with the Hague court – had been successfully completed in 2008–2012, during the term of Cvetkovic's Cabinet. In both instances when the key suspects were handed over to the ICTY – Radovan Karadzic in 2008 and Ratko Mladic in 2011 – President Tadic vested his personal authority to protect the Government from public attacks and, in a way, assumed full responsibility for these moves. Also, he initiated the passing of the National Assembly resolution condemning the crimes in Srebrenica. We already mentioned the case involving the resolution on the ICJ's advisory opinion, when on his own he agreed to alter the draft resolution passed by the Assembly, meant for the UN General Assembly's attention.

Also, the President had attended all key events concerning Serbia's progress in EU integrations. For instance, he personally submitted the country's candidacy for EU member-

<sup>22</sup> Serbia's busy foreign policy – Better troublesome than dull" in *Economist*, October 24, 2009, INTERNET <http://www.economist.com/node/14710896>, accessed August 2, 2012

<sup>23</sup> „Srbija bojkotuje dodelu Nobelove nagrade za mir“, Internet portal *Blic Online*, December 7, 2010 INTERNET <http://www.blic.rs/Vesti/Svet/222007/Srbija-bojkotuje-dodelu-Nobelove-nagrade-za-mir>, accessed August 12, 2012

ship in 2009, when Sweden held the chair of the European Union. During the debate over the candidacy, and additional conditions posed by the EU concerning the political dialog with Kosovo Albanian representatives, he was again in the spotlight. It should be noted that he was also the chief advocate of deepening relations with Turkey and Azerbaijan, and the initiator of trilateral meetings of Serbia, Bosnia and Herzegovina, and Turkey, and Serbia, Bosnia and Herzegovina, and Croatia.

## 3.2 ALIGNMENT OF SERBIA'S FOREIGN POLICY WITH THE COMMON FOREIGN AND SECURITY POLICY OF THE EU

### 3.2.1 The Importance of the Alignment Process

As we have seen, almost all documents (except parliamentary resolutions on Kosovo) define EU accession as the Republic of Serbia's "strategic goal," that is, they see the accession process as an opportunity for far-reaching social reforms that should lead to a deep transformation of the Serbian society. In this sense, the entire EU accession process should be a priority of all state institutions.

Serbia's foreign policy is a pivotal element in the accession process, because the continuation of the process and the essential and thorough transformation of society, depend on how this policy is led, and the priorities it rests upon.

The values a certain country strives for in international relations, its strategic predictability and reliability, as well as the manner it pursues its foreign policy, are of paramount importance for communication with partners in the EU, and for creating a safer and more stable position of that country in the accession process. For this reason, alignment with the EU CFSP is of key importance in building the EU's perception of this candidate country as a trusted partner. As well as other elements of the accession process, alignment within Chapter 31 concerning the negotiations on EU accession (foreign policy, security and defense), has two aspects:

**Technical** – consisting of a reform of the country's services and system to make it complementary to the systems of EU countries, thereby enabling future efficient cooperation within the framework of the Common Foreign and Security Policy.

**Values** – implying the acceptance of EU positions and their implementation in passing the laws, strategies and system reforms, as well as a consistent alignment with declarations, statements and common foreign policy positions of the EU.

In further consideration of the Republic of Serbia's foreign policy orientation and strategic priorities, the values aspect of the alignment with the Common Foreign and Security Policy is very important. **The EU regularly calls upon Serbia to align with EU declarations, passed independently or within various international forums such as the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE), and the UN, pertaining to the political situation and ongoing political events. Serbia, it must be remembered, was officially accepted as a potential candidate for EU at the 2003 Thessaloniki Summit, thereby entering into a political dialog within the confines of the EU stabilization and association process.**

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### 3.2.2 Serbia's Alignment with EU Declarations, Common Positions and Statements

Alignment with EU declarations serves as the most telling reflection of an essential understanding of the European integration process, and the extent of adoption of the Union's values framework. A country undergoing the European integration process should progressively harmonize its foreign policy with that of the EU, especially upon being granted the candidate status. Alignment with foreign policy declarations is one of the ways of letting the EU partners know that the country is resolute in accepting the Union's founding values. In the period surveyed, however, Serbia had missed a number of opportunities to align itself with these declarations.<sup>24</sup>

In the following text we will look into the Republic of Serbia's alignment with EU declarations during the term of Mirko Cvetkovic's Cabinet (July 2008-July 2012), i.e. into the instances when Serbia failed to align with them, as well as into the reasons for its lack of support of such initiatives. In considering these situations, Serbia's answer to Question 9 of Chapter 31 in the EU Questionnaire, submitted at the end of January 2011 for the purpose of acquiring candidate status, is of great importance. The answer contains a detailed list of declarations Serbia did not align itself with in the January 1, 2008 to December 1, 2010 period.

Serbia's answer (see Box) specifies the following reasons for not aligning certain declarations, opinions, and common positions with the EU's:

- In cases when the topics of EU's declarations, common positions and statements dealt with the process of disintegration of the former Socialist Federal Republic of Yugoslavia, and Serbia's specific position in those events;***
- When the above-mentioned topics dealt with the unilateral declaration of Kosovo's independence;***
- When the deadlines to state Serbia's position allowed its Ministry of Foreign Affairs insufficient time to react responsibly.***

**The following answer was given to Question 9 in Chapter 31 of the EU Questionnaire (Foreign, security and defense policy) asking how many measures (declarations, opinions and common positions) has the Republic of Serbia aligned with since June 2008:**

*Serbia carefully studies every EU declaration and makes the decision on alignment according to its foreign policy and domestic policy interests and the legislative practice, as well as in accordance with international agreements signed and ratified by Serbia. Based on that, the Republic of Serbia passes a concrete decision.*

*A certain number of statements and declarations have not been aligned with due to Serbia's specific position after the disintegration of Yugoslavia, and its well-known position regarding the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo. In the further gradual approximation to the EU membership, Serbia will work carefully toward aligning its positions with the EU declarations and statements, bearing in mind its national interests and the EU accession as its priority objective.*

*In addition, the timeframe for alignment for a number of declarations was extremely short, which did not allow for the required consultations, thus contributing to the*

<sup>24</sup> It should be noted that Serbian representatives were sometimes worried over the impression they would impart regarding the EU integration process. A poignant example of this was the unilateral implementation of the interim trade agreement with the EU. Then, as of January 2010, to demonstrate its determination to acquire EU membership and accept EU values, Serbia had decided to begin implementing the interim trade agreement with the EU – which is a part of the SAA – though the SAA has not been ratified to this day.



*creation of an unrealistic picture of the overall ratio between the number of declarations that Serbia has aligned with and those that it has not. From January 1, 2008 to December 31, 2010, there was a total of 402 EU declarations.*

*Serbia was called upon to align with 357 declarations. Of that number, Serbia has aligned with 245 declarations, whereas in 112 cases it has not.*

As our text will further illustrate, a careful analysis of specific cases reveals that all three claims were not sufficiently substantiated, because the number of declarations directly dealing with Serbia's problem with Kosovo or its specific position following the disintegration of former Yugoslavia is rather small compared to the total number of declarations Serbia failed to align with. As far as the third argument is concerned, we will see that most other candidate and potential candidate countries, and even the countries unlikely to join the EU, had managed to align their positions with the declarations in question.

### 3.2.2.1 EU Declarations which Serbia did not align with<sup>25</sup>

**The following tables show Serbia's attitude toward declarations, common positions and statements of the EU Council during the January 2008 – July 2012 period<sup>26</sup>, when the new government headed by Ivica Dacic was elected. Also analyzed will be the alignment with the statements of the EU within the OSCE Permanent Council for the same period. The analysis deals only with the cases when Serbia was called upon to align its position.**

#### **Instructions for interpreting the tables**

The tables are divided in two segments. The first segment features the number of declarations Serbia has not aligned with during the year in question – in total, and by country which was the target of the declaration (the subjects mostly concerned events taking place outside the EU).

The other segment of the tables shows the topics involved, rather controversial in terms on non-alignment, such as follow:

- **Proliferation of nuclear arms** – Serbia is a party to the Treaty on the Non-Proliferation of Nuclear Weapons and therefore obliged to be against further spread of such arms (in the tables showing Serbia's non-alignment with declarations within the OSCE Permanent Council, this topic is omitted because it was not raised).
- **Death penalty** – Before joining the Council of Europe Serbia abolished the death penalty. Thus it has obliged itself to advocate the abolishing of the death penalty globally.
- **Human rights** – as a country aspiring to join the EU, a member of the Council of Europe and of the U.N., and a signatory to the Framework Convention on Human Rights, Serbia is obliged to actively contribute to the protection and advancement of human rights globally

<sup>25</sup> Source: all declarations, common positions, and statements of the EU Council in the 2008–2012 period (independent, as well as within the OSCE Permanent Council) can be found at <http://www.consilium.europa.eu> and [www.osce.org](http://www.osce.org)

<sup>26</sup> From the starting date in the part on aligning with various declarations in the Answers to the Questionnaire, until the end of the Mirko Cvetkovic Cabinet's term in office.

## EU DECLARATIONS THAT SERBIA DID NOT ALIGN WITH IN 2008

### The EU Council

There was a total of 170 declarations by the EU Council in 2008. Serbia did not align with 43 such documents.

I		II		
1. Countries/entities to which the declarations pertained	2. Number of EU Council declarations Serbia did not align with	1. Proliferation of nuclear arms	2. Condemnations of death penalty existing or carried out	3. Respect of human rights
Kosovo*				
Ex – SFRY	2			
Russia	3			1
Georgia (South Ossetia and Abkhazia)	3			
China	5			3
Iran	8	2	4	2
USA				
North Korea	1	1		
Other	21		3	7
<b>Total</b>	<b>43</b>	<b>3</b>	<b>7</b>	<b>14</b>

EU non-member countries that aligned with the declarations which Serbia chose not to support:

- *European Economic Area countries* – Norway, Iceland and Liechtenstein; of the 43 declarations Serbia did not align with, Norway did the same in 2 cases, Iceland in 4, and Liechtenstein in 2 cases.
- *Western Balkans countries* – Bosnia and Herzegovina, Montenegro, Croatia, Macedonia and Albania; of the 43 declarations Serbia did not align with, Macedonia did not align with 2 of them, Montenegro with 4, Albania with 6, and Bosnia and Herzegovina with 11 of them.
- *So-called GUAM countries* – Georgia, Ukraine, Armenia, Moldova, Azerbaijan; Georgia did not align 21 times, Ukraine 11, Armenia 24, and Moldova 8 times.

### OSCE Permanent Council<sup>27</sup>

In 2008 Serbia did not align with the OSCE declarations in 17 instances.

I		II	
1. Countries/entities to which declarations pertained	2. Number of EU statements Serbia did not align with	1. Proliferation of nuclear arms	2. Condemnation of death penalty existing or carried out
Kosovo*	2		
Ex – SFRY	3		
Russia	3		2
Georgia (South Ossetia and Abkhazia)	7		1
Albania	2		
Azerbaijan			
Post-Soviet area	2		1
Other			
<b>Total</b>	<b>19</b>		<b>4</b>

<sup>27</sup> Included are the declarations from the joint sessions of the OSCE Permanent Council and the OSCE Forum for Security Cooperation.

EU non-member countries that aligned with the declarations which Serbia did not align with:

- *European Economic Area countries* – Norway did not align in 6 cases, Iceland in 2, and Liechtenstein in 7 cases.
- *Western Balkans countries* – Macedonia and Bosnia and Herzegovina did not align with 1 declaration each.
- *So-called GUAM countries* – Georgia, Ukraine, Moldova and Armenia did not align in 5 instances.

## EU DECLARATIONS SERBIA DID NOT JOIN IN 2009

### The EU Council

The EU Council issued a total of 152 declarations in 2009. Serbia did not align with 54 of them.

I		II		
1. Countries/entities to which the declarations pertained	2. Number of EU Council declarations Serbia did not align with	1. Proliferation of nuclear arms	2. Condemnations of death penalty existing or carried out	3. Respect of human rights
Kosovo*	1			
Ex – SFRY	0			
Russia	2			1
Georgia (South Ossetia and Abkhazia)	3			
China	3		1	1
Iran	7			6
USA	2		2	
North Korea	3	3		
Other	29			
<b>Total</b>	<b>54</b>	<b>3</b>	<b>3</b>	<b>8</b>

EU non-member countries that joined the declarations Serbia did not:

- *European Economic Area countries* – Norway did not align 4 times and Iceland did the same 3 times;
- *Western Balkans countries* – Montenegro did not align with 4 declarations, Macedonia with 3, Albania with 10, and Bosnia and Herzegovina with 20;
- *So-called GUAM countries* – Georgia did not align 29 times, Ukraine 9, Armenia 25, and Moldova 9 times.

## OSCE Permanent Council

During 2009 Serbia did not align with 49 of OSCE declarations

I		II	
1. Countries/entities to which declarations pertained	2. Number of EU statements Serbia did not align with	1. Proliferation of nuclear arms	2. Condemnation of death penalty existing or carried out
Kosovo*	2		
Ex – SFRY	3		
Russia	7		6
Georgia (South Ossetia and Abkhazia)	22		3
Albania			
Azerbaijan	6		5
Post-Soviet area	5		4
Other	4	1	
<b>Total</b>	<b>49</b>	<b>1</b>	<b>18</b>

EU non-member countries that aligned with the EU declarations within the OSCE Permanent Council which Serbia did not align with:

- *European Economic Area countries* – Norway did not align with 15 and Liechtenstein with 31 of OSCE Standing Committee declarations;
- *Western Balkans countries* – Croatia did not align with 2 and Montenegro and Bosnia and Herzegovina with 1 declaration each.
- *So-called GUAM countries* – Georgia did not align with 23, Armenia with 29, Moldova with 13, and Ukraine with 3 such declarations.

## EU DECLARATIONS SERBIA DID NOT ALIGN WITH IN 2010

### The EU Council

In 2010 the EU Council issued 61 declarations and Serbia did not align with 15 of them.

I		II		
1. Countries/entities to which the declarations pertained	2. Number of EU Council declarations Serbia did not align with	1. Proliferation of nuclear arms	2. Condemnations of death penalty existing or carried out	3. Respect of human rights
Kosovo*				
Ex – SFRY				
Russia	2			1
Georgia (South Ossetia and Abkhazia)	1			
China	1			1
Iran	3			3
USA				
North Korea	1			
Other	7			3
<b>Total</b>	<b>15</b>			<b>8</b>

EU non-member countries that aligned with the EU declarations which Serbia did not align with:

- *European Economic Area countries* – Norway did not align with 2 such declarations, and Iceland with 2 of them;

- *Western Balkans countries* – Albania and Macedonia did not each align in 1 such case;
- *So-called GUAM countries* – Georgia did not align with such declarations 10 times, Ukraine 9, Armenia 10, and Moldova 3 times.

## OSCE Permanent Council

In 2010 Serbia did not align with 31 of OSCE declarations.

I		II	
1. Countries/entities to which declarations pertained	2. Number of EU statements Serbia did not align with	1. Proliferation of nuclear arms	2. Condemnation of death penalty existing or carried out
Kosovo*	3		
Ex – SFRY	3		
Russia	2		1
Georgia (South Ossetia and Abkhazia)	8		
Albania			
Azerbaijan	6		3
Post-Soviet area	7	1	5
Other	2	1	
<b>Total</b>	<b>31</b>	<b>2</b>	<b>9</b>

EU non-member countries that aligned with the EU declarations within the OSCE Permanent Council which Serbia did not align with:

- *European Economic Area countries* – Norway and Iceland did not align in 1 case each.
- *Western Balkans countries* – Bosnia and Herzegovina did not align with 4 declarations, Montenegro with 3, and Croatia and Macedonia in 1 case each;
- *So-called GUAM countries* – Georgia and Ukraine did not align in 7 cases each, Armenia in 4, and Moldova in 1 case.

## DECLARATIONS SERBIA DID NOT ALIGN WITH IN 2011

### EU Council

The EU Council issued 86 declarations in 2011 and Serbia did not align with 8 of them.

I		II		
1. Countries/entities to which the declarations pertained	2. Number of EU Council declarations Serbia did not align with	1. Proliferation of nuclear arms	2. Condemnations of death penalty existing or carried out	3. Respect of human rights
Kosovo*				
Ex – SFRY				
Russia				
Georgia (South Ossetia and Abkhazia)				
China				
Iran	3			
USA				
North Korea				
Other	5			
<b>Total</b>	<b>8</b>			

EU non-member countries that aligned with the EU declarations which Serbia failed to support:

- *European Economic Area countries* – Norway did not align in 1 case, and Iceland in 2;
- *Western Balkans countries* – Albania and Macedonia did not support 1 declaration each, while BiH failed to align in 3;
- *So-called GUAM countries* – Georgia and Ukraine did not align in 7 cases each, Armenia in 4, and Moldova in 1 case.

### OSCE Permanent Council

In 2011 Serbia failed to align with 22 of OSCE declarations.

I		II	
1. Countries/entities to which declarations pertained	2. Number of EU statements Serbia did not align with	1. Proliferation of nuclear arms	2. Condemnation of death penalty existing or carried out
Kosovo*	3		
Ex – SFRY	2		
Russia	4		3
Georgia (South Ossetia and Abkhazia)	3		
Albania	1		
Azerbaijan	6		4
Post-Soviet area	3		1
Other			
<b>Total</b>	<b>22</b>		<b>8</b>

EU non-member countries that aligned with the EU declarations within the OSCE Permanent Council which Serbia did not align with:

- *European Economic Area countries* – Liechtenstein did not align with such declarations in 15 cases, and Norway and Iceland in 1 case each;
- *Western Balkans countries* – Bosnia and Herzegovina did not align with 7 declarations, Albania with 2;
- *So-called GUAM countries* – Georgia did not align 16 times, Ukraine 17, Armenia 19, and Moldova 12 times.

### DECLARATIONS SERBIA DID NOT ALIGN WITH IN 2012 (by the end of July)

#### The EU Council

2012 Serbia aligned with all EU Council declarations issued by the end of July 2012.

#### OSCE Permanent Council

By the end of July 2012, Serbia did not align with 5 of OSCE declarations.

I		II	
1. Countries/entities to which declarations pertained	2. Number of EU statements Serbia did not align with	1. Proliferation of nuclear arms	2. Condemnation of death penalty existing or carried out
Kosovo*	2		
Ex – SFRY			
Russia			
Georgia (South Ossetia and Abkhazia)			
Albania	1		
Azerbaijan			
Post-Soviet area			
Other	2		
<b>Total</b>	<b>5</b>		

EU non-member countries that aligned with the EU declarations within the OSCE Permanent Council which Serbia did not align with:

- *European Economic Area countries* – Liechtenstein did not align with two such declarations and Norway with 1;
- *Western Balkans countries* – Albania did not align with 2 declarations;
- *So-called GUAM countries* – Georgia did not align in 3 cases, Ukraine in 3, Armenia in 2, and Moldova in 2 instances.

Based on the above data, we must conclude that the explanation given in the Answers to the Questionnaire, of why Serbia did not align itself with some declarations and common positions, does not match the actual state of affairs. It is evident that a certain number of declarations (especially during 2009) had directly to do with Serbia's "allies" in the UN Security Council – Russia and China – whom Serbia regularly consulted concerning its "diplomatic offensive" strategy aimed at suppressing further recognition of Kosovo as an independent state. Iran and Azerbaijan also fall into the category of countries frequently appearing in connection with EU declarations, opinions, and common positions, with which Serbia seems to be having "special relations."

The failure to align with EU's certain declarations, statements, and common positions is to an extent legitimate at Serbia's accession level, especially when its higher state interests are involved. This is particularly valid in cases when such declarations and positions directly concern relations with third countries of high priority to Serbia.

Still, it remains unclear why had Serbia failed to align itself with the EU positions in situations when the failure to do so contravened the principles and values that Serbia itself publicly rests upon:

- This may best be seen in connection with the EU's declarations on the situation in Georgia, that is, with the cases of Abkhazia and South Ossetia, both recognized as independent states by Russia and some other countries. Despite invoking the principles of international law in its own battle for the preservation of its sovereignty and territorial integrity, Serbia did not join the EU declarations defending those same principles in Georgia.
- The already mentioned failure to align with the EU declarations, opinions, and common positions against the proliferation of nuclear arms concerning the situation in Iran and North Korea is also very indicative.
- Although from the very outset it has been supporting the work of the International Criminal Tribunal for the former Yugoslavia in The Hague, Serbia failed to align with several EU declarations concerning this matter.

- The most inexplicable of all is Serbia's passivity concerning declarations and common opinions condemning the existence or execution of death penalties, pronouncing of death penalties or extreme death penalties – as, for instance, is Iran's practice of carrying out the death penalty for certain offences by stoning, or by sentencing minors to death for some others, in direct violation of the International Convention on the Rights of Child.

In its Answers to the EU Questionnaire Serbia mentioned short deadlines as another reason for not aligning with some declarations. Still, other Western Balkans countries – Croatia, Albania, Macedonia, Montenegro, and Bosnia and Herzegovina – generally managed to agree with these same declarations. This was also the case with the countries of the European Economic Area – Norway, Iceland<sup>28</sup> and Liechtenstein. It should as well be noted that some countries without a direct perspective of acquiring EU membership, such as Moldova, Ukraine, Georgia, Armenia – the so-called GUAM countries – and, occasionally, Azerbaijan, had aligned with many EU's declarations.

In 2011 and 2012, however, Serbia enhanced its alignment with EU Council declarations. Yet, if we examine the list of declarations we will notice that their dominant topics were quite different from those of 2008, 2009, and 2010, and that the number of declarations was much lower than in the first three years. Also, in 2011 and 2012 Serbia's two most "problematic" partners – Russia and China – were not targeted by any EU Council declarations, though Russia did feature in the EU statements and opinions within the OSCE Permanent Council and the Forum for Security Cooperation. In this period, however, Serbia failed to align with a number of declarations pertaining to Iran, and, within the OSCE framework, many declarations concerning Azerbaijan.

It is quite possible that the basic reason for a higher level of alignment in 2011, and especially in 2012, had directly to do with Serbia's expectations of acquiring the status of EU member candidate by the end of 2011. Serbia became the EU candidate country in March 2012.

## CONCLUSIONS

In the 2008-2012 period, Serbia's foreign policy was sectorial, with various institutions taking upon themselves various foreign policy objectives. Their activities frequently clashed, precisely because of the failure to respect the legal framework for passing and implementing foreign policy decisions, as well as a lack of well-defined foreign policy priorities.

The attitude both toward Kosovo and the EU accession process, as well as toward other foreign policy priorities, was ad hoc and improvised, i.e. it was more reactive than proactive.

The Serbian foreign policy was not using every opportunity to underline the state's pro-European orientation not even when it came to major foreign policy issues such as Kosovo, or alignment with EU declarations, statements and common positions of member-countries in various international forums.

Serbia failed to align with EU declarations, common positions and statements pertaining to essential issues at the time other countries – candidates and potential candidates, the EFTA and EEA states, and even the countries not likely to become EU members any time soon – did so. In this way it kept sending a clear message about its stance toward the values the EU pursues in its foreign policy

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<sup>28</sup> As of 2010, Iceland is a candidate for EU membership.



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2. The second special session of the National Assembly of the Republic of Serbia; July 7, 2008

3. The third special session of the National Assembly of the Republic of Serbia in 2008; September 2008
4. The fourth session of the second regular sitting of the National Assembly of the Republic of Serbia in 2008; December 18, 2008 – December 19, 2008
5. The seventh extraordinary sitting of the National Assembly of the Republic of Serbia in 2009; June 3, 2009 – June 9, 2009
6. The first session of the second regular sitting of the National Assembly of the Republic of Serbia in 2009; October 6, 2009 – October 26, 2009
7. The second extraordinary sitting of the National Assembly of the Republic of Serbia in 2010; July 26, 2010
8. The sixth extraordinary sitting of the National Assembly of the Republic of Serbia in 2010; July 26, 2010
9. The second session of the second regular sitting of the National Assembly of the Republic of Serbia in 2010; October 14, 2010
10. The second special session of the National Assembly of the Republic of Serbia in 2011; March 14, 2011
11. The third special session of the National Assembly of the Republic of Serbia in 2011; March 29, 2011
12. The tenth extraordinary sitting of the National Assembly of the Republic of Serbia in 2011; July 30, 2011
13. The seventh special session of the National Assembly of the Republic of Serbia in 2011; November 3, 2011.

#### **Sessions of the Committee for Foreign Affairs in 2008–2012<sup>29</sup> – Minutes**

All sessions (23 altogether) of the Committee for Foreign Affairs held from October 9, 2008 until February 9, 2012.

#### **Sessions of the Committee for European Integrations in 2008–2012 – Minutes**

All sessions (53 altogether) of the Committee for European Integration held from July 15, 2008 until February 27, 2012.

#### **Sessions of the Committee for Defense and Security in 2008–2012 – Transcripts**

1. The thirteenth session of the Committee for Defense and Security, October 6, 2009.
2. The twenty-sixth session of the Committee for Defense and Security, June 7, 2010.

#### **Other**

1. The round table discussion on the draft of the security and defense strategies of Serbia, January 28, 2009.
2. Parliamentary questions, April 29, 2009.

#### **EU documents**

- All declarations, opinions, and common positions of the European Council in 2008, 2009, 2010, 2011, and 2012 (until August).

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<sup>29</sup> No transcripts from the sessions of the Committee for Foreign Affairs and the Committee for European Integrations are available, only the minutes posted at the National Assembly's Website.

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# ADDENDUM I

## THE HISTORICAL CONTEXT

After its breach with the Soviet Union in 1948, the Socialist Yugoslavia had embarked on a foreign policy course of balancing between the two opposed world blocs. On the international plane Yugoslavia proceeded to form the Non-Aligned Movement together with several non-European countries, and to conduct a well-balanced foreign policy. Under the burden of internal and inter-ethnic problems, and as a result of collapse of the Communist system in Eastern Europe, Yugoslavia fell apart in 1991. Because of its role in the disintegration of Yugoslavia and wars in Croatia and Bosnia and Herzegovina, and later on, because of armed clashes in Kosovo, Serbia – then part of the Federal Republic of Yugoslavia together with Montenegro – was isolated internationally and exposed to international economic and political sanctions.

The crisis in Croatia ended with Operation Storm in 1995, conducted by the Croatian Army, and resulting in the exodus of some 200,000 Serbs from Croatia. The crisis in Bosnia and Herzegovina ended that same year in December, with the signing of the Dayton Peace Accords, whose guarantors were FR Yugoslavia and Croatia.

Not long afterward, the Kosovo troubles were renewed. Kosovo Albanian paramilitary units organized into the so-called Kosovo Liberation Army clashed with the Serbian army and police. The international community, led by the US, exerted pressure on the Yugoslav and Serbian leaderships to find a compromise solution.

At the beginning of 1999, negotiations were organized in Rambouillet, France, between a Kosovo Albanian delegation and Yugoslav representatives. The negotiations fell through, and NATO launched a bombing campaign against targets in Yugoslavia on March 24, 1999. The clash ended on June 9, 1999 with the signing of the Kumanovo Agreement and the passing of the UN Security Council Resolution No. 1244. Under the resolution, the territory of Kosovo was placed under international protectorate until the status of the province has been finally resolved.

Meanwhile, the EU initiated the process of European integrations for the countries of Central and Eastern Europe. By 1995 three neutral/non-aligned countries – Austria, Finland, and Sweden – became full-fledged members. Simultaneously, NATO had launched the process of expansion towards the East. The first three countries to become full members in 1999 were the three members of the Visegrad Group – the Czech Republic, Poland, and Hungary. All former Communist countries of Central and Eastern Europe, except FR Yugoslavia, expressed their desire to be included in the two integration processes.

With the fall of the regime of Slobodan Milosevic on October 5, 2000, and the victory of the *Democratic Opposition of Serbia*, led by Vojislav Kostunica and Zoran Djindjic, conditions were created for FR Yugoslavia's return into the international community. The new government expressed its intention to join the United Nations and the Council of Europe, and committed itself to lead the country into the EU, the NATO Partnership for Peace program, and even into NATO itself. Serbia began its reintegration into the wider international community and the region at the Zagreb Summit, in November 2000.

This speedy return did not mean that FR Yugoslavia was free from its international obligations stemming from the previous period, primarily those pertaining to cooperation with the International Criminal Tribunal for the Former Yugoslavia in The Hague. That cooperation became the paramount issue determining the degree of the West's support of further reforms, and of Serbia's possible European and Euro-Atlantic integration. The first challenge to the new Serbia proved to be the request to arrest and hand over to the ICTY the country's former president, Slobodan Milosevic, which indeed happened in 2001. Until 2012, however, the request to turn over some other persons charged with

war crimes – such as Ratko Mladic and Radovan Karadzic – to the ICTY had not been complied with.

Moreover, immediately after the change of government in 2000 FR Yugoslavia was affected by an internal crisis caused by an openly expressed desire of the Montenegrin leadership to form a sovereign, internationally recognized state of Montenegro.

Negotiations, mediated by Javier Solana, resulted in the creation of the State Union of Serbia and Montenegro – a country that was more than a union of sovereign states and less than a federation. Formally, the Union was recognized by all parties, but proved unable to function as a true union of the two republics forming it. Three years later Montenegro used a constitutional opportunity to hold a referendum on its independence. After the vote, Serbia and Montenegro became independent states, Serbia becoming an inheritor of FR Yugoslavia and of the State Union of Serbia and Montenegro.

At the 2003 European Summit in Thessaloniki, the European integration perspective was augmented to include the countries of the Western Balkans. A common declaration on the political dialog between the EU and Serbia followed, laying the foundations for the two sides' cooperation. This created Serbia's need for alignment with various declarations, common positions and opinions of the EU Council and EU missions with the Council of Europe, the UN and the Organization for Security and Cooperation in Europe (OSCE). Serbia obtained a Feasibility Study in 2005. Next year, however, because of non-cooperation with the ICTY, Serbia did not sign a Stabilization and Association Agreement that should lead to its becoming a candidate for a full-fledged EU membership.

The question of Kosovo was reopened in 2005, when a UN commission headed by Norwegian diplomat Kai Eide recommended the opening of negotiations on the future status of Kosovo. The talks began in 2006, with mediation of UN envoy and former Finnish president Martti Ahtisaari. The negotiations resulted in the so-called Ahtisaari Plan, which the Western countries and Kosovo Albanians accepted but Serbia rejected. China and Russia, as standing members of the UN Security Council, also rejected the plan. In February 2008, Kosovo declared independence, recognized by most EU member-countries, the US, and the all countries of the region except Bosnia and Herzegovina.

The Ahtisaari Plan and the recognition of Kosovo led to a polarization on the Serbian political scene, a cooling of relations with the Western powers, and rapprochement with the countries which did not recognize Kosovo, primarily Russia. The Democratic Party-led *For a European Serbia* coalition that won the 2008 parliamentary vote insisted, however, on the continuation of European integrations as the primary element of its program and the banner of its election campaign.

The SAA was signed ahead of the 2008 parliamentary vote, in support of pro-European forces in Serbia. The country submitted its formal application for EU membership in 2009. It was handed the Questionnaire pertaining to its request for EU membership in November 2010, and submitted its answers to it at the end of January 2011.

At the beginning of 2008, Serbia launched an initiative to have the International Court of Justice in The Hague rule on the legality of Kosovo's unilaterally declared independence, which was supported by the UN General Assembly in September the same year. In July 2010, the ICJ issued an opinion that was not in Serbia's favor, which prompted Serbia to put to vote its Declaration on Kosovo in the UN General Assembly. Yet, shortly after the Declaration's adoption by the National Assembly, following numerous meetings and consultations with EU officials and member-countries, Serbia decided to radically change the text of the Declaration, and submit its draft jointly with the EU. The Declaration defined the framework for a new process of negotiations between Serbian and Kosovo representatives, this time on practical issues, so that the situation on the ground could be normalized further.

## ADDENDUM II

### THE NORMATIVE FRAMEWORK FOR PASSING FOREIGN POLICY DECISIONS

The Republic of Serbia's normative framework for passing foreign policy decisions precisely defines the manner of establishing and implementing its foreign policy. The designated actors in this process are the Government, the Prime Minister, the President of the Republic, the National Assembly, and the Ministry of Foreign Affairs. Some other ministries also have some limited jurisdictions.

The Constitution of the Republic of Serbia, in its Article 16 (International Relations) stipulates that the *"Republic of Serbia's foreign policy is based on generally accepted principles and rules of international law"* and that *"generally accepted regulations of international law and ratified international treaties are an integral part of the Republic of Serbia's legal system,"* which, after ratification, are equal with domestic laws and are to be *"applied directly"*. The Constitution also says that all ratified international treaties must be in accord with the Constitution. By the Constitution and the Law on the National Assembly (articles 15 and 18) the National Assembly is entrusted with numerous foreign affairs functions: it ratifies international treaties if required by law; passes decisions on change of state borders; decides on war and peace; passes decisions on the declaration of state of war or of emergency; adopts defense strategies; decides on the Army of Serbia's engagement outside Serbia's borders; and appoints members of standing parliamentary delegations to international institutions.

The National Assembly is also a body elected by a free, popular vote for the period of four years to carry out legislative duties and, as a body of supreme legitimacy, elect, and control, executive authorities and other such organs.

The powers of the President of the Republic in regard to foreign affairs are also defined by the Constitution. According to Article 111, *"the President of the Republic expresses state integrity of the Republic of Serbia."* Article 112 stipulates that he *"represents the Republic of Serbia at home and abroad"* (with sovereign states and in international organizations), and *"appoints and dismisses ambassadors of the Republic of Serbia on proposal from the Government, accepts letters of accreditation and withdrawal from foreign diplomatic representatives."*

The Government, however, is the body that determines and carries out the policies. It is elected and dismissed by the National Assembly and, in line with that, Article 124 of the Constitution and Article 7 of the Law on Government stipulate that it shall account to the National Assembly for the policies it discharges, for the entirety of its activities and the execution of the Assembly's decisions, and for the enforcement of its acts and laws.

The Law on Government defines the jurisdiction and responsibilities of the Government and its ministries, i.e. the Prime Minister and individual ministers being responsible for establishing and implementing all policies, including the foreign policy. According to the Constitution and laws, the Government establishes and pursues policies (Article 123 of the Constitution). According to the Law on Government, the Prime Minister heads and directs the Government by coordinating its political operations, the work of its members, and by representing it. He is empowered to issue binding instructions or dispense special assignments to other Government members, in keeping with its program and policies. In line with this, every Government member is responsible for implementing this program and policies within his/her authority as provided by the Constitution and law (Articles 12 and 14 of the Law on Government), as well as for executing the Prime Minister's binding instructions and special assignments. Individual ministers are entrusted to propose that the Government further regulate some issues within its, and the National Assembly's jurisdiction, and to demand that the Government take a stand

on certain matters within any minister's area of competence. All ministers are obliged to inform the Government of everything of importance for its operation (Article 14 of the Law on Government).

From the above-mentioned, it is clear that the Prime Minister is the person who sets the tone and instructs the Government, defining the foreign policy orientation among other issues, whereas the entire Government is obliged to jointly implement its adopted policy. The Law on Foreign Affairs additionally clarifies that it is the Minister of Foreign Affairs who proposes the country's foreign policy priorities and actions to the Government, which in turn either adopts them or not (Article 5 of the Law on Foreign Affairs).

The Ministry of Foreign Affairs is the chief executive organ in implementing foreign policies set by the Government (Article 2 of the Law on Foreign Affairs). The Law also stipulates that other ministries also have competences in this area. Article 5 of the Law on Foreign Affairs defines the Ministry's numerous prerogatives of independent or consultative nature, i.e. of giving proposals to the Government. According to this Article, the Ministry of Foreign Affairs, in addition to the President of the Republic, represents the Republic of Serbia in relations with other countries, international organizations and institutions, as well as in relations with foreign missions and international organizations headquartered in the country. The Ministry protects the interests of the Republic of Serbia, its citizens and legal entities abroad; proposes establishment or severance of diplomatic ties with other countries; proposes nominees for diplomatic offices abroad (ambassadors, general and honorary consuls); participates in activities pertaining to accreditation of foreign diplomatic and international representatives in Serbia; takes care of the country's diplomatic missions abroad; proposes membership in international organizations or participation in international integrations, as well as in other forms of cooperation. It organizes visits of the country's representatives to negotiations and conferences abroad; analyzes Serbia's international position and bilateral relations with other countries, as well as the foreign policy aspects of its defense and national security; analyzes and forecasts the course of regional relations and developments, especially in regard to foreign policy, security, international and private law, and other such matters of importance for Serbia's international relations.

The Ministry further gathers and analyzes foreign media information concerning the Republic of Serbia; prepares legal opinions on issues stemming from international law for the President of the Republic, the Government, and various other state bodies. It proposes foreign affairs strategy and other measures that influence and shape foreign policy, and prepares documentation, information and analyses on foreign policy for the Government. In cooperation with relevant administrative bodies it initiates procedures and coordinates negotiations necessary for the conclusion of international treaties; participates in the procedure of their ratification and supervises the communiqués and the declarations of the Republic of Serbia and its legal predecessors. The Ministry of Foreign Affairs drafts laws and other foreign policy regulations; provides evaluations of laws and other foreign policy acts proposed by state administration institutions of significance to the Republic of Serbia's international position. It gathers, stores and guards documentation on Serbia's foreign policy, and encourages scientific research of foreign policy and international relations; provides information on and promotes the Government's political position abroad and among Serbian Diaspora, in order to better Serbia's prestige in international relations. In cooperation with the Ministry for the Diaspora, it advances the respect of human and minority rights of Serbia's expatriates, its citizens abroad, and of persons of Serb origin. Together with other state administration organs it takes care of Serbia's international borders, by developing and preserving the documentation on them. In concert with other competent organs and in accordance with special laws it ensures Serbia's participation in international missions.

## ADDENDUM III

### THE GENERAL NORMATIVE AND INSTITUTIONAL FRAMEWORK FOR THE CONTROL OF THE PASSING OF FOREIGN POLICY DECISIONS

The normative framework of the National Assembly's activities and jurisdictions is defined by the Constitution, the Law on the National Assembly, the Assembly's Rule Book, and the Law on Government, whereas its prerogatives in foreign affairs are defined by the Law on Foreign Affairs. According to the Constitution of the Republic of Serbia and the Law on Government, the role of the Assembly is particularly important – it being the institution of supreme legitimacy, elected freely at general polls, vested with legislative authority and with the election of executive authority. It is the body which *the Government accounts to while pursuing Serbia's policy, enforcing its laws, regulations and other acts passed by the Assembly; for the conditions in all areas under its charge; and for the functioning Serbia's administration* (Article 7 of the Law on Government, Article 124 of the Constitution).

The National Assembly controls the Government's performance in the following manner (Article 56 of the Law on the National Assembly):

- The Government submits a performance report to the National Assembly at least once a year, as well as extraordinary reports upon the Assembly's request
- The National Assembly controls the work of the Government and its members through parliamentary queries, interpellations, votes of no confidence in the Government or any of its members, and by forming panels of inquiry.

Committees are the Assembly's working bodies (Article 4 of the Law on the National Assembly). According to the same Law, committees are formed to debate laws and other acts submitted to the Assembly for adoption; to monitor the enforcement of laws, and to assess and monitor the Government's performance and that of all other bodies supervised by the Assembly. Article 44 of the Assembly's Rule Book defines their powers in greater detail, by stating that a Committee monitors the implementation of policy by the Government; debates working plans and reports of relevant ministries and other state organs, organizations and bodies; and cooperates with other committees. The committees, therefore, are the permanent working bodies formed to deliberate upon issues of public policy.

The Law on Foreign Affairs (Articles 28, 29, and 30) defines in greater detail cooperation between the ministries and the National Assembly. These articles regulate hearings with appointed ambassadors before they depart to their posts; the obligation of keeping the Assembly informed on all pertinent matters, and assistance that Serbia's diplomatic and consular missions are obligated to provide to the National Assembly's delegations and representatives during bilateral visits. Thus, Article 28 regulating the informing of the National Assembly demands that the Ministry of Foreign Affairs inform the Assembly *"by sending relevant information on most important foreign policy activities."* This article also calls on the Minister of Foreign Affairs to *at least semiannually* submit to the Assembly's Committee for Foreign Affairs a *report on the Ministry's activities and performance*.

The Committee for Foreign Affairs, according to the Rule Book, is vested with the following competences (Article 50):

It may debate draft laws and proposals of other acts; debate issues from the area of foreign policy, relations with other countries, international organizations and institutions, ratification of international treaties, matters pertaining to the procedure of concluding and executing them, as well as those concerning the protection of the



interests of the Republic of Serbia, its citizens, and its legal entities abroad. It may conduct hearings with newly-appointed ambassadors before their departure to their positions in foreign countries or with sundry international organizations; decide on initiatives for conducting talks with representatives of foreign legislative bodies and institutions. Further, the Committee may appoint chairmen and members of friendship caucuses; give consent to decisions on the exchange of visits with friendship caucuses from other countries; conduct other activities in connection with cooperation of the National Assembly with representative bodies of other countries, and on participation of the Assembly's representatives in the work of certain international organizations and missions; and debate and adopt reports on the visits of National Assembly delegations, and their participation in international gatherings.

