SECURITY AND DEFENCE ASPECTS OF THE REPUBLIC OF SERBIA'S ACCESSION TO THE EUROPEAN UNION

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The Strategic Research Institute (SRS) is a scientific research institution of the Ministry of Defense tasked to conduct research in the field of security, defense and military history. It was established on 1 October 2006, by merging the Institute of War Skills and the Military History Institute.

Strategic Analysis and Security Integrations Department, as a part of the Strategic Research Institute, among other things, provides strategic analyses and security assessments, as well as policy proposals for the use of the decision makers in the defense system. The Department makes assessments of the degree of threat, risk and threat to the security of the Republic of Serbia; analyzes the processes and factors in international relations which are relevant for the security and international position of the Republic of Serbia; explores ways of accession and engagement of Serbia in international security organizations; participates in research projects of related institutions in the country and abroad; prepares and holds scientific and professional meetings related to security and defense; participates in the implementation of the teaching process at the Military Academy and in the training in the Serbian Armed Forces; prepares for publishing books and magazines and produces scientific and informational documents.

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"Only in Growth, Reform, and Change,
Paradoxically Enough, is True Security
to be Found"

Ann Morrow Lindbergh

The Collection of Papers has emerged as a logical product of the round table on security and defense aspects of the accession of the Republic of Serbia to the European Union. The round table was held on 30 March 2010, organized by the Strategic Research Institute and attended by representatives of the Ministry of Defense and the Serbian Armed Forces, the Ministry of Foreign Affairs, the Ministry of Interior, the Office for European Integrations of the Republic of Serbia, the Faculty of Political Sciences, the Faculty of Security, the Criminalist-Police Academy and NGOs.

The round table was the beginning of the project of the Ministry of Defense ''Security and Defense Aspects of the Accession of the Republic of Serbia to the European Union' 'which will be implemented until the accession of our country to the European Union. The project is very important from the aspect of establishing the common security and defense policy of the EU, in order to identify common organizational, legal and other principles, procedures, criteria and mechanisms for acceptance of complex rules and relations in the Union and reaching a certain level of required standards in security and defense. Relations between the candidate country and the Union and its Member States are based on the principle of voluntary acceptance of conditions, which has logical and powerful influence on a candidate country in numerous areas, including security and defense.

The cooperation between the EU Member States in the field of security and defense is based on active participation, complementary and coherent contribution to the development of common security capabilities and the preservation of collective security which is also the aim of the Republic of Serbia, and which will be realized through

the process of accession to the EU, first from the position of the so-called third country, then a candidate country and finally from the position of a Member State.

Participants of the round table have tried in their presentations to explain first of all, the facts about the EU, then the importance and complementarities between various fields in the Republic of Serbia and the European Union, as well as possible areas of cooperation and participation of our country in them.

In terms of security and defense, the process of accession of the Republic of Serbia to the European Union is very complex. Serbia's accession to the EU will depend on the mutual ability of the European Union and Serbia to overcome complex relations. We should not exclude the possibility that the EU might apply a "new" model of "phased approach" to the accession of the Republic of Serbia, which, in the first phase might not include the Republic of Serbia in all activities of the common foreign and security policy of the EU and its security and defense policies, as well.

The general conclusion of the round table is that Serbia can contribute significantly to the common security and defense policy throughout the Continent. In addition, it can be concluded that the Republic of Serbia has capacities which are competent to perform tasks that will be determined by the European Union in the field of common security and defense policy.

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The European Union as a Civil Superpower: Conceptual Assumptions and Inconsistencies

Abstract

Recognizing the significant changes that have taken place on the international scene after the Cold War, the paper analyzes the new political factors that influence the emergence of a completely new military super-power (USA). In this context, important conceptual moments of the international status of the EU are: (1) cooperation as the primary principle to complete the international goals; (2) promotion of respect for human rights; (3) the priority of the economic dimension in achieving the national agendas; (4) commitment to the importance of the functioning of international institutions; and (5) focus on scientific and technological development. The paper concludes by considering the possibility that the existence of civil powers does not mean completely denying the use of the military in solving international problems and by discussing potential problems associated with such a view.

Key words: international system, post-modern civilian super-power, soft power, the EU security policy, cosmopolitanism.

Introduction

The end of the Cold War brought about with it the end of a way of thinking which, in one way or another, had defined the bi-polar, USA vs USSR, configuration of the global international field. The neo-realistic ("black and white") global picture, composed of the American and Soviet powers, based on the arms race, ideological antagonism and competitiveness, the "vassal" ideological "states-cronies" and the contrived and controlled "surogate and instant" wars, the military dimension of which (with all the predicaments of intimidation, violence, indirect confrontations and forced constraints) was determined by national interests and limited by the potential reactions of the opponent, was irrevocably transformed. If for nothing else, then for the fact that, following the break-up of the USSR, the USA remains the sole state (regardless of the pretensions of China and India) which, through its combined political, military, economic and cultural potentials, as well as its readiness to act and accomplish a wide range of global goals, substantially determines the projection of the new, "monochromatically" constituted world. Along these lines, it can be said that the Cold War logic has partly remained one of the most influential aspects in the decision-making process that characterises the manifestation of the US foreign policy.

The global picture has, however, become much more complex: the relationship between political influence and military might has been considerably degraded. The newly established international system, with its post-modern focus on economy, science and technology, has brought into question the previously "ontic or *a priori*" profitability of the application of force as a primary recourse in the conduct of states. In that context, the EU has profiled as an international actor which, basing its power on non-military means, puts into the forefront: cooperation with the aim of achieving international goals, readiness to formulate and develop an adequate international organisational network intended to regulate international relations and actions, a clearly defined democratic structure of procedures and institutions, and respect and protection of human rights and freedoms

1. Civilian power versus military power

It is more or less evident that the European "programme", in its approach to resolving major world problems, manifests a position well removed from the realistic concept (the main exponent of which is the USA). It is not defined by imposing its own will, by solving problems on the basis of enforcing political and legal means, it is committed to the principles of liberal world economy and universal social justice, and the use of force, always authorised through adequate

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multilateral procedures, is predominantly intended for the protection of civilians, arrest of war criminals and fulfilment of humanitarian objectives.[1] Accordingly, the existing global conjunction is characterised by:

(1) a new sense of sovereignty, dependent on internal and external factors, with the transformation of the state demonstrating (a) non-viability of isolated societies and spheres of influence, (b) increased importance of various levels of political institutions (global, regional and local) and (c) ambivalence in dealing with indirect (remote) global events, in the sense of greater awareness (intensified approach to the protection of human rights) but also of resistance (revival of religious and ethnic identities which transcend state borders); as well as

(2) the fact that with the continuous enhancement of the destructiveness of weapons, potentially controlled by non-state, terrorist organisations, military might is no longer positioned as "subjugation force" (unconditional victory being extremely difficult to achieve) and the military power functions primarily with a view to (a) its potential use against civilian population (sowing panic and hatred), (b) opposite operations preventing activities against civilian population in order to create space for political solutions to the conflict, and (c) the status of a homogenising national symbol. [2]

The controversiality and fluidity of the term post-modernism, introduced by Arnold Toynbee,[3] stems from the fact that it is very rarely defined and very liberally and widely employed, and therefore has different meanings for different authors. In that sense, Robert Cooper divides the current world system into three zones:

(1) the pre-modern zone of chaos (Afghanistan, Somalia, etc) – the states do not satisfy the criterion of the legitimate monopoly on the use of force, they do not exercise the rule of law and they serve as a space for transnational crime and terrorism to develop (it is characterised by agricultural economy);

(2) the modern ("Westphalian") zone (Russia, USA, China, etc) – with the emphasis on national interests and national security, there is a clear distinction between internal and foreign affairs of the state (with the rejection of the possibility of foreign interference in internal "matters"), the states have the monopoly on the use of force and are ready to resort to it in mutual disagreements, the order exists thanks to the balance

1   Kaldor, M. „American Power: From Compellance to Cosmopolitanism." *International Affairs*, 79(1), 2003, pp. 18-20.
2   Ibidem, pp. 4-8.
3   Coker, C. „Post-modernity and the end of the Cold War: has war been disinvented?" *Review of International Studies*, 18(3), 1992, p. 189.

of power or to the interest of hegemonic states to maintain the *status quo* (it is characterised by the economy of industrial mass production); and

(3) post-modern zone (the EU and Japan) – the elimination of war and of the use of force as a primary recourse in politics (it is characterised by post-industrial, service and information industry).[4]

In a more detailed analysis, the post-modern concept of the European Union is marked by:

(1) the disappearance of the division between internal and foreign affairs of the state;
(2) mutual interference in the domestic sector of the states and mutual control;
(3) distancing from the use of force in settling disputes and the codification of certain rules of behaviour, which, due to the interest of states to maintain them, are self-enforced;
(4) the growing irrelevance of the "institution" of the borders, and
(5) security based on transparency, inter-dependence and mutual openness and vulnerability.[5]

The post-modern state is more pluralist and more complex, and therefore less bureaucratic than the modern one, the state interests become a less determining component of international policy, its system of values is predominantly turned to the individual, and the interests of particular (transnational) groups or regions come into play.[6]

The fundamental element of the EU's post-modernism is actually the concept of the civilian power, which, in its earliest form is characterised by a disproportionally stronger emphasis on the economic might compared to the military force, the position striving towards civilian goals and means, and based on collective actions through which the values of equality, justice and tolerance are materialised.[7] This concept can be said to have been the result of the circumstances rather than of choice or conviction, the fact that European military capacities could not be discussed ending up in equating the necessity with virtue. Along these lines appear the following arguments:

4   Cooper, R. T*he post-modern state and the world order.* Demos, London, 2000, p. 15-23.; see also Cooper, R. T*he Breaking of Nations: Order and Chaos in the Twenty-First Century.* Atlantic Books, London, 2003.
5   Cooper, R. *The post-modern state and the world order,* op. cit., p. 22.
6   Ibidem, p. 31.
7   Duchene, F. „Europe's role in world peace." in Mayne, Richard (ed.) *Europe Tomorrow: Sixteen Europeans Look Ahead*, Fontana, London, 1972. p. 42; and Duchene, F. „*The European Community and the Uncertainties of Interdependence'.*" in Kohnstamm, M. and Hager, W. (ed.) *A Nation Writ Large? Foreign-Policy Problems before the European Community*, Macmillan, London, 1973, pp. 19-20.

(1) there is no sense in building Europe as a traditional super-power since it would have to be a nuclear and centralised state, painted in strong national colours, which clearly suggests that its basis should be displaced from the traditional context;

(2) the military power should not be neglected, but Europe should not aspire towards military domination, because a whole range of civilian actions and influences can be intensified and/or ruled out by setting such an objective;

(3) Europe should act in such a way as to be a model of a new kind of inter-state relations, in the sense of overcoming intimidation, violence and war;

(4) Europe must remain committed to civilian means and goals, to upholding civilian and democratic standards, or else it would become an object of stronger powers; and

(5) Europe can succeed only if it becomes a cohesive international actor with a clearly defined goal.[8]

The classic concept of a civilian power implies:

(1) acceptance of cooperation with others in pursuit of international objectives;

(2) concentration on non-military, primarily economic, means to secure national goals (the army serves as an instrument of other means of international interaction); and

(3) willingness to develop supra-national institutions (structures) to address disputable international issues.[9]

In that sense, emphasis is placed on the civilising characteristics of foreign policy, development of values which foster solidarity among societies and responsibility for the future of the world.[10] For Kenneth Twitchett, the influence of Europe on the international system is to be exerted by means of trade and diplomacy rather than by means of the traditionally positioned influence through military might (having said that, potential cooperation in the framework of defence policy should not be disregarded).[11] For Hedley Bull, however, in the early phase of its development Europe is not a relevant actor in international affairs and its position is conditioned by the environment which is essentially determined or constituted by means of military power, and therefore what would be best for it would be to increase the level of its self-sufficiency in the sphere of security and defence, organise forces for regulating the nuclear positioning, improve its conventional forces, extend the role of West Germany and

8   Zielonka, J. *Explaining Euro-Paralysis: Why Europe is Unable to Act in International Politics*. Macmillan Press, Houndsmills, 1998, pp. 226-227.

9   Maull, H. W. „Germany and Japan: The New Civilian Powers.", *Foreign Affairs*, 69(5), 1990, pp. 92-93.

10 Ibidem, p. 106.

11 Види Twitchett, K. J. „External Relations or Foreign Policy?" in Twitchett, K. J. (ed.) *Europe and the World: The External Relations of the Common Market*, Europa Publications, London, 1976, pp. 1-34.

insist on the engagement of France, encourage change of policy in Great Britain, work on coexistence with the Soviet Union and the USA.[12] Europe is conceptually observed also as "quiet planetary actor" and as "strange super-power", it has many material capacities necessary for a super-power and represents outstanding economic power, but due to the specific combination of the historic and political heritage of its members, and the division of powers between the member states and the EU institutions, as well as within the EU institutions, it will never be able to copy the organisational matrix of the "classic" super-powers.[13]

Karen Smith defines four elements that determine civilian power (might):

(1) on the level of the means, it is the use of non-military instruments to achieve the set objectives (cultural, economic and diplomatic);
(2) on the level of the goals, it is the commitment to international cooperation, solidarity, rule of law in international relations, to the diffusion of equality, justice and tolerance;
(3) even though there is a whole range of measures on the persuasion-coercion continuum, a civilian power is inclined towards persuasion; and
(4) democratic civilian control over decision-making in foreign and defence policies.[14]

In contrast to this kind of concept stands that of military power (might), based on:

(1) military means;
(2) military ends;
(3) coercion (and/or material rewards); and
(4) no democratic civilian control.[15]

Ergo, a civilian power leans towards the use of soft power, to shaping the preferences of others through values the others are ready to accept, it does not equal influence, because influence can be exerted through the use of hard (command) power, but it is not just persuasion either, i.e. the ability to motivate which is based on argumentation (even though argumentation constitutes an important part), it manifests capacities of attracting (which often leads to acceptance):

12   Bull, H. „Civilian Power Europe: A Contradiction in Terms?" *Journal of Common Market Studies*, 21(2), 1982, pp. 149–164.
13   See Rummel, R. *The Evolution of an International Actor: Western Europe's New Assertiveness*. Westview Press, Boulder, 1990.; and Buchan, D. Europe: The Strange Superpower. Dartmouth, Aldershot, 1993.
14   Smith, K. E. *Still 'civilian power EU?* [document on the internet], Centre for European Studies, University of Oslo, Oslo [01. 03. 2010.], pp. 2-6. Availble at: http://www.arena.uio.no/cidel/WorkshopOsloSecurity/Smith.pdf
15   Ibidem, p. 6.

soft power is actually the power of attraction.[16] Essentially, the fundamental characteristics of post-modern Europe are manifested in the commitment to:

(1) weakening of the Westphalian treatment of borders and new forms of individual mobility;
(2) affirmation and development of global economy and its transformation from the production to the service mode;
(3) disproportion between social and military expenditure in favour of the former,
(4) anti-war movements;
(5) mass communications;
(6) multiculturalism and definition of a new planetary culture; and
(7) care for ecological issues.

The post-modern credibility of the EU can perhaps be best observed in the elaboration of the security issues. The ESDP, European Security and Defense Policy, represents a component of the "second pillar" of the EU: Common Foreign and Security Policy, CFSP. The primary goal of the ESDP is the intensification of an authentic foreign policy engagement of the EU, through the development of autonomous civilian and military capacities for international prevention of conflicts and action on the level of crisis management. The legal framework for the implementation of common security and defence policy was established by the Treaty of Maastricht of 1991, which introduces the CFSP and incorporates provisions on the responsibility of the EU for all the questions related to its security, "including the eventual framing of a common defence policy, which might in time lead to a common defence (article J.4)".[17] Such regulatory constellation can be defined as an important novelty, since all the significant issues concerning European military security had until then been addressed to the NATO.

If we put the NATO (founded in 1949)[18] aside, it should be noted that European countries launched a series of failed initiatives related to security and defence policy, notably:

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16 Nye, J. S. *Soft Power: The Means to Success in World Politics*. Public Affairs, New York, 2004, pp. X, 5-7.; and Nye, J. S. *The Powers to Lead*. Oxford University Press, Oxford, 2008, p. 40.
17 *See Treaty on European Union, Title V – Provisions on a Common Foreign and Security Policy, Article J.4*. [posted 15. 11. 2009.]. Available at: http://www.hri.org/docs/Maastricht92/mt_title5.html
18 Members of the NATO are: Belgium (1949.), Britain (1949.), Denmark (1949.), France (1949.), Holland (1949.), Iceland (1949.), Italy (1949.), Canada (1949.), Luxembourg (1949.), Norway (1949.), Portugal (1949.), USA (1949.), Greece (1952.), Turkey (1952.), Federal Republic of Germany (1955.), Spain (1982.), Czech Republic (1999.), Hungary (1999.), Poland (1999.), Bulgaria (2004.), Estonia (2004.), Letonia (2004.), Lithuania (2004.), Rumania (2004.), Slovakia (2004.), Slovenia (2004.); Albania (2009.) and Croatia (2009.). NATO members who are not in the EU are: Austria, Finland, Ireland, Cyprus, Malta, Sweden.

(1) the Brussels Treaty (Treaty on Economic, Social and Cultural Collaboration and Collective Self-Defence, 1948) establishes a defence alliance of the state parties (France, Great Britain, Belgium, the Netherlands and Luxembourg);

(2) the European Defence Community, EDC, and the European Political Community, EPC, were founded in 1952, the main objectives of the EDC were an attempt to set up a European armed force under common command and to open up space for the rearmament of the FR of Germany in order to counter the USSR threat, while the primary goal of the EPC was an attempt to establish a federation of European states;

(3) the Western European Union, WEU, was founded in 1954, the signatories of the Brussels Treaty were joined by the FR of Germany and Italy, and its leading tasks were related to providing assistance in the case of an attack on Europe, and maintaining peace and security in Europe.

Finally, the culminating point in formulating the present ESDP was the Franco-British summit in Saint Malo. The summit ended in the presentation of the Declaration of Saint Malo, which, among other things, stipulates that the EU must develop the capacity for autonomous action, backed up by credible military forces, with a clear and efficient system of taking decisions as to its use, and unequivocal readiness to get engaged in response to international crises.

The first relevant move towards creating European military units which would be active outside national armed forces was the result of a Franco-German initiative of 1992 (meeting held in La Rochelle), materialized in the formation of Eurocorps. The Eurocorps could be engaged on three levels in the UN, NATO, EU and the Organisation for Security and Cooperation (OSCE) operations:

(1) at the level of preparing and carrying out humanitarian missions;

(2) at the level of peace-restoring or peace-keeping missions within the scope of the UN or OSCE; and

(3) at the level of participation in combat operations in order to ensure the common defence of NATO allies in application of article 5 of the North Atlantic Treaty. [19]

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19 "The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area. Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security." See North Atlantic Treaty Organisation (NATO) website, The North Atlantic Treaty, NATO Headquarters, Brussels [19. 11. 2009.]. Available at: http://www.nato.int/docu/basictxt/treaty.htm

In 1999 the Eurocorps was transformed into the European Rapid Response Force, ERRF. In the same years, at the Helsinki summit of the European Council, the EU declared as one of its "Headline Goals" to be able to deploy military forces of 60,000 troops within 60 days, sustainable in the field for a year, for the successful implementation of the so-called "Petersberg tasks" (set out in 1992, incorporated in the Treaty of Amsterdam of 1997:

(1) humanitarian operations and rescue duties;
(2) peace-keeping; and
(3) combat duties (armed operations) in crisis management, including peace-enforcement measures.[20]

In Helsinki were also set up three permanent bodies at the level of the European Council:

(1) the Political and Security Committee, PSC - (a) defines the force and modality of the EU reaction to a newly emerged crisis, (b) once the operation has started: exercises political control and strategic direction, and (c) functions as a coordination-consultation tool for the ESDP, other EU bodies, NATO and the third states (the PSC is made up of the representatives of member states at the ambassador level;
(2) the (EU Military Commitee, EUMC - (a) provides advice and recommendations on military matters to the PSC, (b) is responsible for maintaining military relations with non-EU states, and (c) directs EUMC work (the EU Military Committee is composed of the Chiefs of Defence of EU member states, represented by their military representatives);
(3) the EU Military Staff, EUMS - is responsible for: (a) monitoring and assessing the security situation, (b) strategic planning, and (c) liasing with national and multinational military headquarters (it is composed of about 200 officers).

To be noted is that there also exist the Committee for Civilian Aspects of Crisis Management, CIVCOM, and the European Defence Agency, EDA, set up in 2004. The CIVCOM, which is a working group with an advisory role, provides information, recommendations and advice regarding civilian aspects of crisis management, and supervises the management of civilian operations (it is composed of the representatives of the EU member states and officials of the European Commission and of European Council's Secretariat). The EDA's primary functions are to:

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20   Vajdenfeld, V. i Vesels (ur.): *Evropa od* A do Š. Fondacija Konrad Adenauer, Beograd, 2003, p. 93.

(1) enhance the EU defence capabilities, notably with a view to future crisis situations;
(2) promote cooperation among the member states in the field of armament (exchange of information concerning the existing programmes and future needs);
(3) strengthen the technological and industrial base of European defence;
(4) create a common European market of defence equipment; and
(5) enhance defence research and new technologies.

With regards to further progress in the domain of defence research and new technologies, the EDA has formulated four guidelines:

(1) creation of an accurate data base;
(2) development of a plan to achieve research goals;
(3) development of a strategy on research and development of new technologies for defence purposes on the EU level; and
(4) agreement on financing defence research projects and new technologies development projects.

The EDA is headed by the High Representative for the ESPD, who manages the EDA's Steering Board, composed of representatives of all the member states except Denmark and adopting decisions by consensus.

At its meeting in Brussels in 2003 the European Council adopted the European Security Strategy, ESS, an important act which not only projected the EU's global position but also analysed and identified security threats and primary strategic goals to be achieved, and provided a set of instructions to the member states, aimed at ensuring efficient implementation of the European security policy.[21] It explicitly states that the EU should develop a strategic culture which fosters early, rapid and, when necessary, robust interventions "[22] As the key moments of the ESS we can single out:

(1) emphasising that the EU should enhance its role in international relations;
(2) identifying as the main threats to the EU: (a) terrorism, (b) proliferation of weapons of mass destruction, (c) regional conflicts, (d) weak ("failed or collapsed") states and (e) organised crime;
(3) identifying as the main challenges to the EU (a) conflicts, (b) poverty, (c) hunger/malnutrition, (d) diseases, (e) competition

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21 Solana, *J. A Secure Europe in a Better World: European Security Strategy,* The European Union Institute for Security Studies, Paris, 2003.
22 Ibidem, p. 17.

for natural resources, (f) global warming and (g) energy dependence;

(4) stressing that the security of Europe must first be increased through the stabilisation of problems in its neighbourhood and then by extending cooperativeness and security to the east and the south (distinction is drawn between three security "circles": the EU, as a security community with little chance of an outbreak of a conflict, the neighbouring regions as an integral segment of the European security architecture, and the rest of the world);

(5) articulating the principles of effective multilateralism as an elaboration of international problems through a joint engagement of the international community, institutions and law;

(6) pointing out that the EU reaction to specific security problems should be preventive and involve providing assistance to resolve them, and that, in addition to military capacities, civilian resources should be engaged, meaning diplomatic activities, trade and economic measures, developmental cooperation and humanitarian assistance); and

(7) profiling the cooperation with the USA and NATO as necessary but based on a more efficient and more balanced partnership.

The formal framework for the cooperation between the EU and NATO was set in 2003 (after six years of negotiations) and is known as the Berlin-Plus arrangement. Thus document regulates the following areas:

(1) use of NATO military assets in the EU-led operations;

(2) assured EU access to NATO planning capabilities for the EU;

(3) engagement of the Supreme Headquarters Allied Powers Europe, SHAPE, for the needs of EU-led operations; and

(4) adaptation of the NATO defence planning system so as the NATO forces may be available for EU-led operations.

The headline goals up to 2010 (plus the Battlegroup Concept) were adopted in 2004, envisaging that member states organise 13 battlegroups until the set deadline. Up to now, however, 18 such formations have already been established, the goal thus having been reached and exceeded. Battlegroups are military units ready to deploy in international crisis in shortest possible time. A battlegroup consists of 1,500 troops, and corresponding logistical, air-force and naval support. Battlegroups are capable of carrying out autonomous operations or of performing the role of an advance party to a larger scale military intervention and they should be deployable within 15 days following the corresponding EU decision. Five battlegroups

are mono-national, while the other thirteen are composed of members of two to four states, including two states which are not EU members: Norway and Turkey. In one way or another, all the neutral EU member states have accepted the engagement in the battle-groups, while one of them (Sweden) has both its own battlegroup and heads the Nordic battlegroup. Only Denmark and Malta are not engaged in this. Essentially, battlegroups are designed to implement "Petersberg tasks" and the ESS in the defined range: from providing humanitarian assistance and keeping peace to a high-intensity military engagement in any part of the world.

All of the above calls for a question, without doubting the fact that the EU is conceived to be a civilian power, as to how the present position of the EU can be most adequately qualified? In other words, is this a phase in which the EU is becoming a proto-military power (autonomous or under the NATO umbrella) or is it "stabilising" its post-modern qualities? Basically, it is difficult to find today anybody who views the EU as a conventional civilian power, the engagement of military forces has significantly increased without any significant national or European analysis as to the implications of such a context.[23] Christopher Hill thinks that for the definition of Europe as an autonomous power the following elements are of importance:

(1) existence of an efficient decision-making point;
(2) capacity to mobilise all resources;
(3) strong competitive economic resources;
(4) European bureaucracy;
(5) possibility to project power globally; and
(6) nuclear armament.[24]

The position of the EU as a civilian power does not necessarily mean renouncement of the use of force as long as non-military means are primary and fundamental and military force positioned as *ultima ratio*, the crucial element lies in the desired goals. In that sense, the EU can preserve civilian characteristics since the questions related to defence and nuclear capacities have been transferred to the NATO.[25] Naturally, there also exist opinions which treat the militarisation of the EU as the culmination of the formulation of a state, which is linked to integrative processes (the EU as a super-state).[26] We shall add here the possibility of perceiving the EU as a normative power, where the EU is not only constructed on a normative basis, but it also acts in a normative way: it is a bearer of the transfomations of

23 See Giegerich, B. и Wallace, W. „Not Such a Soft Power: The External Deployment of European Forces.“ *Survival*, 46(2), 2004, pp. 163-182.
24 Hill, C. „Superstate or Superpower? The future of the European Union in world politics.“, *EFPU Working Paper*, London School of Economics and Political Science, London, 2003, p. 8.
25 Jorgensen, K. E. „Western Europe and the Petersberg Tasks." in Jorgensen, K. E. (ed.) *European Approaches to Crisis Management*, Kluwer Law International, The Hague, 1997, pp. 131-52.
26 Smith, K. E. „The End of Civilian Power EU: A Welcome Demise or Cause for Concern?“ *International Spectator*, 35(2), 2000, p. 27.

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normative standards of the international system.[27] It is evident that, in parallel with significant military expenditures of national governments and wars that are even today marking the international scene, the experience of the two global conflicts and of the Cold War has shifted the matrix of international rivalry and cooperation towards the diminishing of eminence of force and destruction and the increasingly pronounced economic interdependency. In addition, there has been an upgrade of international laws and organisations, globalisation of economy, investments, education and culture, and internationalisation of problems such as immigration, poverty, drug-trafficking and "dirty" technologies.

In that context, relevant differences between the EU and the USA can be noted. Regardless of the adequate capacities and resources it possesses, Europe's military power still does not equal that of the USA because, in addition to the insufficiently balanced defence policy and the lack of a fully unified command and control structure, its positions regarding the use of the military in international sphere are quite different. If we compare the National Security Strategy, NSS[28], with the above analysed ESS, it is evident that, apart from identifying threats of terrorism and use of weapons of mass destruction, as well as placing emphasis on transatlantic cooperation and multilateralism, present in both documents, there is a clear distinction regarding the possibility of the USA's isolated action and pre-emptive military actions.[29] That being said, the positive relations between the USA and the EU can be considered as complementary: as much as the USA, with all its military potential, lacks a certain "political alternative" as a prevailing principle in settling international conflicts, so much does Europe base its international influence on political skills and use of economic pressure.

27 Manners, I. „Normative Power Europe: A Contradiction in Terms?" *Journal of Common Market Studies*, 40(2), 2002, p. 252.

28   The Commonwealth Institute website, *The National Security Strategy of the United States of America,* Commonwealth Foundation, Cambridge, Massachusetts, USA. [05. 01. 2010.]. Available at: http://www.comw.org/qdr/fulltext/nss2002.pdf

29   See: Duke, S. „The European Security Strategy in a Comparative Framework: Does it Make for Secure Alliances in a Better World?" *European Foreign Affairs Review*, 9(4), 2004, pp. 459-481.

Conclusion

Acknowledging the fact that the use of military force does not rule out the possibility of establishing a civilian military power, i.e. that increased frequency of the use of armed forces and of regulating its organisational aspects does not suggest distancing from the concept of a civilian power, the EU can be said to have developed, counter to the exclusivity of the use of military might to achieve foreign policy goals, a system of methods and values which represent the manifestation of soft power with the inclusive aspects of assistance, cooperation and encouragement, rather than threats, blackmail and pressure. It needs to be pointed out that the idea of a civilian power, with all its multidimensionality and complexity, contains certain inconsistencies which require further conceptual clarification with regards to arbitrariness of rules for the use of force and to the ambiguities as to its origin. Despite all that, it can be said that the Cold War constellation of the ideological confrontation between the USA and the USSR, substantially marked by the use of the military as a means of implementing the national agendas, has been replaced by a postmodern international system in which the EU and the USA have, in addition to evident concordances and complementarities, distinctly different value matrices in the approach to and the settling of global problems.

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Transatlantic Relation and Shaping of International Security System After the Cold War

Abstract

The shaping of the international security system in the period after the Cold War was influenced, among other things, by the transatlantic relationship (link, bargain). American-European cooperation is frequently perceived exclusively as an EU-US relationship, as well as through cooperation with and within NATO. The transatlantic relationship is characterised by differences in the American and European views on the issues such as force, unilateralism and multilateralism, unipolarity and multipolarity, inequality in power and burden-sharing. The US and Europe share the same system of transatlantic values but have different views on ways of and instruments for reaching the same goal, which is a stable international security system in the post-Cold War era.

Key words: transatlantic relation (link, bargain), EU-NATO relation, EU-USA relation.

Concept of the transatlantic relationship

In the post-Cold War era, in a globalised world where challenges and threats are mostly non-military in nature, cooperation among international security actors and joint efforts to respond to crises and problems are inevitable in order to form an efficient international security system. One of the elements affecting the shaping of the international security system in the post-Cold War period are the transatlantic relations or the transatlantic bargain, the concept developed by Harlan Cleveland,[1] former US ambassador to NATO. The concept of 'transatlantic relations' implies the set of relations and cooperation between Europe and North America in several areas including politics, culture, science and the military. However, the transatlantic relations are often understood as the relations between the European Union (EU) and the United States of America (US) only and that it is how they will be interpreted in this paper. There are two reasons for such a stand. Firstly, the majority of the remaining European countries, even those that are not EU member states, agree with the EU policy towards the US. International cooperation in the sphere of environment, world trade and cooperation in criminal matters prove that. Secondly, following its 2004 enlargement, the EU has indeed been representing the majority of the states and nations in Europe. On the other hand, North America's foreign policy often boils down to US stands, although Canada's position is sometimes closer to that held by Europe and different from that held by the US (e.g. its position on the Kyoto Protocol).

Difference between the US and European world views

The history of the transatlantic relationship includes periods of both ups as well as downs in cooperation between Europe (EU) and North America (US). According to Robert Kagan, when it comes to some international issues, Americans are from Mars and Europeans are from Venus,[2] so that it is increasingly hard for them to understand each other. The US and European views of power/the efficacy of power, its morality or desirability[3] greatly differ, affecting the transatlantic relationship. Moreover, in international relations and practical action taken after the end of the Cold War, Americans demonstrated unilateralism, being less willing to act multilaterally, in keeping with international law. On the other hand, Europe prefers peaceful solutions to problems, negotiations, diplomacy, multilateralism, international law and economic ties. Gilles Andreani, a

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1 "The glue that held the allies more or less together is a large, complex and dynamic bargain: partly an understanding among the Europeans, but mostly a deal between them and the United States of America", Harlan Cleveland, NATO: *The Transatlantic Bargain*, the quote taken from: Asle Toje, *America, EU and Strategic Culture - Renegotiating the Transatlantic Bargain,* Routlege, New York, 2008, p. 145

2 Robert Kagan, *Of Paradise and Power,* Carobna knjiga, Belgrade, 2003, pp. 7-8

3 For more see: *Rogert Kagan, Of Paradise and Power,* Carobna knjiga, Belgrade, 2003

French analyst, points out that the US tends to emphasise military, technical and unilateral solutions to international problems, possibly at the expense of cooperative and political ones.[4] However, some politicologists believe that Europe's opposition to unilateralism is not so much an expression of its commitment to the principles of international law as a mechanism to control those that are more powerful and can afford unilateralism. Contrary to the European stand, stressing the importance of multilateralism in contemporary international relations and the existence of international institutions which all states should respect, the US is sometimes more inclined to "selective multilateralism" (as described by Michael Glannon, a US expert on international law). Namely, Glannon believes that the US gives legitimacy to the UN Security Council depending on how important it is to the US interests. Moreover, Europe urges a multipolar world, while the US believes that, following the collapse of Communism, the world should remain unipolar, with the US at its centre. Indeed, with the disappearance of the multipolar world after the fall of the Berlin Wall, the US became the only global power,[5] which led to unilateralism and its readiness to use force in other countries more often.[6]

In addition to the differences in the perception of power and visions of the modern world, analysts underline the transatlantic inequality in terms of power, the European states' unwillingness to spend on their armies as much money as the US believes they should, as well as the sharing of burden of joint defence, on which the US insists.

The inequality in power and in particular that in the military sphere, a major difference between the European states and the US, did not only manifest itself during the resolution of the Balkan crisis, but also in other peace operations in which NATO, the US or the UN participated.[7] Europe could not take part in the resolution of international crises outside the continent due to a great discrepancy between its military capacity and technology and those of the US. The European states' insufficient military capability is affected also by the fact that their defence budgets have mainly dropped below two per cent of GDP, while the US defence budget has never been under three per cent. The US investment in technology has thus resulted in its evident military supremacy over the European states.

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4 See: Gilles *Andreani, The Disarray of US Non-Proliferation Policy,* Survival 41 (Winter 1999-2000), pp. 42-61

5 Or even the 'hyperpower', as French Foreign Minister Hubert Vedrine used to describe the US, being of the view that the term 'superpower' was not appropriate.

6 The fact is that the US intervened outside its borders much more often than during most of the Cold War era, namely, in Panama in 1989, in the Persian Gulf in 1991, in Somalia in 1992, in Haiti in 1994, in Bosnia-Herzegovina in 1995-1996, in Iraq in 1991 and 1998, in Kosovo in 1999...

7   As Kagan vividly describes it as the division of labour whereby the US was "making the dinner", while the Europeans were "doing the dishes".

It should also be pointed out that European states do not have a single approach to or historical experience with the US,[8] as well as that some states which have joined the EU more recently are more atlantist than the old EU member states, which compounds the picture of the transatlantic relationship still further.

Moreover, Europeans and Americans do not attach the same significance to international issues, which also affects the transatlantic relationship. According to Steven Everts, Europeans are most worried about "issues that have a greater chance of being solved by political engagement and huge sums of money".[9] The transatlantic partners do not see eye-to-eye on ways and means of responding to certain security threats, either. Based on a comparative analysis of the European Security Strategy and the US National Security Strategy, one could conclude that they both place emphasis on threats. In the US document, the focus is placed on the fight against the proliferation of weapons of mass destruction and "rogue states" and in particular the war against terrorism, while the European document, when referring to these threats, advocates a more comprehensive approach. We could indeed agree with the remark that, according to the US document, "the world is dangerous", while according to Solana's document, "the world is complex".[10] In the 2002 US National Security Strategy, the emphasis is on defence policy and the use of military means, including pre-emptively.[11] It is evident in the document that the allies are expected to accept US leadership.[12] US officials take it for granted that the US should have the central place in the world and the international security concept, although they recognise the need to cooperate with other major centres of global power. They perceive the EU primarily as a partner in the world trade and, although they welcome the European partners' efforts to strengthen their external policy and defence identity within the EU, their primary concern is to ensure that these forms of development should work with NATO. Following the terrorist attacks of 11 September, the fight against international terrorism is of primary concern to the US, which is reflected in its National Security Strategy. Contrary to that, the European states perceive terrorism more as a phenomenon rooted in global and regional political and social problems (root causes approach).

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8   The British are the closest to the US stand on force, they share the memory of the empire, they had ties in World War II and the Cold War; the Germans have a specific history of defeat in two wars, whereas east and central European nations fear that Russia's power might increase.

9   Steven Everts, *Unilateral America, Lightweight Europe? - Managing Divergence in Transatlantic Foreign Policy,* Centre for European Reform, 2001, p. 47

10   For more see: Sven Biscop, Rik Coolsaet, T*he World Is the Stage - A Global Security Strategy for the EU,* Policy Paper No. 8, 2003

11   „To forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act pre-emptively", the US National Security Strategy, 2002, p. 15

12   We can see here the concept of unipolarity vs. multipolarity, urged by the EU.

US impact on shaping Europe

The impact of the US, currently the most powerful country in the world, is visible in several areas (political, military and diplomatic). From the perspective of the transatlantic relationship, it would be interesting to analyse the US impact on shaping Europe and its security policy. We can say that, after the Cold War, the US was still active in the field of security in Europe and that, via NATO, it continued to exert influence on the interpretation of security challenges in Europe and the rest of the world. Some analysts believe that the description "America, a European power" used by Richard Holbrooke and implying that the US has significantly contributed to peace and stability in Europe and that it is constantly present there, constitutes the core of the transatlantic relationship. Many Americans believe that the fact that their grandfathers and they themselves fought in the two world wars has secured them a permanent say in European issues.[13]

The US considers NATO the main instrument of security cooperation with Europe. NATO played a highly important role in the post-Cold War period. It used the restoration of peace to the Balkans to justify its existence in a situation when the Soviet Union and the Warsaw Pact did not pose any threat any longer. Moreover, it has undertaken significant changes to adapt to the new security environment and challenges. Some theoreticians even believe that NATO's development since the 1990's has included a shift from collective defence to collective security, with the participation of the leading post-Cold War power, the US. Still, some analysts still perceive NATO solely as an instrument of the US foreign policy and influence on the development of Europe's security policy, warning against US hegemony and unilateral action in the resolution of international issues. According to Samuel Huntington, the creation of the EU was undoubtedly the single most important move towards the world's anti-hegemonic coalition, leading to "a truly multipolar 21st century".[14]

Asle Toje believes that EU security policy researchers often neglect the fact that the US influenced the shaping of EU security policy in the 1998-2004 period, as well as that this influence was exerted through both official as well as unofficial channels. According to Toje, EU policy was shaped by ambiguity and inconsistency, but also by US policy.[15]

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13   For more see: Dennis Bark, T*he American-European Relationship: Reflections on Half a Century*, 1947-1997, Hoover Institution Press, 1997
14   Samuel Huntington, *The Lonely Superpower, Foreign Affairs 78*, March/April 1999, pp. 35-49
15   For more see Asle Toje, America, the EU and Strategic Culture - Renegotiating the Transatlantic Bargain, Routledge, 2008

Rift in the transatlantic relationship

When speaking of the rift in the transatlantic relationship, reference is often made to Iraq, which the US bombed in 1998 without the UN Security Council's approval, but with Great Britain's support. According to Kagan, the lesson learned by the US in this intervention was just how important US unilateralism was when multilateral action failed and when weaker allies tended to hesitate, while Europeans learned that Europe had to take steps to free itself at least in part from US power. This, naturally, made it necessary for Europe to build an independent European defence, which had an immediate effect on the transatlantic relationship, prompting the US Administration to react (let us recall Madeleine Albright's statement on '3 Ds', which was a response to the French-British summit in Saint-Malo in December 1998, when a statement on the need for EU autonomy in defence was released, as well as the US Senate's resolution on the 'right of first refusal', which followed a meeting of the European Council in 1999, when this objective was adopted). The rift in the transatlantic relationship is further deepened by the realisation that, consequently, the reason for strengthening Europe's military power is in fact to reign in and multilateralise the US.

On the other hand, during transatlantic cooperation, the US took good care that Albright's '3 Ds' ('decoupling', 'duplication' and 'discrimination') should not be disregarded in the building of the European defence, which meant that there should be no decoupling of the EU structures from NATO, no duplication of the existing NATO structure within the European Security and Defence Policy and no discrimination against non-EU NATO members. The fact that some believe that the development of the EU Common Foreign and Security Policy is nothing but the creation of counterbalance to the US and its power is yet another proof that the trust within the transatlantic relationship has been shaken.

The transatlantic relationship is also affected by the fact that Europe is now for the largest part a safe continent and that the US has now shifted its attention to Afghanistan, Iraq and North Korea, the states posing a potential threat to US national security.

The differences in the transatlantic relationship are affected also by what Reichard describes as "a relative importance of sovereignty". Namely, during the integration in the EU, Europeans have become used to the idea of transferring state sovereignty to an international organisation or to a treaty body like the International Criminal Court. Contrary to that, Americans view the transfer of sovereignty with suspicion, "as an unnecessary curtailing of international free-

dom of action and indeed as a loss of democracy".[16] The stand is backed also by the US Senate, whose consent is needed for the ratification of international treaties concluded by the US.

Moreover, demographic statistics indicate that the US population is on the rise and becoming younger, while the population of Europe is on the decline, registering a permanent ageing trend, so that the analysts' conclusion that this will deepen the transatlantic rift even more comes as no surprise, because, unlike the US, Europe will have to earmark more funds for social rather than military needs.

EU-NATO relationship

The EU-NATO relationship constitutes an important segment of the overall transatlantic relations, although the two organisations occupied a different area of activity for a long time, the former the economic area and the latter the military area. After the Cold War, the EU took over a number of security tasks from NATO, assuming responsibility for security in Europe, thus opening the possibility for "institutional competition".[17] Theoreticians view the EU-NATO relationship in the context of the entrapment and abandonment concept. The EU and NATO are moving from entrapment (i.e. acceptance of institutional limitations and obligations) towards abandonment (when they will face future threats alone). Namely, one should not dispute the fact that EU global interests are not always in line with US interests and that the EU-NATO relationship could develop in more than one direction. Today, the EU and NATO are jointly developing new areas of cooperation and harmonisation of their respective activities, which is best illustrated by the 2002 Berlin Plus Agreement on the borrowing of assets by the EU from NATO for EU crisis management operations.

The impact of the transatlantic relations on the EU-NATO relationship is reflected also in NATO's transfer of authority over SFOR to the EU in late 2004 and the mission's being renamed as EUFOR. As soon as the transatlantic relationship was on an upturn and it was in the US and NATO interests to disengage the military capacity they needed for Iraq and Afghanistan, the long-awaited transfer of authority took place.

The NATO/US stand that NATO has the 'right of first refusal', i.e. that NATO chooses first where and when it wants to become involved in the settlement of an international conflict, before the EU gets a chance to consider whether it wants to launch its own

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16 Martin Reichard, *The EU-NATO Relationship - A Legal and Political Perspective, Austrian Mission to NATO*, 2005-2006, Ashgate Publishing, Great Britain, 2006, p. 35
17 Martin Reichard, *The EU-NATO Relationship - A Legal and Political Perspective*, Austrian Mission to NATO, 2005-2006, Ashgate Publishing, Great Britain, 2006, p. 4

mission,[18] is also important to the transatlantic relationship. The US made its position on the issue clear in the US Senate's Resolution 208 of 28 October 1999. Theoreticians of international relations believe that that is where NATO has primacy in its relationship with the EU. For the time being, the fact remains that NATO is still the most important expression of the transatlantic relations, for "the EU needs NATO because, for the foreseeable future, it will remain militarily impotent without it. The US needs NATO to legitimise its ongoing presence and influence in Europe".[19] The EU has not yet developed significant military capabilities and it is yet to be seen whether an EU army will ever be formed in the future. Moreover, the EU member states are not unanimous when it comes to the ambitions regarding the European Security and Defence Policy. According to David Yost, big European countries are too divided to play the role of a leading nation and too weak to play the role of a peacemaker.[20]

Future of transatlantic cooperation

It does not mean that, due the described differences in the transatlantic relationship, there is no cooperation. Despite the two sides' obvious difference of opinion over the methods and instruments of addressing some international issues, their cooperation continues. Despite the differences, the 'common transatlantic value base', the system of values pertaining to democracy, the respect for rights and individual freedoms, remains. Consequently, analysts believe that the difference between Europe and America does not lie so much in the final outcome as in instruments or tactics used to achieve the same goal. In addition to their shared values, Europe and the US are linked by trade and their interest that it should be conducted without any major problems, which leads to the conclusion that it is in the interests of both the US as well as Europe to be allies rather than rivals. Economic cooperation is thought to be the healthy segment of the EU-US relationship, which can help improve the overall transatlantic relationship.

Reichard believes that one of the reasons for the two sides' partnership is the fact that the EU and the US have no one else to turn to. For the US, the alternative could be Asia. "But, although US trade with Asia is more now than with Europe, US relations with that continent are still today primarily bilateral." Despite ASEAN, Asian countries "are still very diverse and far from presenting a common front, that is, a uniform partner for the United States. China, which would be large enough by population to present a global strategic partner for the United States by itself, is a very different country

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18   The right is based on the Saint-Malo stand – "where the Alliance as a whole is not engaged".
19   Jolyon Howorth, ESDP and NATO - *Wedlock or Deadlock?,* Cooperation and Conflict, Vol. 38/3, September 2003, p. 236
20   David Yost, *Transatlantic Relations and Peace in Europe*, International Affairs, 2002, pp. 277-300

from the United States, in cultural and political terms. Given these alternatives it is better for the United States 'to have differences and difficulties with countries that have similar values and traditions than with those who have a different world view altogether'.[21]

According to Reichard, for Europe, the obvious partner would be Russia, because good relations with Russia are in the EU interests. Still, in addition to the issue of democracy facing Russia, it is feared that closer partnership between Europe and Russia would enhance Europe's dependence on Russian energy sources. Moreover, some new EU member states are likely to oppose the strengthening of EU relations with Russia due to their historical fear of that country's enlargement. Consequently, the US and Europe still seem to be each other's best cooperation option.

The question is what kind of future the transatlantic bargain has and whether the common interests are strong enough to keep the transatlantic link alive or whether the US will pull out from the European continent, while Europe will take responsibility for its security and Americans will shift their focus to other parts of the world, so that the 'traditional, transatlantic link' will disappear.[22] Moreover, Lindsay and Daalder believe that the European-US relationship has reached the turning point so that it will either end or will be renewed, predicting two transatlantic divorce options, the hard and the soft one.[23] Under the first scenario, Europe and the US will drift apart. The US will turn to unilateralism even more, while Europeans will embrace passivity in facing threats outside Europe as long as its external interests are not jeopardised. Under this scenario, Europe and the US can become rivals so that the only question is into which interest zones the world will be divided. If Europe decides to define its identity "in terms of countering US power, the world is likely to return to a balance-of-power system reminiscent of the era prior to World War I, with the same disastrous consequences"[24]. Under the other scenario, Europe would cooperate with the US but would be able to say "no" in certain situations without falling apart in the process. According to Gompert, the EU would present itself to other societies and regions as a soft superpower, a "kinder and gentler" alternative, and an exemplar of human progress,[25] but leaving the US security umbrella would force the EU to develop its own defence structures.

21 Martin Reichard, *The EU-NATO Relationship* - A Legal and Political Perspective, Austrian Mission to NATO, 2005-2006, Ashgate Publishing, Great Britain, 2006, p. 37
22 For more see: Charles Kupchan, *The Rise of Europe, America's Changing Internationalism, and the End of US Primacy*, Political Science Quarterly, Vol.118, Number 2, Summer 2003
23 James Lindsay and Ivo Daalder, *American Foreign Policy and Transatlantic Relations in the Age of Global Politics*, in Shift or Rift: Assessing US-EU Relations after Iraq, ed. Gustav Lindstrom, Paris, Institute for Security Studies, 2004, pp. 91-103
24 *Renewing the Atlantic Partnership* - Report of an Independent Task Force sponsored by the Council on Foreign Relations under C.A. Kupchan (project director) and H.A. Kissinger and L.A. Summers (co-chairs), (2004), p. 15
25 David Gompert, *What Does America Want of Europe?, in Shift or Rift: Assessing US-EU Relations after Iraq, ed. Gustav Lindstrom,* Paris, Institute for Security Studies, 2004, p. 68

While some analysts believe that the US should prevent the creation of a strong and united Europe so that it would not become a hindrance or rival to the US, the others refuse the idea of their divorce, urging the restoration of the transatlantic link under the new circumstances and with the expression of both sides' interests. In its study,[26] the Council on Foreign Relations stated that the Europeans and Americans should acknowledge what united them and should reaffirm their commitment to a common purpose. The areas in which the EU and the US share the stand should be used as a starting point, while the issues they disagree upon should be addressed at a later stage (so-called bottom-up approach). US analysts believe that there is a 'hard' (US) and 'soft' (EU) division of labour.

The US-EU Declaration on Enhancing Cooperation in the Field of Non-Proliferation and the Fight Against Terrorism and regular US-EU summits prove that the transatlantic relationship has a future.

Europe's (EU) relations with the US could remain friendly in the future, but only if it expresses more vehemently its own interests, which could sometimes clash with those of the US. The US would also benefit from a strong EU because it could ask for EU support for its international operations. In any case, if the US and the EU want to create a balance in the transatlantic relationship, they will have to win back each other's trust.

Conclusion

The success and future of the transatlantic relationship depend on both sides' readiness to work on it and wish to cooperate. What the transatlantic relationship will look like in the future will doubtless depend on the implementation of the Lisbon Treaty, coordination among the EU member states and their attitude towards NATO, as well as the possibility of the US accepting the bigger role of multilateral actions and organisations in the resolution of security issues. The success/fiasco of wars in Iraq and Afghanistan will prompt the US, too, to accept the fact that multilateral organisations can be useful and that they give legitimacy to actions.

The future of the transatlantic relationship will also considerably depend on NATO's role in the international security system. NATO has accepted the role of a global actor in the resolution of international crises and threats, overcoming the regional problems in Europe. As already pointed out, the balance in European security has been shifted from NATO to the EU, to which NATO's new

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26   *Renewing the Atlantic Partnership*, Report of an Independent Task Force sponsored by the Council on Foreign Relations under C.A. Kupchan (project director) and H.A. Kissinger and L.A. Summers (co-chairs), (2004)

global orientation has also contributed. As for the future of the transatlantic relationship, we do not only have to take NATO's role into consideration, but also its primacy over the EU and whether this primacy will hold. NATO's superiority was part of the security structure in the Cold War era. NATO has now been entrusted with the following tasks: preservation of international peace and security, peacekeeping operations outside Europe and collective self-defence. The future international security system will therefore depend on the further application of the formula under which the EU can take military action "where the Alliance as a whole is not engaged". As can be seen, both organisations respect this formula, while the question remains whether and how it will be revised in the future. In any case, it will affect the shaping of the international security system and the transatlantic relationship.

A stronger transatlantic partnership, not only within NATO, would result in a more efficient use of political, military, economic and other means in order to achieve the common objective, namely, international stability and peace. Naturally, in order for the partnership to last and meet its objectives, both the EU as well as the US should have their own, clearly-defined priorities and should recognise their common goals, working as partners on their achievement.

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Project Europe 2030
An Appeal of Uncertain Range

Abstract

Project Europe 2030 is the title of a report on the challenges the EU is likely to face by 2030 and possible responses to them. The report was drawn up by the Reflection Group, an independent body, in the period between 2008 and 2010[1]. The researchers focused their analysis on the current state of affairs and possible developments in the field of economy, sustainable development, social policy, education, energy policy, foreign policy, security, defence and environment protection. The authors of the report came to the conclusion that the challenges likely to appear in the first half of the 21st century demanded a more decisive answer of the European Union as a whole in the form of a comprehensive reform programme. The recommended reform programme should not be limited to the measures defined in the *Europe 2020 Strategy*[2] only and should maximise the use of the tools provided for by the *Lisbon Treaty*. Among the issues analysed in the report, particular attention was paid to the issues of security, defence, the fight against organised crime and the war on terrorism[3]. In accordance with the aim of the project from which these collected papers, the result of an analysis of the security and defence aspects of Serbia's integration in the European Union, derive, the focus of this paper will be primarily placed on the Reflection Group's conclusions about the current state of EU internal and external security and possible development directions by 2030. At the secondary level, some space is given to foreign policy and economic, demographic and other challenges that might affect the safety and security of the citizens of the EU and its member-states.

Key words: 21st century security challenges; European Security Model; internal security; single European defence market; single defence procurement system.

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1   The Reflection Group's report *Project Europe 2030*. http://www.reflectiongroup.eu/wp-content/uploads/2010/05/reflection_en_web.pdf 15/05.2010
2   *Europe* 2020 http://europa.eu/eu2020/15 /15/05/2010
3   Danko Aleksic, *Reflection Group*, Recnik evropske bezbednosti, Centre for Civil-Military Relations, Belgrade, 2010, p. 53

Introduction

At the meeting of the European Council[4] held in Brussels on 17-18 June 2010, a comprehensive report on the future of the European Union until 2030, entitled **Project Europe 2030, Challenges and Opportunities**[5], was presented to the EU heads of state or government. The report was signed by Felipe Gonzalez Marquez[6], former Spanish prime minister of long standing, in the capacity of the Reflection Group's chairman. The Reflection Group's genesis and scope of work will be described in more detail in a separate chapter. The purpose of this article is informative, aiming to acquaint the domestic (expert and general) public in more detail with the content of the report *Project Europe 2030* and in particular with its parts dealing with security and defence issues. The author's intention was to point to an expert group entrusted with the task of reflecting on the EU future in the long term, as well as to give an insight into the current output of the group's work, offering a daring vision of one of the possible EU development directions and the Union's future role on the global stage. In the process, the possibility that the analysed document might have a limited range in practice, due to the fact that the relevant EU institutions have not offered it their formal support yet and that it is uncertain whether they will ever do so, because of the open issue of the national governments' will to give up a part of their prerogatives (in sensitive areas which can be the symbol of every country's sovereignty and identity) and transfer them to the Union, was not disregarded for a minute.

The main source of information in drafting this paper was the report *Project Europe 2030* and the cover letter by the Reflection Group's chairman to the European Council's president, shown through the courtesy of HE Ambassador Gregor Woschnagg, a lecturer at the Diplomatic Academy of the Republic of Austria and a Reflection Group advisor, to the participants in the seminar called *Prospects of European Integration*, organised by the Ministry of Foreign Affairs of the Republic of Serbia at its Diplomatic Academy in 2010. The procedure further included an analysis of the documents referred to in the report by its authors, as well as studying the scope and competences of the EU institutions relevant to the security sector and mentioned in the report (those that already exist as well as those proposed to be set up in the future), based on the available reference material and information on the Internet. We would like to take this opportunity to thank Ambassador Woschnagg once again for his

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4   The European Council (EC) or the EC summit is a top-level meeting of the EU heads of state or government... EC meetings deal with key issues of interest to EU foreign, security and internal policy... The conclusions are published as statements, becoming guidelines for the operation of the EU institutions... The European Council should neither be mixed with the *Council of the European Union* (Council of Ministers) nor with the *Council of Europe*, representing a separate international organisation founded in 1949, independently of the EU. *Rečnik evropske bezbednosti, p. 46*
5   Hereinafter referred to as the *Project Europe 2030* or the report
6   Biography of Felipe Gonzalez Marquez: http://en.wikipedia.org/wiki/Felipe_Gonzalez 29/06/2010

assistance, the goodwill he demonstrated and the useful guidelines he provided for future research.

Reflection Group

An independent reflection group (hereinafter referred to as *the Reflection Group*[7]) was set up based on the European Council's conclusions from the meeting held in Brussels on 14 December 2007. It was entrusted with the task of helping the EU predict and address more efficiently the challenges expected to appear in the long term, namely, between 2020 and 2030. The Reflection Group held its founding meeting in December 2008. After that, it met on a monthly basis. Its final report *Project Europe 2030, Challenges and Opportunities*, was symbolically handed over to European Council President Herman Van Rompuy on 8 May 2010 in order to present it to the EU heads of state or government at a Council session.

As already mentioned in the introduction, the Reflection Group is chaired by former Spanish prime minister Felipe Gonzalez Marquez, who is assisted by two vice-chairmen; it has 12 members all in all. The post of the Reflection Group's vice-chairman has been entrusted to Vaira Vike-Freiberga, former Latvian president, and Jorma Ollila, president and former director general of the NOKIA corporation. The other nine members include prominent figures of different profession[8], among whom we would especially like to mention Lykke Friis, minister of energy and environment protection of the Kingdom of Denmark, Richard Lambert, director-general of the Confederation of British Industry, Kalypso Nicolaidis, PhD, professor of international relations and director of the Oxford University European Studies Centre, and Lech Walesa, winner of the Nobel Prize for peace, former Polish president and leader of the Solidarity movement. The Reflection Group's scope of analysis and assessment included, among other things, the following: strengthening and modernisation of the European model of economic success and social responsibility, boosting EU competitiveness, strengthening the rule of law and sustainable development as the Union's fundamental goal, ensuring global stability, migration control, provision of energy and climate protection, as well as the permanent fight against global insecurity, international crime and terrorism. Special attention was paid to the establishment of more successful communication with citizens and meeting their expectations and needs. In addition to the permanent members and the Reflection Group's Secretariat, a large number of expert advisors, non-profit organisations, thinktanks and political analysts also helped draft the report.

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7   Official Internet presentation of the Reflection Group, www.reflectiongroup.eu 29/06/2010
8   For the composition of the Reflection Group and brief biographies of its members, see: http://www.reflectiongroup.eu/members/ 29/06/2010

In view of the long-term dimension of the Reflection Group's work, it was not mandated to deal with institutional issues or assessments of the EU current policies and financial frameworks[9]. Still, the impression remains that, more than once in the report, the nature of the analysed matter did not allow the researchers to stick firmly to the set form. The Reflection Group's task was to take into account in its work the most likely scenarios of developments in and outside Europe, and to find out the best way to achieve the long-term stability and prosperity of the Union and the broader region. In order to preserve its credibility, it was instructed to remain independent of governments, institutions and lobbying groups and to be solely responsible for the organisation of its work. The Reflection Group was to carry out the tasks entrusted to it within the legal framework defined by the provisions of the Lisbon Treaty[10]. More than once in the report, it was stressed that the proposed reform and measures would not require to amend the Lisbon Treaty or to adopt a new agreement and that, instead of that, one should try to find solutions enabling the full use of the tools provided for by the Treaty. It is not hard to understand this position in view of recent difficulties in reaching consensus on the adoption of the Treaty and the small likelihood of the Union being willing (in the near future) to subject itself to the challenges of the new revision of its fundamental legal document.

Content of the Reflection Group's report and general recommen dations

The authors of the report *Project Europe 2030* are aware of the fact that today many people still see 2030 as a date far into the future, downplaying the value of the analyses aiming to predict the likely developments. Despite that, they warn that the world is experiencing a period of rapid and far-ranging global transformations, which will continue to have a significant impact on the lives of citizens. They believe that the past 20 years may have only given a hint to modern society of what the future has in store for it and predict that the next twenty years are bound to accelerate and exacerbate many of the trends we are witnessing and experiencing. Due to all that, their conclusion is that the message which must shape European policy-making should be the following: "Think long-term but act with determination now!"

The cover letter to the European Council president and members, enclosed with the report and signed by the Reflection Group's chairman on 30 April 2010, stated that the Reflection Group's findings

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9   Information taken from the Reflection Group's official Internet presentation, chapter Mandate, http://www.reflectiongroup.eu 25/06/1010
10   *Text of the Lisbon Treaty,* http://europa.eu/lisbon_treaty 10/06/2010

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were "reassuring neither to the Union, nor to its citizens". The challenges, risks and threats believed to be the cause of greatest concern include the following: a global economic crisis; states coming to the rescue of banks at risk; ageing populations threatening the competitiveness of European economies and the sustainability of the European states' social models; downward pressure on costs and wages; climate change and increasing energy dependence; the Eastward shift in the global distribution of production and capital accumulation, and, above all, "the threats of terrorism, organised crime and the proliferation of weapons of mass destruction"[11]. The view was voiced that the current global financial crisis, the origins of which lay on the other side of the Atlantic, had affected Europe more than any other region of the world, uncovering "structural weaknesses in the European economy[12] that have long been diagnosed but too often ignored". Consequently, the Reflection Group's chairman described the current crisis as "a wake-up call for Europe", which must be capable of responding to the changing global order. According to him, as with all transformations, the emerging order will result in "new winners and losers" and, if Europe wishes to avoid being among the losers, it needs to look outwards and embark on "an ambitious long-term reform programme for the next twenty years".

Due to all mentioned above, the Reflection Group suggested the implementation of medium- and long-term reforms (until 2020 and 2030)[13], which would improve the strengthening of economic governance in the EU, the reform of the EU financial institutions, the development of a highly competitive and sustainable economy operating on the principle of "a socially responsible market", efforts to maintain the development and competitiveness of an economy based on knowledge, the creation of a common energy policy and the necessary reduction in the dependence on external energy sources, the EU leading role in the global fight against climate change, the implementation of urgent measures to tackle the demographic challenge[14], the completion and expansion of the EU Single Economic Market (accompanied by improved fiscal coordination), the reform of the European labour market (in order to increase productivity), the launching of "a new industrial revolution", the citizens' share in the management of the EU, and the establishment of "an efficient external and internal security policy".[15]

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11   Felipe Gonzalez's letter to European Council President Herman Van Rompuy of 8 May 2010 (hereinafter referred to as *the Reflection Group chairman's letter*, http://www.reflectiongroup.eu/wp-content/uploads/2010/05/reflection_en_web.pdf 15/05.2010
12   Lower productivity, structural unemployment, inadequate labour market flexibility, outdated skills not adjusted to the modern times' needs and poor growth. *The report, p. 19*
13   *The Reflection Group chairman's letter, p. 2*
14   The term 'demographic challenge' describes a situation in which, unless urgent measures are taken, the European countries' ageing socities will be faced with unsustainable pressure on their pension, health and welfare systems, which will undermine the EU economic competitiveness. *The report, p. 5*
15   *The Reflection Group chairman's letter, p. 4*

The report contains an alarming observation that the EU is faced with a clear choice: either it will undergo reform or it will surrender itself to decline.[16] It predicted that, in the next 20 years, there would not only be several poles of power on the world stage, but the world's centre of gravity would also shift to Asia. It estimated that, in a new multi-polar world, Europe would register slower growth than its main competitors, while the EU share of global wealth would inevitably decline. It stressed that, in the past years, the EU's human capital had long underpinned its economy, based on innovation and creativity, warning, however, that other regions were now moving ahead through higher levels of investment in research, technological development and innovation. In this context, it predicted that, by 2030, Asia may be at the forefront of scientific and technological developments, positioning itself as a manufacturer of high-value goods, capable of transforming production and overall quality of life.[17] Finally, it stated that, as power shifted away from Europe and the US, the rules of international engagement were being redefined[18].

If the reform suggested by the Reflection Group is embraced, the EU task would be to build on its strengths[19] and use its collective weight to become "an assertive and relevant player in the world"[20]. According to the authors of the report, a decision not to launch reform would place the EU in a position to "cultivate fragmentation" and watch its currently relative decline turn into "absolute decline in a world where the rules are defined by those who matter"[21]. The year 2010 was marked as the possible beginning of a new phase for the EU, while the possibility of the EU long-term role on the world stage being decided in the next 50 years was recognised as "a fundamental challenge". Two possible scenarios were offered: one, under which the EU, after the implementation of efficient and comprehensive reform, could turn into a factor of greater global importance than it was until now and the other, under which it would slide into marginalisation due to its passivity and inadequate response to new challenges, becoming in time an increasingly irrelevant **"Western peninsula of the Asian continent".**

According to the authors of the report, there is an urgent need for a common *European strategic concept*, because the EU as a whole is

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16 *The report, p. 8*
17 *The report, p. 7*
18 *The report, p. 25*
19 The authors of the report listed the following as real **EU strengths**, enabling it to spearhead international efforts to respond to major global challenges (social cohesion, climate change, sustainable development and preservation of peace among peoples) in the future: the biggest market on earth, a quarter of the world's trade, ownership of two thirds of development aid funds, joint infrastructure, the rights, services and opportunities offered by the EU to its citizens, the EU power to elicit positive perceptions and inspire many to join it (either by accession or immigration), the EU governance model described as "governing in partnership" and the "union of values". *The report, p. 32*
20 *The report, 35.*
21 *The report, 43.*

more capable of meeting the major trials of the 21st century than any of its member states. The necessary concept should unite the EU's foreign, defence, trade and development policy with the external dimensions of its common economic policies (the European monetary union, energy, transport). By merging all its available mechanisms, the EU should be able to act as a transformative power on the world stage and contribute to reshaping the rules of global governance. The first step towards the mapping out of the strategic concept should be the drafting of *the White Paper*, which would be regularly updated. The strategic concept would help define the Union's long-term priorities and would become the reference framework for day-to-day external action. The Reflection Group's stand is that the European Commission's project *Europe 2020*, adopted by the European Council as Europe's official strategy for smart, sustainable and inclusive growth, should be backed as well as made part of a large-scale reform programme with broader goals.

Internal and external security: the external challenge

The report section dealing with internal and external security[22] gives a brief historical overview of the security context of international relations in the past 20 years, from the moment the population of Europe first witnessed the division of the continent into two blocs, followed by a "unipolar moment" dominated by the US, to today's gradually unfolding multi-polar world. It was noted that, in this new world order, different centres of power co-existed, while the global environment was far more unstable compared to the past. The current situation is described as a state in which old threats, including the nuclear threat, persist in new forms (like proliferation), while new threats have meanwhile emerged. These new forms of insecurity including financial instability, environmental degradation, energy dependence, organised crime and terrorism, are characterised as being "more diverse, less visible and less predictable than ever before"[23].

It was stated that globalisation had increased the Europeans' sense of vulnerability by dissolving the boundaries between internal and external forms of security, causing that armed conflicts in a distant continent could threaten Europe's internal security. To illustrate that, the report referred to the possibility of conflicts in distant zones (initially perceived as external problems) having as a consequence a large inflow of refugees to the EU, which could generate internal security challenges. Insufficient cooperation among European

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22 'External security' is viewed in a broader context, so that the defence sector is its central, although not its only part. Considerable attention is paid to the civil dimension of external security, which will be discussed in more detail in the chapter on the structural limitations of the EU Foreign and Security Policy.

23 *The report, p. 31*

countries in law-enforcement and judicial matters was recognised as a weakness of the internal security system, which could jeopardise efforts to combat terrorism abroad, at the external level. The fact that all security risks are interlocked was stressed, as well as that poverty and instability in failing states were becoming a breeding ground for terrorism and other types of criminal activity. Based on the above information, the authors of the report concluded that addressing the 21st century security challenges would require global responses, based on the ability to predict things, which only an actor the size of the EU could provide, implicitly suggesting that the capacity of the EU as a whole exceeded the individual capacity of any of its member states and that it was therefore necessary to maximise it. It was noted that the current situation, in which it was necessary to reach consensus to take decisions on foreign policy, was widely seen as a handicap, and that the EU must therefore persist in its efforts to achieve greater coordination in order to "speak with one voice" or at least "orchestrate its polyphony"[24].

Urging the idea of the European Security Model

Acknowledging the EU's years-long commitment to maintaining and developing an "area of justice, freedom and security"[25], aimed at facilitating the everyday life of its citizens, the authors of the report stated that, despite that, the terrorist attacks launched in the US (September 2001), Madrid (March 2004) and London (July 2005) had clearly demonstrated the need for more effective and coordinated action at the EU level in order to tackle the threat of terrorism and other cross-border security problems more efficiently. In terms of relevance, they especially pointed out the security challenges including human trafficking, the smuggling of persons and illegal substances, money laundering, the exploitation of women and children, cyber-crime, intellectual piracy and corruption.

The Reflection Group holds the view that policy formulation in the sphere of external and internal security at the EU level is much too often driven by events[26], and that CSDP missions have been forced by exigencies rather than launched in response to an overarching plan or strategy[27], believing therefore that it is necessary to take decisive action and implement the new European Security Model. Drawing on the vision and objectives provided for by the *EU Internal Security Strategy*[28], the recommended model must prioritise the interests of EU citizens facing the rapidly evolving challenges

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24 *The report, p. 36*
25 *The report, p. 31*
26 *The report, p. 32*
27 *The report, p. 31*
28 EU Internal Security Strategy, adopted on 25 February 2010, http://www.statewatch.org/news/2010/feb/eu-council-int-sec-prel.pdf 29/06/2010

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of the 21st century. The new security model would be expected to protect individual rights and freedoms in order to create the necessary balance between advancing security (on the one hand) and protecting individual rights and freedoms (on the other)[29], as well as to contribute to shaping the world so that Europe's values and interests are safely taken care of[30]. The new security model should also improve cooperation and solidarity among the member states. Its strategic commitment should be placing the "focus on the causes of insecurity"[31] and not just the effects. Priority should be given to prevention rather than elimination of consequences. The new security model should be characterised by engaging with citizens and recognising the interdependence between the internal and external dimensions of security in establishing a "global security approach" with third countries.

The Reflection Group's conclusion regarding the development of EU internal security to date is that joint action "has been hampered by member states' resistance to sharing information and coordinating policies" in the sphere of law-enforcement and judicial cooperation[32] , which is still considered one the most sensitive issues in domestic politics. Despite the obstacles observed, the authors of the report are confident that this resistance of national governments flies against the wishes of EU citizens, who "want the EU to become a more relevant security actor"[33]. They also believe that the described policy of the member states' governments "ignores the substantial instruments and resources that the Union has acquired over time in the field of security, not least through the recently adopted Lisbon Treaty"[34].

Building a culture of cooperation: security as a trans-national public good

The authors of the report *Project Europe 2030* believe that an EU-wide approach to the security challenges of the 21st century would require considerable cooperation efforts, setting up new common institutions or consolidating those that already exist, and proper funding. A "new culture of cooperation"[35] is needed in numerous fields, including judicial cooperation and cooperation in the sphere of law enforcement, border control and health, social and civil protection. All that would require increasing the powers of the existing agencies

29 *The report, p. 32*
30 *The report, p. 44*
31 *The report, p. 31*
32 *Ibidem, p. 31*
33 *Ibidem, p. 31*
34 *Ibidem, p. 31*
35 *Ibidem, p. 31*

and instruments such as EUROPOL[36], EUROJUST[37], the Situation Centre, FRONTEX[38] and the Counter-Terrorism Coordinator. The Reflection Group believes that new bodies like a **European Centre of Good Police Practices** will have to be set up. The need to find the balance between advancing security, on the one hand, and protecting human or individual rights, on the other was especially underlined. Recognising the fact that time and circumstances dictated where the line between the two inseparable elements should be struck (and estimating that the subject would require ongoing political debate across the EU), it was recommended that, even in cases where security risks were at stake, clear limits to accessing personal data and constraints on exchanging them should be respected. Above all, confidence was voiced that the member states needed to acknowledge that internal security depended to a large extent on the ability to secure a safe external environment. It was warned once again that cross-border security challenges did not stop at the frontiers of the EU, and the view voiced that enhancing the security and freedom of European citizens would therefore require taking complementary action beyond the EU borders.

In addition to all mentioned above, it was suggested that the following issues be prioritised:

- Improvement of systems for exchanging information on the funding of illegal networks, trafficking routes for weapons of mass destruction (WMD), recovery after terrorist attacks and long-term preventive measures.
- Setting up a **European civil reserve** team of specially trained units ready to be deployed at short notice once they receive orders to this end and shaped along the lines of the EU forces' military component.
- Development of a more integrated external border management system by reinforcing FRONTEX with a new European body of specialised personnel available to support the member states.
- Ironing out inconsistencies in Europe's Asylum System, in particular by standardising the definition of a refugee.
- Creation of a unified visa policy and a European consular service within the European External Action Service (EEAS)[39].

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36 EUROPOL - the European Police Office, *Rečnik evropske bezbednosti, p. 111*
37 EUROJUST - the body for investigation and prosecution of serious cross-border crime, *Rečnik evropske bezbednosti, p. 111*
38 FRONTEX - the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, *Rečnik evropske bezbendosti, p. 1*11
39 *The report, p. 32*

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The need to overcome the structural limitations in external security and a European vision of collective defence

Analysing the current state of and the needs in the external security sector, the authors of the report first focused on positive results including the fact that, over the past ten years or more, the EU had developed important instruments under the concept of the Common Security and Defence Policy (CSDP)[40], their practical result being the launching of 22 (observation, peacekeeping or stabilisation) missions worldwide, often carried out in cooperation with NATO, the UN and other international organisations. Referring to the positive results, they underlined how important the setting up of the Military Committee and the Military Staff, performing early warning and strategy planning functions, and the European Defence Agency (EDA) was. They pointed to the need to have at the disposal an array of civilian personnel, trained to provide assistance to local populations in conflict-torn areas throughout the world, stating that the said civilian capabilities were increasingly important for directing attention at "human security"/the notion that national and global security could not be separated from the well-being of individuals and the communities where they lived.

The report listed as the main, fundamental shortcomings facing the EU in the defence field the member states' divergent strategic outlooks and no consensus on the overall purpose of increasing the Union's defence capabilities. The major structural limitations of common defence were observed in the following: the national nature of the member states' defence systems, the fact that the structure of the member states' available military resources was not adapted to modern security challenges and the Union's need for external action, the lack of common funding of the participation in EU-led missions and the problem of insufficient cost-effectiveness in defence industry.

The Reflection Group stressed that, in order to overcome the existing differences in strategic outlooks of some EU member states, it was important and necessary to agree on a long-term vision of EU defence, which could be laid out in the White Paper, with clearly-defined priorities in terms of threats, engagement criteria and earmarked resources[41]. The vision must spell out a coherent division of responsibilities between NATO and the EU, based on an objective assessment of both actors' comparative advantages. The authors of the report concluded that, "unless EU member states are able to agree on a workable strategic concept for the EU, the latter will be

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40   The Common Security and Defence Policy (CSDP), called the European Security and Defence Policy (ESDP) before the entry into force of the Lisbon Treaty.
41   *Ibidem, p. 33*

unable to fill the existing gap between the expectations of CSDP and its operational capabilities and resources".[42]

As for the fundamentally national nature of individual defence systems, it was concluded that it kept the EU as a whole dependent on the member states' voluntary military contributions (not always adequate), since the Union did not have "military resources of its own"[43]. The structure of the available military resources not being suited to modern challenges and needs was illustrated by the fact that the member states' military resources were still often based on territorial defence against a land invasion, even in the countries where such a form of insecurity was improbable, as a consequence of which "70 per cent of European land forces are unfit to operate abroad," although nowadays conflicts required expeditionary troops deployable and sustainable outside the zones of their origin.[44] In this context, it was concluded that there was insufficient investment at the EU level in the type of capabilities needed to respond to new security situations (rapid deployment forces, strategic air transport, helicopters, communications and military police).

The effects of the above shortcomings and structural limitations were illustrated by the fact that, although the total military spending of the EU member states amounted to about 50 per cent of the US military budget, the overall EU overseas force projecting capabilities amounted to only between 10 and 15 percent of the US capabilities, indicating that "the system is clearly found wanting"[45]. All of the above mentioned leads to a situation in which, although it has 1.8 million soldiers under arms (which is half a million more than the number of US troops), "the EU is not capable of deploying a 60,000-strong rapid intervention force and it finds it hard to deliver a 5,000-strong force for a Common Security and Defence Policy (CSDP) mission"[46].

As a consequence of the fact that there is no common funding of the participation in CSDP missions, "there is no fair burden-sharing" among member states[47], resulting in "disincentives against participating in military missions". A similar problem faces the civil dimension of EU-led missions, where "less than half of the personnel committed by member states tends to be deployed", because of which missions are left without sufficient stand-by specialised teams and experience on the ground. The Reflection Group believes that, in order to eliminate the above shortcoming, the EU must encourage its member states to respect their commitments and must create

42   *Ibidem, p. 33*
43   *Ibidem, p. 32*
44   *Ibidem, p. 33*
45   *Ibidem, p. 32*
46   *Ibidem, p. 33*
47   *Ibidem, p. 33*

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truly operative civilian rosters of judges, police officers, engineers and other experts. This would imply a truly operational and well-staffed **European Operations Headquarters**, tasked with planning, deploying and monitoring civilian/military operations abroad.

The problem of insufficient cost-effectiveness linked to the EU industrial and technological arms market is reflected in the fact that it costs Europe much more to produce far fewer products than other manufacturers of arms and military equipment elsewhere in the world (e.g. the US)[48]. The authors of the report believe that, in order to respond to this challenge, the EU must develop a ***single European defence market*** and joint procurement in the defence field.[49] The success of the EU's Single Market can and should be extended to the defence field through the enhancement of the European Defence Agency and by lessening the barriers still protecting national markets.

In the above context, an analysis of the Serbian defence industry's competitiveness on the EU market, which should take into account all technological, economic, political and security implications (complementarity of technical standards for products, competitiveness of the production quality/cost ratio, and participation in broader security integration processes or neutrality), which can facilitate or render difficult the country's appearance on that market, should constitute a major segment of the research project called *Security and Defence Aspects of the Accession of the Republic of Serbia to the European Union.*

The statement Ambassador Woschnagg made while giving the lecture to Serbian public administration staff on the prospects of European integration, to the effect that, if a European army was ever set up, the move would not be initiated by the member states' defence ministries but by their finance ministries that would try to streamline defence spending, is complementary to the idea of streamlining the defence market and joint procurement at the EU level.

Reviewing the possible ways of overcoming the above shortcomings and structural limitations, the authors of the report observed that the Lisbon Treaty provided for a considerable number of important tools that could help the member states resolve the above challenges.

Through the innovative system of permanent structured cooperation, the member states' have been given an opportunity to advance in parallel and at different speeds in order to achieve specific aims, depending on their willingness and capacity. Consequently,

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48   *Ibidem, p. 33*
49   *Ibidem, p. 33*

"pioneer groups of states"[50] will in future be able to increase their ambition level in terms of deployability, interoperability and sustainability of their forces, allowing them to field more capabilities for CSDP, NATO, UN and other missions[51].

The report reviewed the possibility of cooperation among the "pioneer groups of states" through permanent structured cooperation in an optimistic context of helping the Union increase its overall capabilities to lead CSDP missions. Still, at this point we cannot but point out to the danger of the EU's possible stratification and the member states' division into the countries/groups of countries more capable or willing to contribute to the declared interests in this way and those less capable to do so.

The report voiced confidence that the Lisbon Treaty should also enable the member states to overcome the shortcomings related to the CSDP funding, by calling for the deployment of **'an initial fund'** to support common missions, which would then be supported by the payment of 'urgent funds' during the planning of operations[52].

As for the Republic of Serbia's commitment to take part in CSDP activities at some point in the future, declared in the *Defence Strategy of the Republic of Serbia*,[53] it is necessary to analyse continually and in detail the financial aspects of the Serbian defence forces' potential engagement in CSDP missions. Changing the currently unfavourable method of funding the troops committed to CSDP missions (from the sources of the countries contributing the troops) in the way suggested by the Reflection Group could in future affect the Republic of Serbia's potential to contribute to EU-led missions.

In the final section, we find it necessary to point out the proposed measures which are not fully or directly linked to the defence sector but which might contribute to the long-term improvement of the external security of the EU as a whole, the national security of its member states and the security of their citizens. They primarily include the setting up of *a European Forecasting and Analytical Unit*, as part of the European External Action Service and working in close cooperation with national centres under the principle of shared intelligence. Such a unit would help focus attention on the need to revisit continuously EU policies. Finally, the Reflection Group suggested also that *a European Diplomatic Academy*, which would contribute to a sense of common diplomatic culture among officials from different European states engaged in the foreign policy sector, be formed as well.

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50   *Ibidem, p. 33*
51   *Ibidem, p. 33*
52   *Ibidem, p. 33*
53   *Defence Strategy of the Republic of Serbia*, Article 4.1, Paragraph 6, Official Gazette of the Republic of Serbia, 88/09, Belgrade, 28 October 2009

Milan S. Milutinovic

Conclusion

The Reflection Group's *Project Europe 2030* provides an impartial analysis of the current EU structural limitations and of the challenges and threats which face it today and which could become its reality in the next two decades.

The authors of the report repeatedly pointed out that the national governments' policies were insufficiently adapted to the nature of the challenges of the 21st century, which could be efficiently addressed only by an actor the size of the whole Union, and that these policies flew against the wishes of EU citizens, finding the foothold for overall reform and more intense integration in the citizens' needs and wishes. The impression is that, in doing so, they did not sufficiently refer to the exact research on which they based their conclusions on the positions of the EU member-states' population, which raises the question of where to strike the line between the empirically established facts and the authors' subjective visionary approach, which could be the fruit of their sincere wish to blow the wind into the sails of deeper European integration and stronger ties among the European states in the spheres remaining far less integrated than the sphere of economy.

It is yet to be seen to what extent national political elites and the governments and ruling majorities in the member states, repeatedly criticised in the report as the key opponents to substantial integration in the spheres usually referred to as the second and the third pillar of the EU before the entry into force of the Lisbon Treaty, will show understanding for and offer support to this vision of the EU future. From today's point of view, it would be too bold to predict whether *Project Europe 2030* will ever be fully backed in its integral version as a document behind which the EU as a whole stands, or whether only some of its concepts (urged in a bold and visionary way) will be embraced and get a chance to become a reality, while the other will be nothing but a testimony for future times to the ways of thinking and aspirations of a group of enthusiasts, who lived and worked at some point in history but whose ideas were never implemented due to the lack of political will.

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EU Common Security and Defence Policy and the Need for Serbia's Engagement

Abstract

As the Euro¬pean Security and Defence Policy (ESDP) marked the tenth anniversary in 2009, there have been numerous attempts to assess its results. Simultaneously, the long-awaited ratification of the Treaty of Lisbon has brought important changes related to the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP). With the Stabilisation and Association Agreement (SAA) in place on the one hand, and the declared neutrality of Serbia on the other, the elements are in place for reconsidering Serbia's security policy related to the CSDP. The paper proposes Serbia's participation in CSDP missions and other forms of cooperation in that area.

Key words: European Security and Defence Policy, Common Foreign and Security Policy, European Union, Treaty of Lisbon, Serbia, National Security Strategy of the Republic of Serbia.

As the European Security and Defence Policy (ESDP) marked the tenth anniversary of its launching in June 1999, there have been different assessments of its results to date. At the same time, the Treaty of Lisbon, which will determine the EU institutional organisation in the foreseeable future, has introduced some innovations in the sphere of the Common Foreign and Security Policy (CFSP). In view of the Strategy of Association with the European Union and the National Security Strategy of Republic of Serbia, it was only to be expected that the two policies would be more intensely discussed and more directly backed in Serbia. However, this has not been the case. In order to contribute to further discussions on the subject, this paper provides a brief overview of the development of the European Security and Defence Policy, with the focus on the engagement on non-EU member states and the innovations introduced under the Treaty of Lisbon. Its second part points to the absence of Serbia's proactive stand on the ESDP/CSDP. Taking into account possible reasons for the country's absence of greater interest in this sphere, numerous arguments for its substantial integration into the CSDP are offered.

Development of the European Security and Defence Policy

Under the Treaty on European Union from Maastricht in 1992, the Common Foreign and Security Policy (CFSP) was introduced. The move was prompted by a change in the global as well as regional context of security threats. As a result of the unification of Germany, there was certain pressure to integrate the European structures more firmly. With the disintegration of the Soviet Union, the threat coming from the East and, subsequently, the great security dependence on the US, were reduced. The disintegration of former Yugoslavia and the conflicts in the EC/EU immediate neighbourhood, as well as the subsequent policy of enlargement to the East, gave rise to new demands.[1] Consequently, the Europeans within the EU decided to step up their presence on the international scene. The CFSP objectives are to develop and consolidate democracy, the rule of law and the respect for human rights and freedoms, to safeguard the EU common values, fundamental interests and independence, to strengthen the security of the EU and its member states in all aspects, to preserve peace, to boost international security in keeping with the UN Charter and the Helsinki Final Act, and to promote international cooperation.[2]

The policy was improved under the Treaty of Amsterdam adopted in October 1997 by introducing the post of High Representative for CFSP, with the Policy Planning and Early Warning Unit. The

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1   Andrew Cottey, *Security in the New Europe*, Palgrave Macmillan, 2007, p. 81
2   The Treaty on European Union, Title V, Article 11, *Official Journal* C 191 of 29 July 1992

so-called Petersberg tasks were incorporated into the EU. The document provided for the support to the common defence policy, stressing that the creation of the CSDP in the EU would be compatible with NATO.

Being of the view that the EU must have "the capacity for autonomous action, backed up by credible military forces, the means to decide to use them and a readiness to do so, in order to respond to international crises", France and Britain adopted a joint declaration, which was a very strong incentive for the establishment of the ESDP, in Saint-Malo in December 1998.[3] The Kosovo conflict contributed to a rapid Europeanisation of the Saint-Malo agreement. The key point in the institutional development of the ESDP was the meeting of the European Council held in Cologne in June 1999, when the EU-15 decided to introduce the Common European Security and Defence Policy. The member states declared that,

"The European Union shall play its full role on the international stage. To that end, we intend to give the European Union the necessary means and capabilities to assume its responsibilities regarding a common European policy on security and defence... the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises without prejudice to actions by NATO".[4]

The aim was to make the EU ready for "the full range of conflict prevention and crisis management tasks", so that particular attention was first paid to the means necessary for effective crisis management: deployability, sustainability, interoperability, flexibility, mobility, survivability, and command and control.[5]

Parallel to the military capacity, the civilian capacity was also developed. In June 2000, the European Council defined four priority areas in the capacity development including police, strengthening the rule of law, civilian administration and civil protection. Key decisions on civilian crisis management were taken.[6] The creation of the instruments necessary for autonomous action was completed in Nice in December 2000, when the composition, competences and operation of the Political and Security Committee (PSC), comprising ambassadors of the member states, the EU Military Committee

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3   The text available at: http://www.iss-eu.org/chaillot/chai47e.html. The overview further relies in part on the following: Svetlana Djurdjevic-Lukic, "ESDP at Ten, the Lisbon Treaty and Serbia's Security Policy", *Review of International Affairs*, Vol. LX, No. 1136 (October-December 2009), pp. 46-61

4   European Council, Cologne, 3-4 June 1999, Annex III – Declaration on Strengthening the Common European Policy on Security and Defence; www.europarl.europa.eu/summits/kol2_en.htm#an3

5   Jean-Yves Haine, *An Historical Perspective* in: Nicole Gnesotto (ed.) *EU Security and Defence Policy: The First Five Years (1999-2004)*, EU Institute for Security Studies, Paris, 2004, pp. 35-53

6   For more see: Ana Jovic–Lazic, Ivona Ladjevac, „Izgradnja bezbednosne strukture Evropske unije i NATO" in: Nevenka Jeftic (ur.), *Aktuelna pitanja iz međunarodnih odnosa*, IMPP, Beograd, 2008, pp. 75-108

(EUMC), made up of delegates of the chiefs of defence, and the EU Military Staff (EUMS), were detailed.[7]

The first ESDP missions were launched in 2003: the EU Police Mission in Bosnia-Herzegovina (EUPM), with the involvement of some 200 international police officers, the EU's first military operation in Macedonia (Concordia, taken over from NATO), which was some 300 troops strong and had the mandate to protect EU and OSCE observers, and the first military operation conducted outside Europe without NATO's capacity and equipment, namely Operation Artemis in the Democratic Republic of the Congo.[8]

As underlined by Alyson Bailes, the implementation of the ESDP rendered it possible to exploit Europe's comparative advantage in crisis management, namely, to combine the military resources for crisis resolution with other resources including diplomatic, humanitarian and economic instruments, on which issues decisions would be taken in one centre. However, there were some disadvantages as well, starting from the fact that the EU moved in the zone NATO also wanted to occupy (although, in this sense, agreement had already been reached at the NATO ministerial meeting in Berlin in 1996 and was later amended through the so-called Berlin Plus formula, adopted at the NATO summit in Washington in March 1999 and further upgraded in 2002).[9] Secondly, placing the focus on ad hoc interventions in crisis management meant that Europe was developing its capacity before it had designed a policy on when and how to intervene.[10] A partial response to it was the European Security Strategy, which was adopted in December 2003 and which provided the strategic framework for EU foreign and security policy, of which the ESDP forms an important integral part.[11]

By 2009, the EU launched 23 missions under the ESDP. In the first few years of its operational stage, the ESDP mainly focused on the Balkans. Due to the Western Balkans' geographical proximity and constant latent crisis potential, Europe's attention is still directed at it. However, in the ten years since the ESDP was launched, the

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7   Presidency Conclusions, Council of the European Union, Nice, 7–9 December 2000. Annex VI: Presidency Report on the European Security and Defence Policy

8   For the EU forces' engagement in the Western Balkans, see: Ivona Ladjevac and Dejan Gajic, „Bezbednosne inicijative Evropske unije u regionu Zapadnog Balkana", in: Dragan Djukanovic (ur.), *Savremeni medjunarodni izazovi: globalna i regionalna perspektiva,* IMPP, Beograd, 2008, pp. 345-64

9   The statements are available at: http://www.nato.int/docu/pr/1996/p.96-0643.htm, as well as: www.nato.int/ docu/comm/1999/9904-wsh/9904-wsh.htm. Cf. Alyson J.K. Bailes, *The Institutional Reform of ESDP and Post-Prague NATO*, International Spectator, Vol. 38, No. 3 (July-September 2003), pp. 31-46

10   *Ibidem, pp.* 32-33

11   Giovanni Grevi, Damien Helly and Daniel Keohane, Introduction in: Giovanni Grevi, Damien Helly, Daniel Keohane, *European Security and Defence Policy – The First 10 Years (1999-2009)*, EU ISS, Paris, 2009, pp. 13-16

governments of the EU member states have considerably expanded their geographical perspective and different policy options.[12]

In addition to the development of the military capacity and missions, different institutions, mechanisms and thematic areas were established under the ESDP including the following: conflict prevention, mediation and dialogue, the European Defence Agency (EDA), the EU Satellite Centre (EUSC), the EU Institute for Security Studies (EUISS), the European Security and Defence College, the partnerships with NATO and the UN, the Joint Africa-EU Strategy, the Euro-Mediterranean Partnership, the systematic monitoring of human rights, security sector reform, the fight against illegal possession of and trafficking in small arms and light weapons, information-sharing between ESDP and EUROPOL missions, contacts with non-governmental organisations etc. Since 2008, efforts have been made to compile the lessons learned from ESDP civilian missions.[13]

Engagement of non-EU member states

From the moment the European Security and Defence Policy was launched, the European Council insisted on finding modalities for consultations on and/or participation in the policy not only by the non-EU NATO members, but also by the candidate states. Responses to invitations for the participation soon followed: in June 2000, Turkey, Norway, Poland and the Czech Republic welcomed offers to contribute to the promotion of the EU capabilities.[14] Over the ten-year period, 24 non-member states from five continents participated in these EU missions, including Naval Operation Atlanta and involving cooperation with countries like China, Russia and Egypt.[15]

Divisions over the perception of the Common Foreign and Security Policy are present in both the EU itself, as well as the academic community. One tendency is to refer to the CFSP as the second pillar of the EU used for coordination of the member states' foreign and security policy. According to the other approach, decisions in the

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12 Grevi, Helly and Keohane, *Introduction*, op.cit. p. 14. A detailed analysis of all missions, relations with other factors and operational trends under the ESDP can be found in: Grevi, Helly, Keohane, *European Security and Defence Policy – The First 10 Years (1999—2009), op.cit. For criticism, see: Muriel Asseburg, Ronja Kempin (eds), The EU as a Strategic Actor in the Realm of Security and Defence – Critical assessment of ESDP Missions and Operations,* SWP, German Institute for International and Security Affairs, Berlin, 2009

13 Council of the EU, *Guidelines for the Identification and Implementation of Lessons and Best Practices in Civilian ESDP Missions, 2008; Council of the EU, Annual Report on the Identification and Implementation of Lessons and Best Practices in Civilian CSDP Missions, 2009*

14 *Presidency Conclusions*, Santa Maria da Feira European Council, 19-20 June 2000. Available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/00200-r1.en0.htm During Portugal's presidency, it was agreed to open a dialogue on the matter with these non-EU states, in the form of at least two meetings per presidency. Ibidem, Appendix 1, Article 9. Also, in all ESDP documents, emphasis has been placed on cooperation with the United Nations, the OSCE and other partners, while separate sections deal in detail with relations with NATO.

15 Grevi, Helly & Keohane, *European Security and Defence Policy - The First 10 Years (1999-2009),* op.cit.

domain should be the result of coordination of a wider range of policies at the EU level. This includes the role of the EU institutions, in coordination with the member states, in shaping external activities such as development aid, external economic policies, enlargement, democratisation strategies, external judicial measures etc., as well as interaction with other multilateral actors and frameworks.[16]

However, from the viewpoint of former, current or future candidates for EU membership, the Common Foreign and Security Policy and the ESDP as its major segment are by all means extremely important. They are linked to the integration process, helping create a common European identity, 'a European strategic culture', and gain some practical understanding of the EU functioning. Namely, the sphere offers various opportunities for participation, ranging from the third countries' attendance at the European Security and Defence College orientation courses to the candidate states' joining EU battle groups.[17]

The candidate states are expected to agree with the EU common positions and joint actions, to support the EU stands in international organisations, to implement sanctions and other measures and to join international missions. For example, Romania, even though it is known for its firm pro-American stand, which has prompted it to disagree with the EU over its agreement with the US regarding the International Criminal Court, has been systematically cooperating with the Union since 1997. It has participated in the EU's multilateral dialogue with the associated states, the regular meetings of political directors and the CFSP working groups. According to the European Commission's annual reports, Romania has responded positively to all EU calls to back the CFSP, aligning itself to the relevant common positions and joint actions and taking part in their implementation where necessary. It has actively participated in the Associated Countries CFSP Network since 1999, showing interest in the development of the ESDP by attending the meetings in the "EU plus 15" format and the first Capabilities Commitment Conference. In 2002, it confirmed its readiness to join the Rapid Intervention Force and EU civilian instruments for crisis management. It has participated in missions spanning a vast territory from Bosnia-Herzegovina to Afghanistan. Romania has joined EU declarations, demarches and sanctions on a regular basis, actively participating in debates on the draft European Security Strategy. Its Ministry of Foreign Affairs was reorganised in 2000 to ensure the administrative capacity in the CFSP sphere. Romania is a signatory to the Ottawa Convention on the ban on landmines, it has joined the EU campaign against the illegal possession of and trafficking in small

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16 *Introduction in Giovanna Bono (ed.), The Impact of 9/11 on European Foreign and Security Policy,* ASP-VUB, Brussels, 2006, p. 13
17 *ESDP Newsletter No.2*, June 2006, available at: http://www.consilium.europa.eu/uedocs/ cmsUpload/ESDP_Newsletter_ISSUE2.pdf

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arms and light weapons and has been releasing annual reports on its conventional arms exports since 2002. In the context of the promotion of good-neighbourly relations, in 2003, Romania, among other things, signed the Treaty on the State Border Regime with the Ukraine and the Treaty on Friendly Relations and Cooperation with the Russian Federation.[18] Consequently, in its 2004 annual report, the European Commission concluded that Romania continued to play an important role as a regional leader in the efforts to strengthen stability and security in the southeast of Europe.[19]

Innovations provided for by the Treaty of Lisbon

Although the principle of unanimity remains the cornerstone of security and defence cooperation, the Treaty of Lisbon affects the Union's foreign and security policy in two ways. Firstly, the harmonisation of the overall institutional framework should facilitate relations between the Council and the Commission with respect to crisis management issues. Secondly, several of its articles are intended to strengthen Europe's role in the world directly through the improvement of the Common Foreign and Security Policy and its subordinated area of the ESDP.[20]

Under the new name of the Common Security and Defence Policy (CSDP - Article 42 of the Consolidated Version of the Treaty on European Union), the goal of this policy was defined as ensuring operational capabilities based on civilian and military means. The expanded range of the Petersberg tasks was described in detail: "joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peacekeeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation. All these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories" (Article 43).

The functions of the High Representative for the CFSP and the Vice-President of the Commission in charge of External Relations (RELEX) were combined in one person ('a personal union'/'double-hatting'), namely, the new High Representative of the Union for Foreign Affairs and Security Policy. This person replaces the rotating presidency in chairing the Foreign Affairs Council and has the formal right of initiative (proposal submission) in the issues related

18 Case study: Yannis A. Stivachtis, *EU Accession Pressures and Foreign Policy Dilemmas: The Case of Romania – Implications for Prospective Balkan EU Candidate States*, available at: http://newbalkanpolitics.org.mk/editorials/yannis.html

19 Commission of the European Communities (CEC), *Annual Report on Romania's Accession to the European Union, Brussels, 2004, p. 136. Cf. Yannis A. Stivachtis, EU Accession Pressures and Foreign Policy Dilemmas, op.cit.*

20 Christian Molling, "ESDP After Lisbon: More Coherent and Capable?", *CSS Analyses in Security Policy,* Vol. 3, No. 28, February 2008, pp. 1-3

to the CFSP and, consequently, to the ESDP. In addition to the member states, he/she coordinates the activities in the sphere of EU external policies, is in charge of external representation of the Union for CFSP matters, implements CFSP decisions and has specific responsibilities in the context of ESDP crisis management.[21]

A complementary innovation is the setting up of *the European External Action Service (EEAS*, Article 27.3), expected to assist the High Representative and, in a way, combine the diplomatic and military potential coordinated by the member states via the EU Council with offering development aid, state-building and the provision of reconstruction funds from the European Commission's fund. This should be an opportunity to streamline the European machinery and to achieve more consolidated planning and guidance; however, it is not yet known precisely what the Service will look like.[22]

The important thing is the introduction of *a solidarity clause and a mutual defence clause.* The former obliges the member states to support each other in case of a terrorist attack or a disaster. *The mutual defence clause* compels them to offer and provide assistance if one of them is the victim of armed aggression on its territory. However, this clause does not affect explicitly the national defence policies of member-states, their neutrality or alliances.[23] The solidarity clause providing for assistance in the event of a disaster is believed to be the way of breaking down national barriers in order to ensure the security of people, while the mutual defence clause is praised by neutral countries like Finland, because the "EU is Finland's fundamental security policy choice".[24] The clauses offer a legal formula for the use of civilian and military assets within the EU territory at the request of an individual member state and with the consent of the EU, leaving the decision on the kind of assistance to be offered to the member states.[25]

The rule of unanimous decision-making in defence matters was confirmed, but Permanent Structured Cooperation (PSCoop) was introduced and it will be adopted by a qualified majority. The concept foresees the possibility of closer cooperation for those member states that are willing to undertake greater efforts in the realm of military capabilities. PSCoop, which will operate on an opt-in basis,

21   Giovanni Grevi, op.cit. p. 61
22   The initial proposal on the Service's set-up, the control over it and its funds was not adopted so that the April 2010 deadline for specifying these issues was not met.
23   Christian Molling, ESDP After Lisbon: More Coherent and Capable?, op.cit. p. 2
24   Krzystof Bobinski, "Will the Lisbon Treaty Make a Difference?", *European Security and Defence Policy 1999-2009, ESDP Newsletter*, Special Issue, October 2009, pp. 38-39; www.esdp10years.eu
25   Christian Molling, ESDP After Lisbon: More Coherent and Capable?, op.cit. p.2. It is important to point out that, in Germany, the Constitutional Court has been asked to give its interpretation of the Lisbon Treaty. The Court has underlined the German parliament's constitutional sovereignty to decide on the engagement of troops outside the country's borders, stressing that the said clauses of the Lisbon Treaty represent a political rather than a legal obligation. See: http://www.bundesverfassungsgericht.de/entscheidungen/es20090630_2bve000208en.html

is open to those member states that are, first of all, willing "to proceed more intensively" to develop their defence capacities through the development of their national contributions and the participation in the respective multilateral endeavours, and, secondly, that have the capacity to supply capabilities, either at the national level or as a component of multinational force groups, structured at the tactical level as a battle group.[26] Decisions on EU CSDP missions are taken unanimously, but in practice the same member states that pursue PSCoop might lead ad hoc missions outside the framework of the EU, i.e. they can launch operations without an EU mandate/decision.[27]

Serbia and the European Security and Defence Policy

Serbia's commitment to EU membership constitutes one of its two key foreign policy goals (the other is its territorial integrity, i.e. keeping Kosovo within its borders). EU membership is not only an obligation to be met under the ruling coalition's state policy, it is an option enjoying the support of the majority of the population. The signing of the Stabilisation and Association Agreement (SAA) has marked a new stage in Serbia's contractual relationship with the EU. It now provides for the country's obligation to harmonise its policy in different areas with that of the EU, including the relevant expectations with respect to the Common Foreign and Security Policy. The EU would really appreciate it if Serbia joined EU peacekeeping operations as well, as it was stressed by Henri Bentegeat, chairman of the EU Military Committee.[28]

Serbia's 2009 National Security Strategy generally approaches the security issue in a broader sense, acknowledging the results achieved in the implementation of the CFSP and the European forces' contribution to the resolution of security issues and to European and global security. Reference is made to policy harmonisation as regards the key regional, European and global issues, as well as to the readiness to build the national security system's capacities and capabilities, in keeping with the ESDP standards and obligations. The document provides for stepping up the dialogue with the EU on the issues of common interest, including security and defence issues.

„Taking into account the interest of preserving its own territorial integrity and sovereignty, the Republic of Serbia will largely harmonise its foreign and security policy with the positions and activities of the EU in all the major issues of global, European and regional character.

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26   Molling, ESDP After Lisbon: More Coherent and Capable?, op.cit., p. 2
27   Gerrard Quille, *The Lisbon Treaty and Its Implications for CFSP/ESDP*, Directorate General for External Policies of the Union, Policy Briefing 2009, 1 September 2009, p. 6
28   Tereza Bojkovic, „Anri Banteza, general: Srbija treba da se ukljuci u mirovne misije", *Politika,* 10 June 2009

Through the process of European integration, the Republic of Serbia expresses its willingness to build capacities and capabilities of its national security system, in accordance with the standards and obligations deriving from the European Security and Defence Policy. The entry into force of the Stabilisation and Association Agreement with the EU will enable the Republic of Serbia to intensify dialogue with the EU on the issues of common interest, including security and defence issues."[29]

Despite that, the CSDP issue is hardly ever discussed in public debates held in the context of European integration.[30] Namely, the Government's 2005 Strategy for EU Integration only outlined the above European democratic values and principles as having contributed to the main CSDP goal, namely, peace and security in Europe. Under the National Programme for Integration with the European Union, the obligations arising from the CSDP should be assumed only once the country becomes a full EU member and only in connection with crisis management operations. The relevant documents of the Ministry of Defence stressed that the basic prerequisites for further broadening of cooperation with the EU had been met with the agreements signed to date, saying, however, that there was still no comprehensive legal framework.[31] Meanwhile, the *Law on the Engagement of the Serbian Army and Other Defence Forces in Multinational Operations outside the Borders of the Republic of Serbia* has been passed.[32] The defence and interior ministers increasingly speak of the importance of and the need for the country's greater engagement in peacekeeping missions, including those involving the participation of EU member states. Also the initiative for the signing of the *Agreement on Security Procedures for Exchanging Confidential Information* with the EU has been launched. The adoption of the Agreement should round off the creation of the necessary legal framework.

However, it is evident that there are other reasons for Serbia's inactivity when it comes to offering support to the CFSP and participating in the ESDP. First of all, in view of Serbia's other major priority, which is the preservation of its territorial integrity, i.e. its vehement opposition to the self-proclaimed independence of Kosovo, it is somewhat reserved when it comes to offering support to the joint CFSP statements and actions touching upon the internal issues

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29   *National Security Strategy of the Republic of Serbia*, Belgrade, October 2009, available at: http://www.mod.gov.rs/eng/dokumenta/strategije/strategije.php

30   The proactive approach has rarely been suggested and when it is suggested, this is usually done by individuals from non-governmental circles in their contributions to specialised publications. See: Srdjan Gligorijevic, „Partnerstvo je moguce", *Evropski forum*, November-December 2006, No. 11-12, and Natasa Dragojlovic, „Saradnja Srbije sa EU u domenu Evropske bezbednosne i odbrambene politike", *Evropske sveske*, No. 6, May 2009

31   For more see: Natasa Dragojlovic, „Saradnja Srbije sa EU u domenu Evropske bezbednosne i odbrambene politike", op.cit.

32   Zakon o upotrebi vojske Srbije i drugih snaga odbrane u multinacionalnim operacijama van granica Republike Srbije, Sluzbeni glasnik 88-09, 26. oktobar 2009

of the countries backing Serbia's stand on Kosovo and Metohija. Consequently, Serbia is a country in the region which has backed the fewest EU declarations in the domain.[33]

While such a stand is legitimate and understandable, it seems that it could be softened as illustrated above in the case of Romania: Serbia should choose one or two truly crucial points to disagree upon with the EU but, because of that, it should be highly active in all other CFSP issues and events.

Its half-hearted support to the CFSP and the ESDP may also have to do with the operation of EULEX, whose deployment the EU okayed before the self-proclaimed independence of Kosovo. The fact that five EU member states have not recognised the act is not always manifest in the mission's everyday operation, resulting in Serbia's ambivalent stand on it. This seems to be the reason why public discourse regarding Serbia's participation in missions outside its borders mainly implies engagement in UN missions.

The last point mentioned, i.e. insisting on the UN as a global international organisation uniting different interests and ideologies and perceived, ultimately, as neutral, could also be linked to Serbia's military neutrality. Namely, it is a well-known fact that the Resolution of the National Assembly on the Protection of Sovereignty, Territorial Integrity and Constitutional Order of the Republic of Serbia passed in 2007 contained the position that, "due to the overall role of NATO… the National Assembly hereby declares the neutral status of the Republic of Serbia towards effective military alliances until a referendum is called, at which the final decision on the issue will be made".[34]

However, the substance of that military neutrality has never been further defined, there is no reference to it in the National Security Strategy, nor is Serbia recognised as a neutral country, like other countries that have been traditionally neutral for years. As already pointed out, the neutral EU member states were the ones to back the new solutions providing for the introduction of the solidarity and mutual defence clauses to the Lisbon Treaty, since they do not intend to join NATO and therefore consider the EU to be their fundamental security policy choice. This should then constitute an appropriate framework for Serbia as well. At the same time, as already mentioned, during all stages of the creation of the CFSP and the ESDP and in all EU documents, the European Security Strategy included, emphasis has been placed on the importance of the UN so that many

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33   In the period between January and early September 2009 alone, Serbia failed to back 24 out of the 87 declarations voted by the European Council. Snezana Congradin, „Srbija odbila da podrzi 24 deklaracije EU", *Danas*, 9 September 2009

34   *Rezolucija Narodne skupstine Republike Srbije o zastiti suvereniteta, teritorijalnog integriteta i ustavnog poretka Republike Serbije,* Beograd, 26. decembar 2007

EU missions have been launched in cooperation with it.[35] Finally, using EULEX as an argument against cooperation under the ESDP is not convincing in view of highly intensive bilateral security cooperation with some countries that have not only recognised Kosovo's self-proclaimed independence, but also encourage others to do the same.

The last set of arguments for Serbia's feeble interest in the ESDP can be found in the mandate, scope and relatively small strength of these missions and, on the other hand, in the problems encountered in horizontal cooperation in the country itself. The number of people engaged in some missions is really symbolical, so that the question of their scope arises, whereas some missions, including the one in Georgia, are politically sensitive to Serbia. Also, ESDP missions require participants of different profile, including civilian experts, which would require synergy among several ministries, i.e. the kind of cooperation which it would neither be easy to organise, nor it would be easy to give credit where it is due for the participation in a given mission. Namely, it is a well-known fact that, in Serbia, if one ministry is clearly in charge in contacts with the relevant foreign actor, activities function much better than a complex engagement requiring intensive cooperation among several ministries, which, by the very nature of things, often have a different organisational culture and different priorities.

The above arguments in favour of the country's restraint, as well as the funding issue, carry some weight, but are not a strong enough reason to disregard the opportunities opening to it with its participation in the CFSP and the ESDP. The basic thing is that serious preparations of any kind for EU membership must include all aspects of EU policy in different areas. Preparations in all areas can only be useful, while the scope, tasks and zone of engagement of a specific CSDP mission are something which, first of all, can be chosen depending on their number and, secondly, they have only secondary importance compared to getting the first-hand knowledge of the ESDP functioning and testing the Serbian defence/civilian capacity for crisis management on the ground. The fact that Serbia can offer its vast and valuable experience, ranging from military expertise, via police expertise to civilian expertise, and including, for example, the implementation of security sector reform, is extremely important.

In view of the fact that the European Council has repeatedly stressed the importance of the third countries' engagement in the ESDP, Serbia's participation would doubtless be welcomed and could even somewhat speed up the country's integration in the EU. The fact that these missions have rallied participants from 24 countries on five continents, including the FYROM, Croatia, Albania and, as of

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35   The 2007 Joint Statement on UN-EU Cooperation in Crisis Management was also signed.

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recently, Montenegro, is by all means important to a country which is not only bigger than those mentioned but is also aspiring to become a leader in the region. The mutual defence clause provided for by the Treaty of Lisbon is a perfect option for Serbia's declared neutrality, as pointed out in the case of Finland.

Conclusion

The EU capacity under the European Security and Defence Policy has considerably increased over the past ten years. Along with the Common Foreign and Defence Policy (which consists of the CSDP for its large part), the security and defence policy constitutes a complex system of permanently developing relations and a unique product of the EU's specific nature. The governments of the EU member states have largely expanded both their geographical perspective, as well as the combination of different political, mission-related decisions; in addition to that, numerous institutions, tools and thematic areas have been established under the European/Common Security and Defence Policy.

Although the principle of unanimous decision-making remains the cornerstone of cooperation in the sphere of EU security and defence, the Treaty of Lisbon will have a positive effect on the CSDP. The key changes include the new provisions on setting up the office of High Commissioner for Foreign Affairs and Security Policy, the specific provisions on the implementation of the Common Security and Defence Policy, the modification of the Petersberg tasks, the solidarity and mutual defence clauses, and Permanent Structured Cooperation. The improvement to be effected under the Treaty of Lisbon will make it possible for the EU to achieve projections and implement a coherent policy in this domain in a higher degree.

The Common Foreign and Security Policy and the European Security and Defence Policy have been given a prominent place in the National Security Strategy of the Republic of Serbia; however, all preconditions for our country's participation in the ESDP have not been met yet. Serbia's obvious lack of interest for taking part in the Common Security and Defence Policy, although somewhat understandable in view of its intense efforts to preserve Kosovo and Metohija within its borders through diplomatic means and of certain limitations related to the nature, composition and zones of engagement of ESDP missions, will not help speed up the process of its EU integration or of its becoming a regional leader, which is often quoted as one of the country's goals. The EU should not only be recognised as an economic community, it should also be recognised as a security community, while the Common Security and Defence Policy should be seen as a good framework for neutral Serbia.

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Membership Requirements In The Sphere Of Legislation And The Degree Of Their Fulfilment By The Republic Of Serbia In Its Eu Approximation Process To Date

Abstract

In this paper, the author wants to describe and explain the process of legal approximation of a state wishing to become a member of the European Union (EU). The process of legal approximation is a state's most important and most complicated task in the EU integration process. The legal obligations are clear and strict, growing progressively as a state approaches its membership in the EU. However, although legal approximation is obligatory, it is not a mechanic process of the transcription of legal provisions but gradual, phase-by-phase planned approximation of legislation, in which a state has the room to adopt its own laws to transpose the relevant EU legislation in the best way possible. The method and the pace of legal approximation and the quality of domestic laws adopted for the purpose are largely the responsibility of a state, which can handle this process of harmonisation with greater or lesser success.

This paper consists of several sections, focusing first on the determination of the characteristic nature of EU law, followed by the description of growing obligations in the EU integration process and some practical advice of a rather general nature connected to it, as well as the description of Serbia's current status in it. The last section deals with the specific features of legal obligations in the area of the EU Common Security and Defence Policy (CSDP).

Key words: European Union, European Commission, EU law, Stabilisation and Association Agreement (SAA), legal approximation, national law, regulations, directives.

What is EU law?

The theoretical controversy about the political nature of the EU, ranging from claims that it more or less constitutes a federal state already at this point to the claims that it is nothing more than a slightly more integrated international organisation, while the majority is unanimous on the point that it is a *sui generis* community, can be easily transferred to the sphere of attempts to determine the nature of its legal system. Unlike the legal systems of 'classic' sovereign states representing clearly-defined hierarchised systems of legal norms adopted in a defined way through state institutions, EU law is far more complicated for the very fact that it is the law of a *sui generis* community, which has no model in the history to date. Consequently, a more flexible and less conventional approach must be adopted in the understanding and presentation of this law.

In short, the European Community/European Union (EC/EU[1]) has been created by gradually transferring the member states' competences to the EC/EU level, i.e. by entrusting specific state competences to EC/EU institutions with a view to achieving the following goals set in the founding treaties: economic growth, higher living standards, social cohesion and solidarity among the member states etc. (initial Community treaties), as well as encouraging economic development, strengthening the rights and interests of the member states' nationals and consolidation of the freedom and security zone (the Treaty on European Union). The transfer of these competences to the EC/EU level and the related legislation created as a result by the relevant EC/EU institutions (the Council, the Commission and the Parliament) have led to the development of specific law, which is in force in all member states and which has supremacy over national law (naturally, only within the competencies conferred[2]). Over the years, the EC/EU competences have expanded including a growing number of areas, so that, at this point, there is hardly any area of life which comes exclusively within the competence of national law and which is not covered by EU law. EU law has practically expanded to the majority of areas defined by a legal system. The relation between the national legal systems of the EU member states and EU law now looks as follows: the sovereign states' constitutions represent the highest-level legislation, while all laws 'below' them are in keeping with them; however, in the spheres entrusted to the EU, as a result of **the principles of EU law known as direct effect and supremacy** (i.e. the rule that, should EU law conflict with national

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1   This denotation is quite common in the reference material, because it emphasises the continuity existing in the period between the setting up of the first communities in the 1950's and the creation of the EU.

2   The extent to which state competencies are entrusted to the EC/EU differs, ranging from 'exclusive' EC/EU competencies, on which decisions are taken at the EC/EU level only, through 'shared' competences on which the EU institutions and the member states decide jointly, to competences which have not been transferred and in which the EC/EU has no say.

law, EU law should have supremacy[3]), EU law takes precedence over national law as regards the conferred competences. Although the national legal systems are still (formally) above EU law, most of the areas have already been transferred to the 'European' level since the setting up of the EC/EU and, consequently, most of the affairs concerning the lives of the member states' citizens have already become part of 'European' law. Consequently, EU law penetrated the lives of the member states' citizens long time ago, becoming an inevitable factor or, more precisely, a determining factor in them.

EU law/acquis communautaire includes primary and secondary law of the EU. Primary law includes the EC/EU founding treaties[4], representing primary law because they are the basic treaties defining the EC/EU, its goals, its institutions, its decision-making process and the competences it is entrusted with. At this point, primary law includes the Treaty of Lisbon, comprising the Treaty on European Union and the Treaty on the Functioning of the European Union and effective since 1 December 2009. Secondary law includes the legislation adopted in a set manner by the EC/EU institutions and defining specific areas within the conferred competences. It represents secondary law because it includes the legislation adopted by the EU institutions. The primary legislation and the secondary legislation form together EU law, which currently includes some 30,000 legislative acts.

The European Court of Justice supervises the compliance with the set procedures and the exercise of the conferred competences. Its function is to rule in EU law violation cases, resulting from disregard for EU law by its subjects including the EU institutions (the Commission, the Council, the Parliament), the member states, natural persons and legal entities. The European Court of Justice has played the crucial role in shaping EU law and its decisions are often included in it, because of their precedent nature.

Leaving aside the founding treaties adopted periodically for several years, the legislation defining a large number of areas concerning all EU citizens is adopted through the set procedures in the EU institutions. However, the member states and their respective administrations are in charge of the implementation of that legislation, while the

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3   The principles of precedence and supremacy were established through the practice of the Court of Justice, which, ruling in specific cases (the well-known cases of *Costa vs. Enel* and *Van Gend vs. Loos*) in the early 1960's introduced these principles so that the EU legal system could operate at all. They have become the fundamental principles of EU law in its relation to the national legal systems.

4   The founding treaties include the following: the Treaty establishing the European Coal and Steel Community (ECSC) (1951), the Treaty establishing the European Economic Community (EEC) and the Treaty establishing the European Atomic Energy Community (1957), as well as the treaties on the European Union adopted in Maastricht (1992), Amsterdam (1997) and Nice (2000) and, finally, the Treaty of Lisbon (2008), which is currently in force. Primary law includes also the Merger Treaty (1965), two treaties on budget and financial issues adopted in 1970 and 1975 respectively, the Single European Act (1985), as well as all accession treaties signed between the new member states and the EC/EU.

Commission controls the implementation process. Consequently, the Commission is the guardian and guarantor of the implementation of EU law alongside the Court of Justice.

The legislative acts constituting EU (secondary) law can include the following: regulations, directives, decisions, and recommendations and opinions that are not binding. Regulations are laws by nature, they are binding in their entirety and directly applicable; decisions are directly applicable and always refer to a specific subject; directives are general in nature but are not directly applicable, instead the member states have to adopt national laws within a specific period of time to achieve the purpose and goals set in them. **Directives reflect the specific features of EU law, accounting for the majority of the legislative acts adopted by the EU.** Namely, despite their common denominator as democratic European states, the member states have different legal systems. The differences are principled ('common' vs. 'continental' law) as well as specific to individual member states. Each state has its own legal tradition, a different constitution, differently defined areas of competence and a differently defined role of institutions within its own legal system. That is why, in most of the cases, it is not possible to adopt legislation that could be applied in a unified manner in all member states. Consequently, directives, defining the goal, the purpose and, possibly, other parameters to be met in order to achieve the directive goal, are passed in the majority of the cases. A member state has to adopt a national law translating (transposing) a given directive into its national legal system, within a certain period of time. **Such a national law must fulfil two purposes: it must achieve the goal or the purpose set in a given directive and it must do so within the system of national (domestic) law.** Directives account for the majority of EU law and, consequently, the national laws translating different directives into domestic legal systems also constitute the largest part of EU law. Directives, enabling and implying the adoption of domestic laws to achieve directive goals/purpose, are in fact the way in which EU law adapts itself to the member states' respective legal systems.

Indeed, this 'transposition' or 'translation' of directives has become an integral part of the development of EU law in individual states. That is what 'legal knowledge' now implies from a member state's perspective: how to transpose directives in the best way possible, how to achieve the goal or the purpose set in them, on the one hand, and how to do it in the best and most efficient way possible, using the procedures and instruments provided for by domestic law, on the other. For, while the obligation set in a given directive must neither be avoided, nor met in part (this could lead to an action before the Court of Justice), placing any unnecessary burden on the administrative apparatus can result in the overload of the domestic legal and administrative system. This transposition process is at the

same time crucial to legal obligations of a state in the EU integration process[5].

Legal obligations of a state in joining the EU[6]

In order for the EU to be able to implement its policies efficiently in the sphere of the competencies conferred on it, it must have a single legal system, applied equally throughout the EU territory. Consequently, on joining the EU, states must have legal systems fully harmonised with EU law, because from that point on it will be implemented in the same way as in other member states[7]. The aim of legal approximation in the accession process is to harmonise domestic law with entire EU law.

The specific obligations in the approximation process arise from different, established stages of EU accession, constituting a defined 'EU enlargement policy'. This enlargement policy primarily includes three general terms, which candidate states must meet in a different, ever higher degree at different levels of their candidacy for the EU. Laid down and adopted at the European summits held respectively in Copenhagen in 1993 and Madrid in 1995, these terms imply the meeting of different criteria including the following: the political criterion, pertaining to democracy, the rule of law and the respect for human and minority rights, 2) the economic criterion, pertaining to a functioning open market economy, capable of coping with competition in the EU, and 3) the administrative capacity, pertaining to an efficient public administration, capable of fulfilling the membership obligations. In addition to the above general terms, each state involved in the process has to pass through some obligatory stages, during each of which its (legal, political, economic) system is brought more in line with the EU system, while its obligations assumed under the agreements signed with the EU grow. In short, a state must pass through the following status-related stages in the EU integration process: obtaining a feasibility study, holding negotiations on and signing the Stabilisation and Association Agreement (SAA), which represents a relationship very much alike to that the EU has with an associated state, submission of official membership candidacy to the Council of Ministers, the Commission's sending questions (regarding the extent of standard fulfilment in all areas) to a state, a state's replying to the Commission's questions, the

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5   The transposition process is not the only method of approximation, because the latter has more than one aspect due to its complexity; this text highlights transposition because it will be used for the majority of EU legislative acts in the approximation process.

6   The term 'joining' is used to describe a state's entire integration process, from its very start (when a state has no relations of this kind, nor wishes to join the integration process, as was the case with Serbia before 2000) until its end, when a state is granted EU membership. The term 'association' is used for the process up to the point of signing and implementation of the SAA, while the term 'accession' is used from the beginning until the end of negotiations on full membership.

7   Also, there has to be an adequate administrative system capable of fulfilling the obligations arising from EU membership, which is the third Copenhagen criterion to be met by candidate states.

Commission's reporting to the Council of Ministers on a state's readiness to hold the candidate status, being granted the candidate status by the European Council, opening membership negotiations and, finally, signing the EU accession agreement, setting the date when a state will become a full EU member.

The specific obligations related to legal approximation depend on the stage of joining a state is in. The first real obligations arising from an international treaty are those assumed under the SAA, representing the first comprehensive international treaty with which a state practically embarks on the road to integration. This Agreement is complex, pertaining to a large number of spheres of Serbia's and EU rights and liabilities[8] (political provisions, regional cooperation, provisions on the free movement of goods, mutual tariff cuts, movement of capital, movement of labour etc.). Title VI of the SAA (between Serbia and the EU), entitled *Approximation of Laws, Law Enforcement and Competition Rules*, defines the obligation of approximation of Serbia's legal system with EU law in "all the elements of the Community *acquis* referred to in the Agreement" (Article 72, 2), while the following point states that approximation will focus also on fundamental elements of the internal market *acquis*, justice, freedom and security, and trade-related issues (Article 72, 3). In the trade-related areas, the obligation of approximation extends to the following: protection of competition, state aid, public undertakings, public procurement, standardisation, metrology, accreditation, conformity assessment, protection of intellectual property, consumer protection and equal opportunities for all employees. This is the most important agreement which a state signs with the EU, opening the door to further integration process.

One could probably conclude that a state would not be strictly under obligation to carry out legal approximation if it did not go beyond the signing of the SAA and that this obligation would be effective to a certain degree, sufficient to ensure the Agreement's smooth implementation. However, if the SAA is taken to be a step towards further integration and, ultimately, EU membership, which is in fact its true 'role', than approximation of laws must be viewed in terms of full harmonisation. This means that, in the approximation process, efforts should be made to achieve full harmonisation of domestic laws with EU legislation in order to complete the process as soon as possible, so that the laws which are only partly aligned should not be the reason for negotiations and further setting of conditions at subsequent integration stages. Consequently, when fulfilling the obligations assumed under the SAA, efforts should be made to ensure

8   The SAA includes the following 10 titles: 1. general principles, 2. political dialogue, 3. regional cooperation, 4. free movement of goods, 5. movement of workers, settling abroad for business reasons, supply of services, movement of capital, 6. approximation of laws, law enforcement and competition rules, 7. justice, freedom and security 8. cooperation policies, 9. financial cooperation, and 10. institutional, general and final provisions.

full approximation with the relevant EU legislation, provided that this is feasible within a given legal framework and that such approximation should not cause big problems and costs to the administrative system at a given point in time.

The launch of the SAA and a period of its successful implementation are followed by the submission of a state's candidacy application and the granting of the candidate status by the European Council, which represents the next stage in a state's EU integration process. In this stage, the Commission sends to a potential candidate state a list with a large number of questions about that state's overall functioning. A state is to provide replies to these questions and send them to the Commission, which, on the basis of them, gives its opinion (*avis*) on a state's readiness to start membership negotiations. Moreover, in this stage, the fulfilment of the Copenhagen criteria must be on a generally higher level and, consequently, the Commission can send additional questions to a state or give a negative opinion. If it gives a positive opinion, the European Council accepts unanimously a given state's application to become a candidate, which leads to the new stage, namely, membership negotiations.

Membership negotiations represent the most demanding stage in the integration process. The negotiations are held by opening certain 'chapters' of EU law[9]. Entire (secondary) EU law is divided into 35 chapters by areas[10]. The negotiations are held on each chapter separately, i.e. the chapters are 'opened' and 'closed' once the negotiations on them result in an agreement. The approximation of the domestic legislation with EU law represents in fact the essential, inevitable and indispensable condition of the negotiations, along with other issues[11]. Once a decision on the formal opening of negotiations is taken, the Commission first conducts the so-called screening of specific chapters, informing itself in detail about the relevant laws and the way things function in the specific areas covered by a given chapter, which must meet certain standards in order for the negotiations on them to open at all. The Commission can set a specific benchmark for a specific chapter, defining what is yet to be done by a state, which laws it should adopt and which level it must achieve in order for that chapter to be 'opened' at all. This means that, in order for the negotiations on a specific chapter to begin, a certain level of approximation of the domestic legislation must be reached for that chapter.

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9   The entire process of membership negotiations is highly complex, including several stages, with the Commission, the member states and the European Parliament being constantly present and controlling the entire process.
10   Chapter 34 of EU law deals with institutional issues, while Chapter 35 is reserved for "other issues".
11   In addition to the approximation of laws, negations are held on other issues as well including the number of seats a state will get in different EU institutions, budget issues, possible 'transitional periods', exemptions in some areas etc.

Once the negotiations on a specific chapter commence, the Commission for its part requests that a state's legal system be fully harmonised with relevant EU law in that chapter. In view of the fact that, in the area covered by a given chapter, the laws and the functioning of a candidate state's system in general always differ to a greater or lesser extent from those in the EU member states, **the negotiations focus on a state's obligation to adopt laws fully harmonised with the relevant EU legislation, in a specific period of time.** In addition to the adoption of laws, the Commission considers their implementation, which must be on a satisfactory level, to be an inseparable part of legal approximation. An adopted law which is not implemented or is implemented inefficiently is considered to be an unfulfilled obligation and a non-functioning area. The efficient implementation of a law is a condition of the Commission's positive evaluation[12]. In other words, EU law must be fully incorporated into the domestic legal system and must be part of internal law which is efficiently implemented. The day a candidate state joins the EU, the EU legal system must function in it as part of its internal law and in the same way as in other member states.

Unlike the obligations arising from the SAA, the process of full harmonisation is far more demanding. It pertains to the entire EU legal system and all legislative acts which are in force in the EU, which means that it pertains to all areas which come within its competence. Approximation is more demanding because full harmonisation, rigorously controlled by the Commission through negotiations, is required at this stage.

Once the negotiations in 35 areas are successfully completed, the Treaty of Accession, defining the rights and liabilities set in the membership negotiations and determining the date when a candidate state will join the EU, is signed.

What does the success of legal approximation depend on?

The primary condition which must be fulfilled in order to start the approximation of laws is that a given state functions on the principles of a 'modern' state including democracy, the rule of law, the protection of human rights, a market economy and an efficient public administration. A system to be approximated must at least have the clear contours of these principles, because the laws to be adopted subsequently and to be approximated with the EU legislation must be developed on these foundations. A legal system must imply the respect for law, clear division of different spheres of authority,

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12   The Commission's supervision of the obligations assumed by states in negotiations continues even after the 'closing' of a specific chapter, as long as the Treaty of Accession is not signed; consequently, should a state fail to approximate its legislation at the agreed pace, a specific chapter could be 'reopened'.

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independent judicial authorities, clearly-defined decision-making procedures etc, which all constitute the attributes of a modern state ruled by law.

The first condition of the transposition of EU legislation is the existence of institutions with similar competences as in the member states, which can implement specific EU legislation through their legally defined competences. If there is an EU legislative act which must be implemented by a specific institution, e.g. a legislative act in the sphere of competition, which comes within the competence of the EU, and there is no institution in a state which could implement it and which has a similar position and similar competences as in the EU member states, this would mean that, practically, there was no one to implement it. Consequently, the setting up of institutions with a similar position and similar competences as in the member states constitutes the first step in the system's legal harmonisation.

As for the approximation of legislative acts themselves, one should first take into account their characteristics. Regulations are applied directly and have the force of a domestic law, so that no harmonisation is needed[13]. However, the share of regulations in the legislative acts adopted is relatively small, for the very fact that the member states' legal systems differ. Directives, defining the goals or the purpose to be achieved by a law to be adopted at the national level, account for the majority of EU legislation. The transposition of directives constitutes the commonest and most important segment of approximation by the member states and candidate states alike, because it is conducted in a similar way. In this case, there is an EU directive setting a goal to be achieved, on the one hand, while on the other there is a domestic legal system with its specific institutions, competences and procedures. When transposing a directive, domestic legislators must fulfil several conditions in order for the process to be successful. On the one hand, they must achieve the goal or the purpose set in a directive, at least to the extent considered to be satisfactory by the Commission, which safeguards the EU legal system. If the goal is not achieved through legislation that might try to avoid or weaken the obligation through different domestic procedures, the Commission could react, warning the state in question that it has failed to fulfil the obligation set by a directive. The ultimate sanction could be an action before the Court of Justice and the payment of a penalty for failure to meet the obligation, which is something any state would rather avoid. On the other hand, the legislators must take into account the fact that the law implementing a directive must conform with the domestic legislation

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13   Problems may arise at this point, because regulations are not transposed by the member states since they are applied directly; given that candidate states do not implement regulations directly, they must adopt laws to implement them; however, once they join the EU, these laws should be put out force, because regulations should not be transposed into the domestic legal system. Candidate states have addressed this legal issue in different ways.

and procedures; it should be as efficient as possible, including at the same time the simplest procedures possible, it must burden the domestic administration as little as possible and must be as low-budget in terms of implementation as possible. In view of a high number of directives, inadequate approximation would soon render difficult, slow down or even block the work of the entire administrative system.

The second stage in the approximation of directives is the implementation of laws. It is not enough if a law is passed by a state's parliament, it has to be implemented and has to yield specific and measurable empirical results. If this is not the case and if a law is not implemented for some reasons, no matter how approximated it is on paper, the Commission might react and use the available instruments.

Being acquainted with legal approximation has thus become a major activity in the legal as well as overall process of a state's adaptation to the system existing in the EU and its accession to the Union.

Serbia's results in the domain to date

Serbia's specific obligations in the process of legal harmonisation arise from the SAA it has signed. However, since 2000, Serbia has made it clear in many ways, ranging from the authorities' statements, through the adoption of the relevant resolutions in Parliament to the enactment of the National Strategy of Serbia-Montenegro for the Accession to the EU etc. that its membership in the EU is the strategic goal of its overall policy.

Being a part of the general integration strategy, legal harmonisation is one of the central obligations in the process. Consequently, Serbian governments have tried to kick-start the legal approximation process in different ways ever since 2000. In 2004, the Government introduced 'approximation statements', which were mandatory and had to be submitted with draft laws, declaring whether they were approximated with the relevant EU legislation or not and, if not, the reasons why they were not. In addition to that, in keeping with the European Partnership priorities, action plans for approximation, containing the list of laws approximated with the relevant EU legislation and due to be passed in a given year, were adopted on an annual basis.

After these initial, partial attempts at harmonisation, following the example of other countries, Serbia commenced the drafting of a single, comprehensive document which was to give an overall overview of the current status of approximation of domestic laws and

of all obligations and plans for the adoption of laws in order to harmonise the entire domestic legislation with EU law. To this end, the first step was to set up the relevant bodies in charge of drafting this plan including the following: Coordination Body for EU Accession Process (comprising the ministers most responsible for the integration process), the Expert Group of the Coordination Body (comprising the state secretaries heading 33 groups corresponding to the chapters of EU law) and Expert Subgroups (comprising a permanent chairman, a vice-chairman, a secretary and a deputy secretary from one of the ministries). The Expert Subgroups are made up of permanent staff of one ministry and officials of other ministries in charge of the legislation in a specific area[14]. They have been entrusted with the task of comparing the domestic legislation with EU law in the area covered by a specific chapter, of stating how much they differ and which laws should be adopted for the purpose of harmonisation, as well as of mapping out the plan for the phased adoption of laws so that the domestic area could be approximated with EU law in the best way possible.

The document called the National Plan for Integration with the EU (NPI), was adopted in a Serbian government session on 8 October 2009 and revised on 24 December 2009. The document contains the obligations in the political, economic and sector segments, providing an overview of the current status and containing plans for the adoption of laws to approximate domestic law with EU law. The document includes the NPI database listing all domestic laws and laws to be adopted for the purpose of approximation with the relevant EU legislation. It contains a clear, easy-to-survey overview of the entire planned process of approximation of the domestic legislation with EU law.

The deadline by which the entire process of legal approximation is to be completed is 31 December 2012, i.e. under the NPI, the entire domestic legislation should be harmonised with EU law by that date.

In the period between October 2008, when the NPI was adopted, and late 2009, of the total of 344 planned laws, 273 were passed, amounting to 79 per cent of the legislation to be adopted. This information indicates that the set deadlines have for the largest part been met and that, although not perfect, the approximation process is nevertheless functioning well.

While drawing up the relevant plans, the domestic legislators and the planners of legal approximation encountered difficulties

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14   Consequently, Expert Subgroup 31, which is in charge of Foreign Security and Defence Policy, in addition to the staff of the Ministry of Foreign Affairs, comprises officials of the Ministry of Defence, the Ministry of the Interior and the Ministry of Economy and Regional Development, because these ministries are in charge of EU law in the domain/ area covered by Chapter 31.

characteristic of the process. Firstly, when planning the adoption of laws, one should be well acquainted with both EU law as well as national law in order to be able to see how they differ, based on which a plan of the laws to be adopted is mapped out in order to eliminate these differences. Moreover, the pace of the adoption of laws/ gradual adaptation to a specific segment of EU law must be worked out and adopted in order to ensure full harmonisation at subsequent stages. To complete the approximation process all at once, by passing a large number of laws in an area in which previously there was no national law or that law functioned on an entirely different basis often proves to be impossible or highly detrimental. The implementation of laws implies harmonisation with other legislation, trained administration, clearly-defined procedures proved in practice, courts which are well-acquainted with a specific area etc. Consequently, the stages of approximation, in which one set of laws relies on other previously adopted laws, must be planned in order for a specific area to be harmonised at the end of the process.

The financial aspect of laws being adopted constitutes a major factor when planning the adoption of laws. Each law has its financial aspect, often requiring opening new posts in the administrative apparatus, setting up new institutions, supplying them with technical equipment etc. The financial aspect is in particular important in some areas of approximation like environment protection or agriculture. The approximation of laws in these areas implies bringing standards in line with the relevant EU standards, which are at a much higher level than in Serbia. New standards imply the introduction of new technologies (new exhaust gas filters, engines conforming to the relevant standards, new inspection equipment etc.) and therefore constitute a state's specific financial liabilities. Due to this financial burden, the states which joined the EU within its enlargement in 2004 and 2007 frequently requested that they be granted 'a transitional period' for these areas, i.e. that they be allowed to meet the obligation of full harmonisation of their laws some time after they were formally granted EU membership[15]. For all these reasons, planning the pace of the adoption of laws for the purpose of approximation is one of the most difficult and most demanding tasks in this process.

The lengthy period of time covered by the NPI also represents a problem in meeting the obligations set. The October 2008-late 2012 period spans four and a half years, for which the adoption of every single law aimed at approximation should be planned.

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15   Some states with a high 'administrative capacity' conduct economic analyses of the effects of a law to be adopted, thus estimating their future obligations more accurately; Serbia has no such obligation at this point, so that analyses are conducted on an *ad hoc* basis; such an instrument is extremely useful, specifically for the long-term planning of the adoption of laws.

The administrative and the financial segment of the NPI must also be taken into account when planning the pace of the adoption of laws. The administrative segment implies planning a sufficient number of employees who will implement 'European laws', which most commonly means setting up new units in the existing ministries as well as forming new institutions which will implement relevant EU law. The financial segment implies the assessment and planning of each liability arising from the obligation of approximation, i.e. from the newly-adopted 'European' laws. Consequently, some laws, if they do not require a large number of employees and are implemented within the existing competences, will not incur any costs at all, while other laws, usually those in the sphere of environment protection or agriculture requiring the adoption of new technologies, will incur significant costs. The introduction of new standards often means imposing an additional burden on the economy or average consumers, so that this aspect must be taken into account, too, when planning the pace of the adoption of laws.

To implement the NPI with a success and to meet the assumed obligations, the NPI must be in line with the budgets each subsequent year, as well as with the Government's work plan, the ministries' individual plans and other annual strategic documents adopted by the Government.

Even though it is a comprehensive plan, the NPI has one shortcoming. Namely, it represents an activity plan which the Serbian government sets before itself and checks and controls itself, so that the European Commission has not done any checking yet, nor provided its approximation evaluation as a result of its screening process. The Government acts as the agent controlling the process it itself implements, so that, either due to insufficient knowledge or expertise, either due to the extreme need to make approximation reports more successful, the laws declared to be harmonised are adopted although essentially they are not harmonised or are not harmonised in their entirety. Consequently, gaps or uncoordinated laws can appear in the areas we claim to be harmonised with EU law, without the administration even being aware of it.

Following once again the example of other states involved in the process, the Government therefore decided to introduce a new instrument, 'approximation tables', to the approximation process in March 2010. The tables provide an overview of domestic laws by articles, the relevant articles of EU law, the assessment of the approximation degree, the reasons why some laws have not been approximated and the plan of the laws expected to ensure full harmonisation. Such a detailed list of all articles of the EU legislation and articles of national laws provides an easy-to-survey and reliable overview of the status of domestic law versus EU law. The

approximation tables are used in negotiations, representing an indispensable instrument in the approximation process. They significantly reduce the possibility of the domestic legislation not being harmonised with the EU legislation or of some laws and articles being accidentally (or deliberately) left out. Although complicated and demanding in terms of its drafting, this instrument enables neat and systematic work in the approximation process.

The introduction of this system will greatly improve the entire process of legal approximation, however, the real assessment of this approximation and the capacity to implement EU law will only be possible once the membership negotiations commence and the European Commission evaluates the degree of approximation of Serbian laws with the EU legislation through its screening process.

Legal harmonisation in the sphere of the CFSP/CSDP

EU law in the sphere of foreign, security and defence policy is classified in Chapter 31 of acquis communautaire under the title *Foreign, Security and Defence Policy*, including also the Common Security and Defence Policy (CSDP). Approximation in this area is different from that conducted in other chapters due to the specific nature of this EU policy and specific legislation in the sphere. The CSDP constitutes a part/an instrument of the Common Foreign and Security Policy (CFSP), representing the second pillar in the EU political and institutional structure. Although the sharp division between the first and the second pillar was somewhat reduced with the entry into force of the Lisbon Treaty, one can still say that EU foreign policy is based on the principle of intergovernmental cooperation[16]. This means that all (major) decisions are taken unanimously, that, as regards this policy, competences can be transferred to the EU only in part, while the legislation in the sphere is not subject to hearings before the European Court of Justice. The consequences of failure to meet the relevant obligations cannot go beyond the political sphere.

Still, some CFSP/CSDP legal instruments are included in acquis communautaire, although they are not as binding as the 'classic' legislation provided for by the first pillar. The legal instruments in the domain include the Council of Ministers' actions and positions (shaping the general guidelines adopted by the European Council), measures to implement these actions and positions (including decisions to deploy missions, measures to implement strategies etc.) and, in a broader sense, international treaties concluded by the EU with third countries, EU sanctions against a specific state or a

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16   Under the Lisbon Treaty, the office of High Representative for Foreign Policy, who acts simultaneously as the Commission's vice-president in charge of EU foreign affairs, was introduced; the office was meant to bridge the gap between the Council and the Commission in the conduct of foreign policy; still, it is hard to predict the true consequences of the merging of these posts.

specific party etc. In the accession stage, a state has to adapt and align its foreign and security policy to EU policy, which implies accepting these EU actions and decisions, pursuing a similar, coordinated policy towards third countries, good-neighbourly relations in the region and acceptance of 'common positions' (stands, declarations and demarches) in a state's official statements. It is evident that the political will to align to the Common Foreign and Security Policy constitutes the key element of accession in the domain rather than accurate legal harmonisation. However, the aim of harmonisation or, in this case, coordination, is the same as in other EU policies, which is the acceptance of EU foreign policy, the possibility of its efficient implementation and becoming its integral part to the extent defined by the Treaty on European Union.

In view of the fact that the CSDP constitutes a part/an instrument of the CFSP, approximation in the CSDP sphere will not be approximation in a typical sense, characteristic of other chapters of acquis communautaire. Approximation in the sphere means aligning to the general CSDP and readiness to assume the obligations which might arise from this policy. Although it still has no shape or a clear future, over the past ten years or so this policy has acquired clear contours, which imply certain obligations in the context of enlargement. The first of them would be civilian control over the army, which means the adoption and implementation of laws enabling efficient and satisfactory supervision and control over the armed forces[17]. The second would be institutional capability and political readiness to take part in CSDP missions, which have a military component. Several military missions or civilian missions with a military component have been deployed so far, representing one of the key CSDP components. A state's obligation to participate in joint missions implies that it has clear procedures enabling it to place at the EU disposal a part of its military capacity within a short period of time, as well as a part of its civilian capacity for civilian missions, in order to achieve mission objectives. Also, a state has to develop the administrative capacity as part of its preparations to join the policy, which means that it must have civil servants who will take their place on a large number of committees in the General Secretariat and the European Parliament, creators of this policy, once a state joins the EU. This would lead to active participation in shaping this policy and specific decisions taken under it.

As illustrated, approximation in this area does not require the strict implementation of the EU legislation and every single article as in other areas. The obligations arising from the CSDP are neither demanding nor complicated in the legal sense and mainly imply

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17   There is no EU legislative act in this field, only the models set by individual member states, so that there can be no approximation in the classic sense; still, the goal, which is efficient supervision of the armed forces, must be achieved through the law.

demonstration of the political will to take part in a policy which is not yet 'firm' and defined and has no clear and specific obligations for the member states. But due to the very fact that there are no clear, measurable criteria to assess the approximation degree in this sphere and that this is a highly sensitive policy the EU is still developing, the hurdle to be overcome in the area can be higher than the 'visible' and 'clearly measurable' set criteria. Consequently, approximation in the sphere must not be reduced to the indolent fulfilment of strict and clearly-defined obligations, because there are only few of them, but must instead include meeting the standards that would enable a state's active participation in this EU policy.

Conclusion

The process of approximation of the domestic legislation with EU law is the basic, most important and most demanding task a state should fulfil in order to become an EU member state. The process is unavoidable, representing the 'core' of the entire integration process.

The process itself depends on a couple of external and internal factors. The external factor includes the specific obligations of approximation arising from different stages of the integration process a state is in (association, candidate state, member state). As a state draws closer to its EU membership, its obligations in terms of greater legal approximation grow, with the obligation of full harmonisation of domestic law being the condition of its EU membership. The positive side of the external factor is the transparency of law to which domestic law is to be aligned, so that the obligations arising from it are clear, there are no surprises, which leaves sufficient room to develop the best method of approximation and plan the process for several years in advance. A state is responsible for its own fate and the success of the process depends solely on its internal capabilities.

The negative side of the external factor are high financial liabilities arising from the implementation of law in certain areas, in which standards for production, technology, environment protection etc. are much higher than the relevant domestic standards. A state is placed in a situation in which it has to plan how to reach these standards, gradually built in industrialised and economically developed countries for decades, in a few years only.

The internal factor of the process is a state's potential to analyse it in its entirety the best it can and to adopt the legislation which will be harmonised with EU law in the best way possible. The domestic laws adopted for the purpose of approximation with EU law can be of good quality and adequate for the domestic legal system, or they can be uncoordinated, causing chaos and confusion in domestic

law. The negative effects of it can include the laws not being approximated with EU law or failure to implement this law, which in any case is an unsurmountable obstacle to EU membership.

The conclusion to be drawn from the entire approximation process is that a state and its internal potential to implement the entire process play the key role. The success of the entire legal approximation project and, ultimately, a state's EU membership depend on its ability to make long-, medium- and short-term plans and act in line with them, to analyse the entire approximation process, to be aware of its good as well as its bad sides as a legal and administrative system, to be aware of its financial liabilities arising from certain areas, to adopt harmonised laws that are of good quality and adequate and to implement them.

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Geopolitical and Energy-Security Actors of Joining the Republic of Serbia to the European Union

Abstract

It is impossible to have a process of quality decision making regarding further political developments and associating of the country with the neighbouring states and the world in the political, economic and security areas without taking into account diverse factors and indicators which are prerequisite and which have impact on choosing adequate decision. Geopolitical and energy-security factors, strong influence of NATO, both in the Balkans and Europe, strengthening of European Union as an alliance struggling for its position in the world, as well as return of Russia to the political and economic world scene influence to a great extent the decision making process of Serbia relative to its accession to the European Union.

By examining each of the mentioned factors and their mutual correlations we can, to some degree, recognize the steps that must be done or that are to be undertaken for the purpose of making quality decision. And this should be a decision that would bring Serbia stability, security and prosperity in diverse areas of modern living.

Key words: geographic position, politics, security, energy security, energy dependence.

Introduction

In order to examine position, role and needs for decision making relative to future course and steps of Serbian development within the present political environment, one must, above all, consider the facts and indicators which govern and determine particular decisions. Some of these factors-indicators are: geographic position of the country in regard to the region, current political constellation, energy-security conditions which in future may have considerable impact and mutual interdependence of the mentioned factors-indicators. In accordance with the present situation it would be more realistic to say that mutual interlacing and dependability of the mentioned factors are the most important feature of decision-making process. Geographic factors proved many times in history as the factor accelerating or obstructing the very development of the state. Skilful use of the country's favourable position may create conditions for faster development of the country and opening of prospects for cooperation. Clear political factors understood by others may inspire cooperation based on understanding of political conditions existing in a country. Understandable political conditions infuse indirectly certain degree of security to the wish for establishing connections and cooperation with the countries and organizations. One must not neglect the membership in the alliances which opens possibilities for cooperation in diverse areas. Energy potentials, as key factor of energy security, create possibility for establishing cooperation in the area of energy security which will directly influence economy and industry, and consequently technical-technological development.

Geographic Factors

Examining position and role of Serbia in the political world must, first of all, start with the geographic position of our country to which the political environment in which it exists is added. Simply, the geopolitical position of our country influence considerably geopolitical guidelines of our country, its accession to political, economic and security integrations and with this the entire social development. Due to its position Serbia gravitates towards Europe and consequently it should opt for its position in the European Union. Diverse geopolitical analysis of the Balkans including Serbia as well stress the importance of our country in regard to transportation-transit sense, political-territorial sense but they also underline its importance regarding ethnic religious relations and military-political issues.

When speaking about geostrategic aspect of the relations between Serbia and European Union it is important to point out two aspects:

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1. Serbia is in the area of the EU institutional, political and military-security envelopment. 2. Within the European-NATO ring, Serbia is wedged in two ethnic-historical explosive "Bermuda triangles", which overlap each other: in Albania – Macedonia – Serbia triangle that concerns Kosovo syndrome and in Croatia – BH – Serbia triangle concerning Bosnian Muslims syndrome.[1] Both mentioned "triangles' exist in the territory of Europe and unavoidably, they will be resolved with the full engagement of Europe. Because of it, it is in the interest of our country to make her relation with Europe active one. These activities ought to be directed towards alliance with those political and economic forces which are engaged in building up European integrations.

Earlier mentioned importance of geographic position of Serbia which is reflected in the corridors leading from Europe to Asia, Middle East and Mediterranean, points out that Serbia should exploit this advantage of its position. Namely, three out of ten pan European transport corridors, connecting parts of the continent and of key strategic importance for Europe, are also of geostrategic significance for Serbia. These are corridors 10, 7 and 8.

The axes of corridor 10 goes from Salzburg towards Ljubljana and Zagreb, further on to Belgrade and then to Thessaloniki and Istanbul. One leg of this corridor goes from Budapest to Belgrade from where it melts into west European and central Balkans strategic transversal. Corridor 10 connects eight states plus few more connected by its legs. Indirectly, via this corridor Serbia is connected with corridor five (from Central Europe to Northern Adriatic) and corridor four (Budapest – Bucharest – Black Sea).

Corridor 7 goes along the river Danube connecting Serbia with Central, West and Southeast Europe and Black Sea. It connects part of the West and Central Europe with the Black Sea basin and from there with Middle East, Asia Minor and Caspian part of Euro Asia.

Corridor 8 goes from the west shores of the Black Sea via Sophia and Skopje towards Tirana and Otranto Strait. It is transversal and intersects Corridor 10 by means of which Serbia is connected with Mediterranean – Greece and Black Sea. Due to NATO military deployment in Kosovo and Metohija (KiM) and particularly to USA geostrategic battle to realize its interests in the Caspian basin, Corridor 8 has special importance for realization of the American geopolitical interests in the Balkans and in the European part of Euro Asia. Situation regarding Kosovo and Metohija increases importance of Corridor 8 which could considerably diminish geostrategic significance of Corridor 10.

1   Sekulović, D., Gigović, Lj: Evropska komponenta geopolitičkog položaja Srbije", Vojno delo, No.3, Belgrade, 2008, p.18

In the next period the conditions for intensive economic development will be created within the zone of pan European corridors. Due to that the countries situated within the corridor zones have favourable geostrategic position.

Pursuant to the above mentioned, it is necessary to value our favourable position through political and entire developing strategies relative to our relations with the neighbours and main power centres.[2] This favourable position should be used for increased association with EU and active influence in cooperation with EU.

Political Factors

Apart from its position, it is necessary to take into consideration political factors which exist in the European Union Member States. And to what extent these factors may have impact on our country.

European Union is not the only alliance, which exercise its political, economic and security influence on this part of Europe. NATO i.e. some Member States of this alliance also exercise considerable influence. For this alliance has been striving during the past years to change its previously exclusively military role for a role of political arbiter credible to replace United Nations.

Serbia contributes actively to European integrations through development of the regional relations: Adriatic Initiative, Southeast European Cooperation Initiative (SECI) Southeast European Stability Pact, Southeast Europe Cooperation Process (SEECP), Central European Initiative (CEI) Balkan Initiative and Energy Community of South East Europe. These initiatives are result of geographic, cultural-religious and historical-geopolitical regional development of Serbia and South East Europe. Taking into consideration current global geopolitical structures, it is also important to develop the following initiatives: European (EU, Council of Europe, OSCE), Euro Atlantic (USA, NATO) and global one (UN, Russia, China). It is important to point out that Serbia is involved in Partnership for Peace which makes it significant factor of the regional security initiatives in two overlapping sub regions (Balkans and Central European one).[3]

These facts are supported by reality and reflected through our environment in which both European Union and NATO exist. Both alliances set the conditions, both for cooperation with them and for becoming their member. That is why our position must be examined from the realistic point of view.

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2   Ibid, pp. 17—18.
3   Ibid, p. 19

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The political situation in the world, upon the end of the cold war imposes generally accepted opinion that globalization is the new world order. Globalization is described as creation of new, more rational and more secure world. However, reality shows globalization in a totally different light. It was expected that, upon cessation of confrontation between East and West, violence, wars and conflicts would decrease. Instead reality produced wars in the Balkans during 90-ies, disintegration of the Soviet Union and increase of instability and violence in the area of Caspian Basin, situation in Africa is even more chaotic and hatred in the Middle East has escalated in even more drastic form. Mandelbaum concludes that the world "after cold war, same as the world during it, does not lack problems, conflicts and uncertainty."[4]

This same globalization process, instead of ideal and perfect world, set new challenges for global security which Habermas describes "… as even deeper gap in living standard between the well off North and the poor, in chaos and self destruction immerged regions of South; cultural conflicts between predominantly secular West and Islam world oriented towards fundamentalism on one side and tradition of Far East on another, silent ignoring of the alarming signals of the ecological alarm clock which strikes cruelly, Lebanization of the regions immersed in civil wars and ethnic-national conflicts, etc."[5]

Examining, the consequences of globalization, during the past twenty years, manifested through escalation of poverty, widening of the existing gaps and making new global splits, one may conclude that globalization itself is the reason for great unbalance and threat to security. The reason for this should be traced in the very globalization process which diminishes importance of the space, time and borders among the countries and continents. With this the contemporary world becomes one global society. It becomes the global society of risks.[6] And these risks will increase to a great extent. Based on CIA assessment it is expected that increasing networking of global technology and economy that will be propelled by fast and mostly unlimited flow of information, ideas, cultural values, capital, goods and services, will also influence the increase of political stability in the world in 2015. But these global processes will not have universal range not they will be equally distributed, and thus the financial instability and grow of economic inequality will be the most important feature of the international economic progress. The consequence of this will be neglect and marginalization of the regions, countries and groups of countries which will face even deeper economic stagnation, political instability and cultural alienation thus

4   Mandelbaum, M.: Ideje koje su osvojile svet, Filip Vičnjić, Belgrade, 2004, p.41.
5   Habermas, J: Postnacionalna konstelacija, Otkrovenje, Belgrade, 2002, p. 64.
6   Bek, U: Rizično društvo, Filip Višnjić, Belgrade, 2001.

strengthening political, ethnic and religious extremism and causing increase of violence in these areas.[7]

This refers to the Third World countries, the countries in the sub Saharan Africa and in Middle East, to some Latin American countries as well as to central Asia and Southeast Europe which will be the source of raw materials and providers of cheap labour force for the wealthy north without having any chance to improve their situation.

Consequently, worldwide expansion of the terrorism against economically most powerful countries should not be surprising. Perhaps it would be more precise to tell against USA as the greatest advocate of globalization and beneficiary of such situation. Terrorism is considered as the greatest threat to the global peace and "democratic development of the world" but it is also notable that there are great differences in regard to the way of countering and eliminating this threat. Fatić observes "that basic principle of successful countering of terrorism is to maintain moral status of non violence as imperative in international relations". Underlining the importance of the moral status of non violence is imposed by the modern politics, above all politics of the USA based on legitimacy of violence due to which it is destined for failure in the struggle against terrorism. Folk underlines "that the war against terrorism could degenerate into another form of terrorism in case it is not put under legal control."[8] All these characteristics of the world in which we live should be taken by our state as a kind of guideline in decision making process.

Both EU and NATO are in Europe. These two organizations and alliances have 21 common members (out of 26 Member States in NATO and 27 in EU). This makes our country face great dilemma – whether to decide for one of them, turn towards Russia or remain neutral.

Let us start from the beginning. European Union is determined to take control over its own security from NATO and consequently it sets its strategic goal to define own identity in Europe and especially to strengthen the external capability of EU to act in preventing international conflicts and crisis management by developing civilian and military capabilities. It should be pointed out that European Security and Defence Policy (ESDP) had diverse stages and it is still developing having in mind its original mandate as to which NATO is responsible for territorial defence of Europe and peacemaking while European Union is accountable for implementation missions

7   Stojanović, S.: Perspektive bezbednosti savremenog sveta, Vojno delo, No.4, Belgrade 2008, p.12.
8   Fatić, A.: Sadržaj i perspektive antiterorističke strategije SAD u drugom mandatu Džordza Buša", Vojno delo, No.4, Belgrade, 2005, p. 52.

i.e. peacekeeping, implementation of agreements, etc. Currently ESDP addresses military resolution of crisis but also their non-military solutions within the so called "Petersberg Tasks" (joint disarmament operations, humanitarian and rescue tasks, military advisory and assistance missions, conflict prevention and peacekeeping, tasks of combat forces in crisis management, including peacemaking and stabilization after conflict).[9]

As the union and alliance were founded for different purpose, naturally their approaches to problems resolution differ. As, at present, most powerful military power in the world, USA, insists on military instruments as means for crisis management and pre-emption, prevention and multilateralism. Military power was always corner stone of the American security policy while European Union attributes secondary role to the military instruments even in combating terrorism and EU documents do not even mention pre-emption as strategy. Instead, EU advocates policy of prevention whose goal is, in particular, addressing the causes of conflicts and threats. In the war against terrorism American administration becomes increasingly aware of the fact that its capabilities and resources are pre-stressed and it begins to understand the advantages of shearing burden which can be achieved through multilateral cooperation.

European Union, on the other hand, faces different problem which may have huge impact regarding assessment of its efficiency. It is a problem that can be best seen in creation of the European Union foreign policy. Diverse attitudes regarding Iraq, final status of Kosovo and Afghanistan made the differences between European Union Member States even greater. Certain distinction in relations among the parties may be noted which led to formation of two bocks – Europeans (made around France and Germany) and Atlantists (United Kingdom and Spain, joined by former communists countries from Central and Eastern Europe). Donald Rumsfeld has divided Europe into "Old" and "New" one, this latter being more in favour of maintaining NATO and particularly USA precedence.[10] Great hope, with the aim of overcoming the mentioned problems, lies in the initiative which slowly produces results and which is manifested through functioning of the Political and Security Committee – PSC/COPS. The Committee meets at the ambassadors' level as preparatory body for EU Council. It monitors international situation and helps in defining policy within the framework of the EU Common Foreign and Security Policy. Regardless the mentioned problems, EU realizes that during 21st century the issues will be resolved on the global level and it is positioning itself accordingly.

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9   Dulić, D.:"Interes Srbije u Evroatlantskim integracijama", Vojno delo, No. 4, Belgrade, 2008, pp. 34 and 35.
10   Ibid, p.40

One of the leading countries in EU is Germany whose defence policy guidelines were defined "under the conditions of changed security-political environment", at the beginning of the new millennium. They start from the new definition of defence of that country, contained in the Article 87 of the German Basic Law which states that the country forms the armed forces for defence but that "at present defence includes much more than the traditional understanding of defence at state borders in case of conventional attack. It involves crisis and conflicts prevention, joint coping with crisis and acting in post crisis period. Consequently, defence cannot be geographically limited but understands preservation of defence wherever it is threatened".[11] European Unity tries to articulate own foreign policy as independent in regard to its Atlantic partner. At the same time, USA strengthen its militarism, tension is increasing and the Balkans is set to boil even before there was a chance to calm down the situation. The reason for such behaviour of the USA and NATO should be looked for in the possible fear from strengthening of the European Union and its ESDP (European Security and Defence Policy). Simultaneously with developments in EU, NATO and USA we witness the strengthening of Russia which is returning to the global political arena. Although strengthening of Russia is important factor, ESDP has demonstrated great unity in opposing Russian military engagement in Georgia and recognition of South Ossetia and Abkhazia. It should be stressed that ESDP reaction was based on the regional principle although the motives and/or justification for opposing Russian involvement were diverse moral, humanitarian or strategic reasons. It is important to note that EU countries condemned intervention in Georgia unanimously and strongly and demanded protection of the transatlantic community although their territorial integrity was not jeopardized. Their view was that keeping silent and non active would threaten the very concept of new, undivided and peaceful Europe.[12]

The situation in the Balkans, which has been gaining in importance, shows that EU influence is increasing. This is seen from the large financial investments and political engagement of the EU, as well as of ESDP mission, which helped in establishing peace and stability in the entire West Balkans including Serbia. But one must not neglect the NATO deployment in the Balkans whose role in promoting democracy is limited by it strategic reasons and its traditional geopolitical approach in which security consists, to a great extent, of military defence of the territory. Consequently, we must considering the Balkans, whose part we are, with reservations though it is presented as stable region. For that stable region has several neuralgic points which can easily provoke new violence in the area that may have direct impact on European Union. This is supported by the analysis of

11   Stojković, B.: ODBRANA, No.113, Belgrade 2010, p.40
12   Dulić, D.: „Interes Srbije u Evroatlantskim integracijama", Vojno delo, No.4, Belgrade, 2008, p.42

the German establishment on the situation in the Balkans, which in its assessments of new security risks and threats coming from terrorism, arms proliferation and informatics war mention also the situation in the Balkans as potential threat to the general security situation in Europe:

"Nationalistic and ethnic conflicts, often instigated by the criminal structures, are still possible in Europe." Apart from obviously good assessment of the security challenges in the Balkan area, the conclusion made on the grounds of that assessment is even more important: "Still unstable security situation in the Balkans requires special attention of the European nations. Military deployment for establishing one safer environment for normalization of the political and social circumstances is still uncertain." Consequently, it is certain that based on this stand the German foreign policy will insist on resolving disputable issues among the Balkan countries within the "United Nations of Europe", i.e. within EU and not in the "world United Nations', or more precisely in the UN Security Council as it has been the case so far. Further, it believes that the military deployment of the European troops in the Balkans is "unavoidable" which is a view implicating more serious thinking of our strategists regarding position and role of the Army of Serbia within the framework of future European military forces. This is also confirmed by the following paragraph from the Guidelines: "Europe is directly hit by the crisis in its south and southeast outskirts. The changed security situation requires not only for new NATO but for new EU as well.[13]

That EU does not act at random is seen from its invitation extended to Serbia to join both EU and NATO. Thus at the Summit in Riga in December 2006 Serbia was invited to join PfP although it did not meet all prerequisites to join this security association.

History of our nation proved many times, as it was confirmed on this occasion as well, that we are not united. This fact has been manifested in the "silent" obstruction to the idea to join EU. It became particularly noticeable with the strengthening of Russian wish to be more present in the Balkans. Thus we faced paradoxical situation – on one hand, in 2007 Serbia developed very intensive military cooperation with USA while the Serbian Government (and majority of the Serbian Parliament) was oriented towards East.

Division within Europe into "the old" and "the new" one has its impact on polarisation of our society when big and important decision are to be made. Practically, "Two Serbias" choose between Euro Atlantic and pan Slavonic integrations. One should underline reality which may be painful for some people. Serbia must opt for ESDP es-

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13   Stojković, B.: ODBRANA, No.113, Belgrade, 2010, p.41.

pecially in this moment of development of relations between Russia and West.

The characteristics of this relation may be noted in the guidelines of the German defence policy which do not exclude possibility of co-operating with Russia but state precisely: "New orientation of the Russian foreign policy opens possibilities for constructive cooperation in Europe and at global level. The decision of the world economic forum 2002 to accept Russian as valid G-8 member, intensification of dialog in NATO- Russia Council and joint measures against terrorism make foundation for closer and long term cooperation in regard to political-security issues." Consequently, the centuries old obstacle in Serbian foreign policy, choice between Russia or Germany, can be considered, with such German attitude, as the beginning for overcoming this problem in the future European relations.[14]

Euro integrations pursuant to the stipulations of CFSP, provide additional security, more prominent role in international relations and above all, possibility of sitting together with other EU Member States "at the decision making table" thus contributing to more efficient response to the challenges. It also provides opportunity for expressing more creative influence on certain decisions. At the beginning this possibility will be a minor one but it is important to realize from which positions one can start in harmonizing key issues. At present Serbia has: large number of professionally qualified but unemployed labour force; large potential in available industrial capacities which are currently inactive; large capacities for production of healthy food longed for by Europe; large number of springs of drinkable water; available capacities of defence industry whose quality is appreciated in Africa and Asia; corridors whose modernisation may enable passage of greater number of transportation units; education system which gave 70.000 young people with university degree only to North America (immediately upon completion of their studies) and last but not least, a market desiring modern technology from Europe, not from Turkey or Middle East.

There is always an alternative. However, one should be wise. One should not oppose just to be against something. Let us consider the alternative to EU.

The last decade shows that Russia has considerably regained its reputation and influence in the world. At the same time it strengthens its wish to regain the position and role it had in time when the two blocs existed. The war in Georgia enabled Russians to have tit for tat for Kosovo and Metohija and what is even more important they used it to show that Russia is a big power. Kosovo and Metohija issue

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14   Ibid, p.42

Aleksandar Milić,Sci.Darko BožanićDragan Bojanić, M.A.

helped Russia to achieve two things: to protect own sphere of influence not only in the Balkans but on its own outskirts as well (war in Georgia and consequent declaration of independence of two regions South Ossetia and Abkhazia) and to show how strong it is regarding preservation of national borders when its interests are concerned. This leads to the conclusion that Kosovo and Metohija is just a cover for its interrupted presence in the Balkans after demolition of the Berlin wall. It does not only compensate for earlier failure in being part of "peacekeeping operation" or part of the decision making system in Kosovo and Metohija but, by imposing again its influence in the Balkans and by trying to diminish NATO influence in former Commonwealth of Independent States it responds to NATO expansion and long term exclusion of Russia from decision making process. This is not anything new. But other questions arise which directly concerns us. Does such approach of Russia leads to deterioration of the relations with NATO and does it count on divided reaction of Old Europe? And does it mean that Kosovo and Metohija will be closer to Serbia or that status *quo ante* will be maintained? The answers to these questions are not encouraging. As shown many times in history, the small exists only to enable big ones settle their bills.

Decision of the Serbian Government that Serbia is officially a neutral county in fact leads to a different conclusion. Past years and huge energy were spent to enable Serbia join PfP. It involves all Serbian national security subsystems – army, police, intelligence services that were engaged intensively in the security system based on Euro Atlantic professional standards. Besides, other state systems (such as justice, education, etc) have been accommodated to the EU standards as well but with considerable efforts and tensions. In accordance with those trends the Army of Serbia decided on professionalization of the Army, as one of the main directions of the armed forces' development and introduced the civilian national service. "It gave up obligatory military service. For the purpose of comparison and understanding position and role of the Army within the defence system we may draw a parallel with the German experience. German experience in refusing to abolish obligatory military service can be used to a great extent or it can be at least examined when deciding on new steps. For it is not possible to say that Germany does not respect human rights or "right to conscientious objection" or that it is not in trend as far as "human security" is concerned. However, paragraph 3 of General Guidelines says: "Conscription, in adapted form, is foreseen for forces deployment at home for fighting threats from classic aggression and non-military risks and threats." Thus, national service in modified form, in regard to the deployment, capabilities and economic aspect remains irreplaceable basis of the country's armed forces. Protection of Germany and its citizens, including training for "reconstruction" (total mobilization) and possible protection against natural disasters and incidents justify, apart

from other reasons, the preservation of national service and old conscription system. It is interesting to analyse explanation of such German attitude in which the following is stressed: "Traditional defence against conventional forces attacks, as independently structured mission of the armed forces does not correspond any more to the actual political-security requirements. However, resumed establishment of defence against conventional forces' attack in certain longer period – reconstruction – must be secured."[15]

Energy – Security Factors

Earlier mentioned geopolitical position of Serbia imposes examining of another important security factor which cannot be neglected in this moment. It is energy security of the Republic of Serbia. The latest gas crisis between Russian and Ukraine showed vulnerability of EU and, what is very important to us, brought to surface our problems in regard to supplies of energy generating products. If we have in mind the importance of energy generating products at the beginning of the 21st century it is hard to make any security analysis without considering seriously the problems relative to energy supplying.

Before any further discussion we should present the energy situation in Serbia. Majority of authors dealing with this problem define energy security in different ways. Essentially, by the term energy security they understand availability of energy generating products in sufficient quantities and with acceptable prices, stability of deliveries and physical safety of pipelines (gas and oil).[16] Situation in Serbia in regard to oil and gas is not a bright one for the major part of these energy generating products is imported. Apart from gas and oil another issue is provision of electricity. In this case situation is considerably better for it is produced by using own energy generating products (predominantly coal). In principle, majority of experts in this area consider Serbia dependent country when energy is concerned. But there are few trump cards on which it can be counted and big transit infrastructure which can be treated as natural resource is one of them.[17]We should particularly point out importance of the Danube which is navigable for sea ships up to Belgrade. Besides, Serbia has oil reserves, though small ones, whose part has been exploited so far. The coal reserves cannot be ignored although those in Kosovo and Metohija are not within reach which increases dependence i.e. diminishes energy security of Serbia.

15 Stojković, B.: ODBRANA, No.113, Belgrade, 2010, p.41.
16 Radoman, J.: Sekuritizacija energije kao uvod u energetsku bezbednosnu dilemu, Bezbednost zapadnog Balkana, No.4, January-March 2007, pp.36-37
17 Kovačević, A. "Energetska bezbednost na zapadnom Balkanu", Atlantis, No.6, p.13-19

Energy security nowadays is not only economic but also political, ecologic and military issue. All big powers include energy security in their national strategies. Consequently, theoreticians introduced new term energy security dilemma which similar to cold war dilemma describes the games played in order to achieve energy security. Security dilemma has been best described by Robert Jervis stating that it is a situation where "policies which increase one state's security tend to decrease that of others."[18] Consequently, energy security is defined in a similar manner. For Serbia, as "small country" this concept is important because it is in between EU and Russia and their energy security dilemma. Namely, due to its geographic position and a number of other factors Serbia has established special energy relations with Russian Federation. It is foreseen that part of Southern Stream pipeline is built through Serbia as well as underground gas storage "Banatski dvor". On the other hand, Serbia integrated its electric network in European interconnection and it joined Energy Community of South East Europe. This occurs due to one reason very important for Serbia: European Union considers the Balkans region (and Serbia as well) as one of the most important for the transport of gas, oil and electrical energy. In drawing conclusions one should bear in mind that energy security constellation considered through the pattern of energy security dilemma must be examined through the relations between EU and Russia. On one side there is EU, predominantly using gas which makes it dependent upon its import from Russia, on the other, there is Russian Federation exporting majority of its gas to EU states. Thus whatever moves EU and Russian make next they depend on each other. By entering both EU and Russian energy infrastructure Serbia has a chance to exercise positive impact on its own energy security and to improve its position in energy and in some other areas of cooperation with EU and Russia.

But this picture is spoiled by other prospects. Namely, it is considered that Serbia has traditionally friendly relations with Russia. Such attitude implies also the expectations of Russia and fear of EU that in some future situations in which EU and Russia may confront, Serbia, naturally under Russian influence, will be "Russian player in EU lap". It is believed that in the relations between Serbia and Russia there is something more than interest (such opinion is present with the Serbian public and even with part of Serbian political establishment). This thinking cannot exclude Serbia from Europe for it is part of it on which EU has to count on, but it can make EU looks upon some moves in Serbian relations with Russian Federation with suspicion.

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18   Jervis R,: "Cooperation Under the Security Dilema, World Politics, No.30, January 1978, p.76 in Simić D. Nauka o bezbednosti, Službeni list SRJ, Belgrade, 2002, p.26

Energy security is certainly important security factor in modern world both for big powers and for Serbia as well and it can be expected that energy systems of both Russia and EU will function better with Serbia as their part. By associating itself to EU, Serbia will certainly improve its energy security and consequently its security as a whole. The same can be expected from cooperation with Russia. However, one should bear in mind that it is not the question of choosing one or another party but cooperation with both parties is desirable and favourable both for Serbia's energy and consequently security interests.

Conclusion

On the grounds of the mentioned indicators and analysis of the presented facts one can say that decision making regarding further directions of cooperation is very hard and unrewarding. To choose either one or other party means to be aware of problems, new dangers and tensions which such decision can bring. On the other hand, just letting go means not to use possibilities for creating conditions for normal and prosperous life of own population.

Taking into consideration all mentioned facts, analysing possible direction of future developments in near by region and world wide and having in mind our current situation Serbia must turn towards European Union. This view is logical choice due to the position of our country, its environment, threats endangering the entire region, possibilities for adequate response to existing threats and dangers, possibilities for economic development and prosperity, assistance provided by the economically powerful European states, access to numerous funds, our available potentials which can be used in negotiations.

On the other hand, it should be noted that EU Member States do not restrict themselves to cooperation only with other EU countries but they also cooperate intensively with other alliances and states. Consequently, it could be of importance for European Union to cooperate with the country which has already successfully developed contacts with a number of partners outside EU and this is surely important in regard to Russian Federation.

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The Perspective on Challenges and Complementarities of the Standpoints of Republic of Serbia and the EU

Abstract

The notion of an integrated EU approach implies an active attitude of the state towards all aspects of preconditions for integration, which includes security as well. At all stages of integration, it is necessary to have a clear awareness of the comprehensive process of European integration, not just of the most visible aspects (economic, legal, administrative, and political). Development of a Common Foreign and Security Policy and Common Security and Defense Policy is the standpoint of the EU and its response to the complexity of international relations, threats and challenges that have incited dramatic conflicts in the European region and beyond, in the twentieth century.

Key words: strategy, European Union, security challenges

Introduction

The position of the Republic of Serbia regarding European integrations is clear and fully decided upon. With the development of the Serbia's National Strategy for the Accession to the EU[1], the general framework of synergic performance of all social actors was determined. The government sector, NGOs, the academia and expert community are included in this process so as to achieve, according to the opinion of many, the capital and historic goal: full integration of the Republic of Serbia into the EU. The same document, in the section on the regional and international policies and the attitude towards security, gives the direction while focusing on the good

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1   The Government of the Republic of Serbia, Office for European Integrations of the Government of the Republic of Serbia, National Strategy of Serbia for the Serbia and Montenegro's Accession to the European Union, June, 2005.

neighborly relations, peaceful settlement of disputes, an active contribution to global security, partnerships and balanced approach in line with international standards and norms.[2] The notion of an integrated EU approach implies an active attitude of the state towards all preconditions for integration, including security. At all stages of integration, it is necessary to have a clear awareness of the comprehensive process of European integrations, not just of the most visible aspects (economic, legal, administrative, and political).

Therefore, it is necessary to highlight the significance of a very important aspect of the EU operation, and that is the Common Foreign and Security Policy (CFSP) and its fundamental part-the Common Security and Defense Policy (CSDP).

CFSP Response to Security Challenges

Development of the Common Foreign and Security Policy and the Common Security and Defense Policy is the standpoint of the EU and its response to the complexity of international relations, threats and challenges that have incited dramatic conflicts in the European region and beyond, in the twentieth century. It is understood that security is a prerequisite for the development of a country, because conflicts not only destroy the economic and social infrastructure, but also strengthen crime, deter investments and make normal economic activity impossible. As a result, a number of countries on the continent continue to suffer the consequences of involvement in an endless cycle of conflicts, lack of security and poverty.[3] Bearing in mind the dynamic nature of modern threats and that defense no longer exists in archaic terms, it is necessary to involve all Member States, the candidate countries, including the countries that have just started the process of accession, such as the Republic of Serbia.

In this regard, the focus of security involvement of the Republic of Serbia, are the interests that include a broader range of general security threats, recognized as such by the EU as well, taking into account the specificities of our country's position in the geopolitical space. In addition, in terms of challenges and threats, and from the sequence of events in the last century, the projection of the relations between the states in the region and beyond is important. In the course of development of the EU institutions and of the idea of the European security identity and of the creation of a new security culture, Serbia and other countries in the region are going through a painful and difficult phase of transition. In this light, compatibility of approaches of the EU and the Republic of Serbia to strategically

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2 Same as the above, Sections 2.5 and 2.6.
3 Haworth J., Security and Defense Policy in the European Union, Palgrave MacMillan, New York, 2007.

projected challenges is brought into question. Namely, the development of the Common Security and Defense Policy is a form of a common foreign policy standpoint at the level of EU towards certain perceived challenges and threats. Global and regional crises and challenges, along with the development of the EU, are putting more and more important demands on the EU's foreign policy.

Republic of Serbia Response to Security Challenges

As regards the main threats to security, Serbia's positions on challenges and crisis generators are mostly agreed. Terrorism, proliferation of weapons of mass destruction, the existence of dysfunctional states and organized crime, which are a potential threat to the region, are the common starting point for analyzing the security aspects of the integration processes in Serbia. We see the area of security integrations as a live and active contribution to the critical understanding of European identity and the common approach to security. However, the foreign policy position of the EU does not reflect a common approach to the most vital issue of the National Security Strategy of the Republic of Serbia, it being the self-proclaimed independence of Kosovo and Metohija. In addition, it should be noted that the consensus on security issues and the attitude to challenges and threats, should involve a joint and partnership contribution of the EU and Serbia, and include the understanding of the specificities of the Republic of Serbia.

The consensus on the common positions regarding the foreign policy relations and aspirations to implement the European political and security identity in the contemporary structure of the continent, has resulted in a decision about the presence of the EU crisis management missions in the region, in various forms in accordance with the situation and mandate of the missions: the first EU civilian mission ever was the police mission launched in 2003 in Bosnia, the first EU military mission ever was launched in Macedonia in 2003 as well, the largest military mission in Bosnia comprised of 1920 persons, and the mission of the "rule of law" EULEX was the largest civilian mission which included 2725 persons and which was launched in Kosovo and Metohija.

With its clear position on the European integrations and partnership with NATO the Republic of Serbia is contributing to the improvement of the general security environment in the region. The fight against terrorism, organized crime, prevention of the spillover effect of conflicts from unstable parts that are not under the direct control of the Republic of Serbia, are some of the priorities of the National Security Strategy of the Republic of Serbia,[4] which are in

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4   The Government of the Republic of Serbia, the National Security Strategy, (priorities), 2009.

full compliance with the challenges and threats that the EU deems as a destabilizing factor for the security of the continent.

Analysis of CSDP and Republic of Serbia Positions on Security Challenges

The comparative analysis of the EU Security Strategy priorities, which focus on future relations, highlight the key threats (terrorism, the danger of the proliferation of weapons of mass destruction, the existence of failed states, organized crime), an active partnership role, the use of enlargement instruments for the purpose of stabilization, the imposition of an active foreign policy role, participation missions envisaged and launched under the Lisbon Treaty, the global cooperation with the resource-dominated regions and countries and NATO partnership, has indicated that all the above is in line with the framework of the projections of the Defense Strategy of the Republic of Serbia. Our contribution to European integrations also includes public discussions and round tables designated to stimulate proactive and analytical approach, and which is considered by many a key segment of the process of integration: the Common Security and Foreign Policy.

Key facts in the projection of global security trends, and thus in the EU and the Republic of Serbia, are related to issues such as: demography, economy, energy resources, environment and, in line with the above, realization of controlled development, armament and disarmament, missile and anti-missile systems and their effect on the security of the territory of Europe. The Republic of Serbia's orientation towards the EU membership represents the logical choice from the security aspect if we look at the global threats, primarily because the format of the challenges and threats will outgrow the capabilities to response or the influence of one state, so that a form of collective response is the inevitable and the only alternative.

Conclusion

The complexity of the contemporary challenges and threats, but also the importance of projecting stability and reconstruction of regions or a states, makes the EU a key player in international security, thus making our accession one of our foreign policy priorities, as a matter of fact, an extremely important one. Our security approach is compatible with the one adopted and standardized in the EU and we do not enter the Union as a foreign body, but as part of the process, which is a good basis for our accession to the European Union. In addition, it is certain that Serbia has the capacities that can

significantly contribute to strengthening the security and defense capabilities of the European Union.

It is certain that at present the Republic of Serbia may participate in security and defense structure of the EU as a third country, which is allowed under the positive legislation of the European Union, however, when we receive the candidate status, more intense commitment to addressing the security challenges in the areas of common interest would be desirable; and finally when our country becomes a member of the European Union, it will be in our best interest to participate in all activities.

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National Security Strategy And Defence Strategy Of The Republic Of Serbia As Factors Of The Security And Defence Aspect Of Eu Accession

The changes in international relations which transpired in the last decade of the 20th century have to a considerable extent altered the geopolitical configuration of the contemporary world and substantially contributed to global integrative processes, thus initiating the process of adaptation of security and defence structures of modern societies. In modern contexts, security is increasingly perceived globally, and national security, which is largely conditioned by the security situation both in the immediate vicinity and in the global environment, is more and more based on cooperation, dialogue and partnership with other states.

Under the geo-strategic circumstances thus changed and under the influence of global developments, the security and deference policy of the Republic of Serbia is based on the integral and multilateral approach to the matters of security and defence. The fundamentals of such policy are the strengthening of our own defence capacities, the European orientation in foreign policy and the commitment to an active involvement in the process of cooperation and joint activities with other states and subjects of international relations aimed at building global, regional and national security.

The main postulates and orientations of the national security policy, reflected in the recently adopted National Security Strategy of the Republic of Serbia, are based on the key national interests and universally accepted values of the contemporary world. In that sense, the Republic of Serbia is committed to the respect of obligations deriving from the UN Charter, the principles of the Universal Declaration of Human Rights and the Helsinki Final Act. It advocates in particular for the respect of international law and the re-affirmation of the role of the OUN, the OSCE and the EU, as well as for the creation of efficient mechanisms for maintaining global security.

In the last decade, the European Union has developed the structure and the operational framework, and has been more and more acting as a global factor in the filed of security and defence. Progress achieved in the implementation of the Common Foreign and Defence Policy of the EU and in the inclusion of European defence forces in solving security problems not only on the European continent but also beyond it, are an indication of an increasingly important role of the EU in the harmonisation of the relations and interests of the European states and in assuming its part of the joint responsibility for building European and global security.

The EU principles, strategy and practice in conflict-solving give grounds for this organisation to be considered a large peace project. It is well-known that the impetus to its creation originated in the devastating consequences of World War II and in the efforts of the

key EU states to ensure the preconditions for a lasting peace on the European soil. The specificity of the EU as a peace project and a security community is reflected in its dedication to achieving peace and stability in the European space by means of establishing and harmonising economic, political and social preconditions for self-sustainable peace.

Regardless of the numerous challenges, the EU practice of extending the relations established within the security community to other areas, the integration of nations and states into the family of European nations, its commitment to solving conflicts by non-violent means and placing emphasis on prevention and elimination of the causes of conflict present a strong impulse and basis for enhancing the overall security of the European continent.

The strategic priority of the Republic of Serbia is to have its foreign and security policy harmonised to maximum extent with the positions and actions of the EU in the most important matters of global, European and regional character, while taking into account the interest of preserving its own territorial integrity and sovereignty. Consequently, the Republic of Serbia is determined to continue to improve cooperation and establish better quality and more meaningful relations with the states of the Western Balkan region, and to proceed with intensified political and economic reforms of its society, their harmonisation with the European standards and fulfilment of other necessary conditions on the road to European integrations.

Through the process of European integrations, the Republic of Serbia expresses its readiness to build the capacities and capabilities of its national security system, in accordance with the standards and obligations deriving from the European Security and Defence Policy. The integration of the Republic of Serbia in the European Union is at the same time a security and defence integration and, in the process of accession, it offers possibilities that should be analysed from the point of view of the interests of the Republic of Serbia.

Bearing in mind that the security of Serbia is inseparable from the security of the European space, the basic orientations related to that, as laid out in the National Security Strategy and Defence Strategy, are very important. In the said documents, it is emphasised that the Republic of Serbia harmonises its foreign and security policy with the positions and actions of the EU, the latter undoubtedly representing one of the greatest peace projects ever launched. In that context, it is very important that the defence capacities and capabilities of the national defence are reformed and further enhanced in accordance with the standards and obligations arising from the European Security and Defence Policy.

The European foreign policy orientation of the Republic of Serbia is one of the cornerstones of the National Security Strategy. The document emphasises the long-term commitment of the Republic of Serbia to strongly contribute to, first of all, regional security, stability, prosperity and fast democratisation of the South-East Europe region through the steady promotion of human rights, lasting peace, good neighbourly relations and tolerance, as well as openness to comprehensive and active cooperation with all the neighbouring states, states in the region, in Europe and in the world.

The attainment of the necessary level of security in the region is seen as a key precondition for the overall development of all the countries in this part of Europe, which are either full-fledged EU members or are striving to become one. The fulfilment of this precondition creates the conditions for our orientation to be successfully implemented, to contribute in the most efficient way, through strengthening the political dialogue and economic cooperation with the countries of the region, to the maintaining and enhancing of stability in the entire Europe, to be active in the prevention of potential conflicts and to work on peaceful resolution of the existing conflicts.

Acknowledging this fact, I would like to stress that one of the main strategic orientations of the policy of the Republic of Serbia is precisely the development and enhancement of cooperation in the field of defence policy, which is realised through active and efficient participation in the international efforts to build favourable security environment.

As far as the Defence Strategy of the Republic of Serbia is concerned, the very introduction to this document emphasises Serbia's European commitment: "Defence strategy expresses the commitment of the Republic of Serbia to build and strengthen its own capacities and capabilities for defence, as well as to work jointly with other countries through integration into European and other international security and defence structures, thus contributing to the strengthening of national, regional and global security."

In the part which refers to the strategic concept of defence, this document expresses the basic attitudes of the Republic of Serbia concerning the engagement of the available resources to preserve and protect its defence interests. It determines, on the basis of the defence policy orientation and goals, as well as of the assessment of security challenges, risks and threats, a new social and international role of the defence assets. In the part of this strategic document which deals with the strategic orientations of the defence of the Republic of Serbia, it is emphasised that a significant segment of the concept of our defence is the promotion of partnership and multilateral cooperation with other states and international organisations

and institutions in the interest of preservation and protection of the defence interests of the Republic of Serbia. Among other things, this part of the Defence Strategy of the Republic of Serbia provides the basis for future cooperation with European multinational forces and participation in joint activities.

On its road to the European Union, Serbia will, according to some allegations served to the public, have to choose between the preservation and protection of its territorial integrity, which is in both the National Security Strategy and National Defence Strategy defined as one of the vital national interests, and the EU membership. As you know, the state leadership had, even before the adoption of the National Security Strategy, resolved this dilemma by expressing clear determination that the Serbia's EU membership cannot be conditioned with its renouncing part of its territory.

On the basis of the defined security and defence goals on the national level, there exist no obstacles to achieving a more intense cooperation with the EU. To our knowledge, there is also no divergence between the contents of the National Security Strategy of the Republic of Serbia and the Defence Strategy of the Republic of Serbia on one hand and the contents of the EU Defence Strategy, since the experts who designed our national strategy consulted the contents of the EU's strategic document in the preparation of the two abovementioned documents. Besides, the Ministry of Defence participated in designing the National Programme of the Integration of the Republic of Serbia in the EU, in the part concerning defence and security. It can be ascertained that almost all the strategic documents produced and adopted since 2000 depart from the premise that Serbia will soon become an EU member and strive to have the strategic activities in all the aspects of social life adapted to this foreign policy goal. After all, if there are some shortcomings, any strategic document, including the mentioned strategies is, if need be, revised and amended in accordance with changes related to the factors which determine its contents.

Conclusion

The geopolitical position of Serbia as the central country of South-East Europe, its turbulent history and the important role it played in the two world wars and is playing even today, affirm that Europe without Serbia is incomplete and that Serbia outside the EU is devoid of its full European identity. Therefore, the orientation towards the integration of the Republic of Serbia in the European Union enjoys great support both among the people and within the political institutions of Serbia.

At the same time, the Republic of Serbia has, in its most important strategic documents concerning security and defence, reaffirmed its commitment to the EU membership, and thereby its commitment to contribute to common democratic values and to the strengthening of regional and global security.

By continuously improving bilateral cooperation with most European countries, Serbia, and therefore the Ministry of Defence as well, aims at enhancing the dialogue with the EU and at reforming its civilian and military capacities in order to be ready, once the full-fledged membership has been obtained, to assume the obligations deriving from the European Security and Defence Policy, i.e. the Common Security and Defence Policy, including participation in the EU-led crisis management operations.

The Ministry of Defence will continue to strengthen its institutional capacities and ensure the resources necessary for the integration in the European Security and Defence Policy activities.

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EU Integrations in Security and Possibility of Influence on the Process

Abstract

It is necessary to identify the complexity, interdependence, and great importance of security integrations within the general integrative processes. The structure of institutions, their genesis, organizational resources, operation and influence on creating the common foreign security policy of the European Union are included in the analytical framework of the preparation, planning and realization of the accession negotiation process. The analysis itself contributes to the identification of entities of the common foreign and security policy, and the legitimacy of interest representation and lobbying practice in the EU provides a presumption of the positioning of the state in the field of security and strengthening its position in the pre-accession phase.

Key words: security integrations, European Union, common security, lobbying, interest representation.

INTRODUCTION

Security integrations are not only an integral part, but it can be said that they are the framework precondition for the realization of European integrations. The Republic of Serbia has clearly opted for European integrations. The contribution of the Ministry of Defence in that process is very significant. Namely, membership in international security organizations and active contribution to the drafting of the security policy provide a window of opportunity for the Republic of Serbia to present itself as a respectable partner. Through the constructive security dialogue and the positive practice of representation of interests in international bodies and forums, it is possible for the Ministry of Defence of the Republic of Serbia to impose itself as an international security policy entity.

The presumption that organizations may realize their interests without the presence in institutions which make decisions and project the international environment is the least likely or it is possible if their interests are identified with the interests of an influential group.

Using the experiences, preventive diplomacy and negotiations in the process of integrations and the strategic approach, the Ministry of Defence, through its activities in international bodies, may propose and direct security policy decisions, in the preparatory phase or before they are placed on the agenda, and thus influence harmonization of decisions and policy making in line with the strategic orientation of the country.

The prerequisites for the realization of this goal are the participation in representative bodies, credibility, the status of a legitimate and recognized member, strategic frameworks in place, the use of systematic interest representation in management practices and adequately educated and trained human resources. Thus based approach to systemic advocacy certainly ensures that, in the future, issues which are important for national interests are resolved in line with the interests of the state.

Background and Structure of European Security Policy

The notion of the common approach to EU integrations requires an active approach of a state to all aspects of the process of integration. It is necessary to have a clear position on the three pillars forming the structure of the European Union which are laid down under the Treaty on European Union – Maastricht 1992, at all stages of integration process:[1]

1. European Community: customs union, agriculture, structures, trade policy.
2. Common Foreign and Security Policy: democracy, human rights, peace, cooperation, foreign assistance.
3. Home Affairs and Justice: fight against organized crime, drugs, arms trafficking, terrorism, racism and xenophobia, crimes against children and human trafficking, cooperation between judicial and prosecuting authorities, police cooperation.

The second pillar is generally defined as the common foreign and security policy (CFSP) and an implementation form of this policy through the implementation of the European security and defence policy (ESDP).

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1   EU; Treaty on European Union, Maastricht, 1992.; доступно на:http://eur-lex.europa.eu/en/ treaties/dat/11992M/htm/11992M.html#0001000001 – accessed: 12.12.2009.

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Common Foreign and Security Policy – *CFSP*

The Common Foreign and Security Policy (CFSP) was developed in response to the global and regional crises and challenges, in line with the development of the EU, and to the demands in relation to the foreign policy of the EU. The *CFSP* was established as the second pillar of the EU under the Treaty on European Union signed in Maastricht in 1993, and made more concrete under the Treaty of Amsterdam in 1999. Under the conclusions of the final act of the Treaty of Nice[2] , the European Council adopted a declaration which operationalized the European Security and Defence Policy (*ESDP*) at their meeting in Laeken (Laeken / Brussels), 14—15 December 2001, thereby officially declaring the EU's ability to resolve some of the crises.

Under the Treaty of Amsterdam the five basic objective of the *CFSP*[3]shall be the following:

(1) to safeguard the common values, fundamental interests, independence and integrity of the Union in conformity with the principles of the United Nations Charter;
(2) to strengthen the security of the Union in all ways.
(3) to strengthen the international security, in accordance with the principles of the United Nations Charter, as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter, including those on external borders;
(4) to promote international cooperation.
(5) to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.

In addition, the Treaty of Amsterdam gave an overview of foreign policy orientations, and the framework of the Member States' role in connection with participation, resources and timeframes, as well as the principles and rules of conducting the common foreign and security policy. It defined the role of the Commission (Article 27), and the place and role of the Council (Article 13), which gives legitimacy to decisions, which in the form of common positions represent a starting point for creating a common platform for joint actions. It established a mechanism for the realization of political dialogue with third countries, mainly at the level of joint talks at the level of ministers, senior officials, but also at the level of working groups and summits. In some cases, due to the sensitivity of the topic, activities

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2   EU:Treaty Of Nice Amending The Treaty On European Union – FinalAct – Official Journal C 80, 10 March 2001 – available at: http://eur-lex.europa.eu/en/treaties/dat/12001C/htm/12001C.html – accessed 12.12.2009.
3   EU: Amsterdam Treaty: Consolidated version of The Treaty on EU; Title V,Provisions on a common foreign and security policy, Article 11, ex article j.1 – available: http://eur-lex.europa.eu/en/treaties/dat/11997D/htm/11997D.html#0145010077 – accessed 12.12.2009.

are implemented in meetings between all Member States and the Commission at the level of ministers or senior officials.

It is important to explain differences in competences, in line with the common foreign policy, which were created under the Treaty of Amsterdam, and expanded under the Treaty of Lisbon, in December 2009. Specifically, under the Treaty of Amsterdam the EU Commission was fully responsible for the implementation of the tasks within the scope of the *CFSP*. The Commission, like any Member State may address the Council on matters in connection with the *CFSP*, give recommendations to the Council, ask the Presidency to convene an extraordinary meeting of the Council and forward proposals to the Policy Department concerning the activities that are to be realized. The commission was in charge of the budget planning and implementation of the *CFSP*.

Under the Treaty of Lisbon, the position of the High Representative of the Union for Foreign Affairs and Security Policy was expanded so that he became also the EC Vice-President, and the head of the European External Action Service. The aim of the dual role was to unify the activities of two institutions, the Council of Ministers and the Commission, in relation with the foreign policy agenda and expand the scope of external action. Unlike the other Commission Vice-Presidents, the High Representative of the Union for Foreign Affairs and Security Policy and the EC Vice-President is appointed by the European Council acting by qualified majority, with the agreement of the President of the Commission.[4] In addition, the Treaty of Lisbon abolished the Commission's right to give its own proposals in the field of common foreign and security policy, under this Treaty this was within the exclusive competence of the High Representative, who was granted powers in relation with missions for "peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter".[5] The Treaty of Lisbon also envisaged "progressive framing of the common security and defence policy (*CSDP*)".[6] The decisions on the common security and defence policy were to be adopted by the Council acting unanimously at the proposal of the High Representative of the Union for Foreign Affairs and Security Policy, which was an effort to operationalize the future aspect of the common foreign policy and defence.

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4   Treaty of Lisbon, Official Journal of the European Union, C 306, Chapter 1, Section 1., 25-35.; available at -http://bookshop.europa.eu/is-bin/INTERSHOP.enfinity/WFS/EU-Bookshop-Site/en_GB/-/EUR/ViewPublication-Start?PublicationKey=FXAC07306 – accessed 14.03.2010.

5   EU, Treaty of Lisbon, Official Journal of the European Union, C 306, Chapter 2, Section 2., 34.

6   EU, Treaty of Lisbon, Official Journal of the European Union, C 306, Protocol on permanent structured cooperation established by Article 28 of the Treaty on European Union, 153.

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European Security and Defense Policy – *ESDP*

The European security and defence policy *(ESDP)* is a domain of EU policy which includes defense and military aspects and the EU approach to external affairs and security. It also concerns countries that are not members of the NATO, and it falls under the jurisdiction of the EU and its institutions.

Formally, the EU Council has jurisdiction over the *ESDP*[7]. The Council of the EU is an intergovernmental body composed of delegated representatives of Member States. The High Representative of the Union for Foreign Affairs and Security Policy plays an important role in the work and coordination of the *ESDP*. The Secretary-General of the EU prepares and examines decisions to be made before they are presented to the Council for approval.

Looking at the genesis of European security policy it can be noticed that it was developing in several different directions during the 90's of the last century, evolving simultaneously with the institutional development of the Western European Union, the NATO and the EU. In a nut shell, the form of the *ESDP* as the security capacity of the EU, stemmed from: the need of "the EU to borrow" crucial military assets from the NATO, when necessary; the need for the transition of relations in which the WEU was the only existing security structure which acted as an interface between the EU and the NATO; the process of self re-invention of the NATO from 1989 onwards and the transfer of responsibility for Atlantic security to partners".[8]

The Western European Union (WEU) arose from the Treaty of Brussels in 1948 as a body designed to coordinate the common European security and defense policy[9] of the states which were members of the NATO. However, the NATO soon integrated the security affairs and overshadowed the organization in importance. The next attempt was related to 1950 when the project of the European Defense Committee, which was very similar to the European Coal and Steel Community, was proposed and abandoned due to the objections of the French Parliament. The next phase in the development of the European security identity were the so called "Petersberg tasks"[10] which were adopted in 1992 by the Western European Union. The tasks were created as a response to potential crises and destabilization in Eastern Europe, and as "a response to

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7   EU: Amsterdam Treaty: Consolidated version of The Treaty on EU; Title V,Provisions on a common foreign and security policy, Article 13, ex article j.3; available at: http://eur-lex.europa.eu/en/treaties/dat/11997D/htm/11997D.html#0145010077 – accessed 12.12.2009.
8   Howorth, J., Security and Defense Policy in the EU, New York: Palgrave MacMillan, 2007, 4.
9   Howorth, J., 5.
10   EU: Petersburg tasks; available at: http://europa.eu/scadplus/glossary/petersberg_tasks_en.htm – accessed 12.12.2009.; under Article 17 of the Treaty on European Union, Petersburg tasks were incorporated in the ESDP as its integral part. These tasks were set out in the Petersburg Declaration adopted at the Ministerial Council of the WEU in June 1992.

potential challenges facing the EU".[11] The Western European Union (WEU) itself had no standing army but it depended on cooperation between its members. Its tasks ranged from the most modest to the most robust and included:

- Humanitarian and rescue tasks,
- Peacekeeping tasks, and
- Tasks for combat forces in crisis management, including peacemaking.

At the 1996 NATO ministerial meeting in Berlin, it was agreed that the WEU would oversee the creation of a European Security and Defense Identity *(ESDI)*[12] within the NATO structures, therewith further developing relations in the field of security. The idea was to create the *ESDI* as the European pillar within the NATO, partly to allow European countries to act militarily where the NATO wished not to do so, and partly to allow the USA to finance building military bases in Europe (in the WEU), which it had not done since the Cold War. The Berlin agreement allowed European countries (the WEU members) to use the NATO assets if they so wished. This agreement was later amended to allow the EU to conduct such missions and it was called "the Berlin-plus" arrangement. The next phase was the adoption of the Petersberg tasks which were formalized by the Treaty of Amsterdam. The Treaty signaled the progressive framing of a common security and defense policy based on the Petersberg tasks. In 1998, in the initiative of the French President (Jacque Chirac) and the British Prime Minister (Tony Blair), which was presented in the form of a declaration after a bilateral meeting, they stated that "the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and readiness to do so, in order to respond to international crises".[13] In June 1999, at the Cologne European Council meeting, it was decided to incorporate the role of the WEU within the EU, eventually formally shutting down the WEU. At the same meeting, the High Representative for CFSP (Common Foreign and Security Policy) was appointed to help advance both aspects (*ESDP* and *CFSP*). The prerequisite for the implementation of the Petersberg tasks was set by the signing of the Helsinki Headline Goal. The European Union thus made its first concrete step to enhance military capabilities, because the product of the said summit was the so called "Helsinki Force Catalogue".[14] The precondition for the compilation of such a catalogue was the projection of forces which would have the capacity to implement the Petersberg tasks. Further development was the launching of the *European Capabilities Actuon Plan*

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11 Howorth, J.,15.
12 Howorth, J., 98—99.
13 Howorth, J., 34—35.
14 Howorth, J., 103. :"The main elements of the Force Catalogue were to be 60,000 troops, 100 ships and 400 aircraft, deployable within 60 days and sustainable for one year."

(EACP) at the Laeken Summit in December 2001. However, due to the intricacy and the complexity of the process of military power projection,[15] the EU officials opted for long-term projections, and in May 2004 the Ministers of Defense of the EU Member States, approved the act on "the Headline Goal 2010",[16] extending the timelines for the EU's projects. Recognizing the view that the uniqueness of the European security aspects must be considered separately[17], there was the need to functionally organize the NATO in relation to the transatlantic forum[18]. In the joint EU-NATO declaration[19] of 2002, the following six founding principles included in the partnership were defined: partnership, common approach to crisis management, consultations and cooperation, equality in the decision-making process, coherent and mutually reinforcing development of the military capability requirements common to the two organizations. Institutionally, the partnership was defined under the "Berlin Plus Agreement"[20] of March 2003, which allowed the EU to use the NATO structures, mechanisms and assets to carry out military operations, on condition that the NATO consents to that. This has simplified the procedure of deployment of military capacities. The agreement also provides for the exchange of information between the EU and the NATO, which is being implemented via EU liaison cells now in place at *SHAPE* (NATO's strategic centre) and NATO's Joint Force Command in Naples. The relations between the two can be described as "separable, but not separate". The same forces can be used for the needs of both the NATO and the EU efforts. If we look at the missions, the right of first refusal governs the missions: only if the NATO first refuses to act, can the EU do so.

Further development of the *ESDP* is the European Security Strategy, which is a political document that guides the EU's international security strategy. Its headline reads: "A Secure Europe in A Better World".[21] The document was approved by the European Council held in Brussels on 12 December 2003 and drafted under the responsibilities of the EU High Representative for Common Foreign and Security Policy. The document starts out with the declaration

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15　Howorth, J., 103.: "the first problem was the way forces were to be built up…they could not guarantee the delivery, still less the mobilization…adequate training…The second problem with the HHG had to do with the procurement of… tools of modern force projection …as: air-to-air refueling; combat search and rescue; headquarters; nuclear, biological and chemical defenses; unmanned aerial vehicles; strategic air lift; space; and interoperability… The third – and potentially biggest – problem with the HHG was the absence of clear debate about the nature of the military operations the EU might aim to mount."

16　Howorth, J., 107. : "Building on the Helsinki Headline Goal, the HG 2010 commits the Union 'to be able by 2010 to respond to a crisis with rapid and decisive action applying a fully coherent approach to the whole spectrum of crisis-management operations covered by the Treaty on the European Union'. Interoperability, deployability and sustainability were at the heart of the project."

17　Hunter., E., R., the European Security and Defense Policy, Pittsburgh: RAND, 2002, 71.

18　Hunter., E., R., 71.: "Five other factors affecting relations between NATO and EU / ESDP: …(1) military and economic cultures, (2) arm's-length NATO – EU relations, (3) a European caucus in NATO, (4) defense and trade, (5) crisis management."

19　Howorth, J., 168-169.

20　Howorth, J., 102.

21　EU: A Secure Europe in a Better World, Brussels: EU Consilium, 12. December 2003 – доступно на : www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf – accessed 10.03.2010.

that "Europe has never been so prosperous, so secure nor so free". Its conclusion is that "the world is full of new dangers and opportunities". Along these lines, ensuring the security of Europe in a globalizing world, multilateral cooperation within Europe and abroad is an imperative, because "no single nation is able to tackle today's complex challenges". Key threats are identified: terrorism, proliferation of weapons of mass destruction, regional conflict, failed states and organized crime. By establishing the European Defense Agency (EDA) the EU activities in implementation of *CFSP/ESDP* were further systematized. The Agency was established on 12 July 2004 with the aim to "support the EU Member States and the Council in their effort to improve the EU's defense capabilities in the field of crisis management and to sustain the *ESDP* as it stands now and develops in the future".[22] The European Defense Agency, within the overall mission set out in the Joint Action, is ascribed four functions, covering: developing defense capabilities, promoting defense research and technology, promoting armaments cooperation, creating a competitive European defense equipment market and strengthening the European defense, technological and industrial base.[23] Further systematization of the *ESDP* was planned under the so called "European Constitution" (the Treaty of Lisbon).[24] The document entails the following: *CSDP (Common Securuty and Defence Polucy)* shall include the progressive framing of common Union defense policy, civilian and military security aspects; shall respect the obligations of certain Member States which see their common defense realized in the NATO; Member States shall undertake progressively to improve their military capabilities; definition of the role of the European Defense Agency and the more complex role of the High Representative of the Union for Foreign Affairs and Security Policy (defense, foreign policy).[25] This leads to the implementation of common defense, when the European Council decides on the defense issues by secret voting, abiding by the principle that policy may not reflect prejudices or defense attitudes of individual Member States.

22 EU, The Council of the EU., Council Joint Action 2004/551/CFSP of the 12 July 2004 on the establishment of the European Defense Agency, Official Journal of the EU, 17.07.2004.; доступно на: http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/l_245/l_24520040717en00170028.pdf – accessed 10.12.2009.

23 European Defense Agency; доступно на:www.eda.europa.eu/genericitem. aspx?area=Background&id=122 – accessed: 10.12.2009.

24 Комплетан текст Лисабонског споразума доступан је на следећем интернет линку – http://bookshop.europa.eu/ – accessed: 10.01.2010.

25 EU, Consolidated Versions Of The Treaty On European Union And The Treaty On The Functioning Of The European Union, 2008/C 115/01, Section 2, Article 42-46, Official Journal C 115 of the European Union English edition Information and Notices, Volume 51, 9 May 2008, 38-41.

Interest Representation in the EU

Terms used to define the activities of interest groups, include various interpretations, depending whether the activity itself is called "lobbying"[26] or "representation",[27] i.e. interest representation.

The most controversial, but most commonly used, is the term lobbying. The English word "lobby", means a hall, antechamber, and stems from the Latin term for the entrance hall or lounge, "labium". In the contemporary context, it means that the political decisions are nowadays often made in the pre-parlamentarian phase of balancing various interests.[28] After analysing various theoretical discussions on the phenomenon of lobbying, it may be said that lobbying is the informal exchange of information with public authorities while trying to influence them. Koeppl P. has maybe given the most comprehensive definition of lobbying: "Lobbying is the attempted or successful influence of legislative-administrative decisions by public authorities through interested representatives. The influence is intended, implies the use of communication and is targeted on legislative or executive bodies".[29]

The very desire to influence policy making in the EU umbrella institutions entails a multidisciplinary approach to the organizational strategy of lobbying of interest groups. In fact, depending on the projected goals it may be achieved by using the "national routes" or "European routes". The term "national route" refers to the use of national contacts and national governments to influence the EU decision-making, whereas the "European route" involves seeking to exert influence by representation direct to the European institutions themselves.[30] Lobbying is a complex and difficult task and it requires not only financial and personal funds but also in-depth knowledge of EU institutions. Every institution reacts differently to external input. Looking at the structure of EU umbrella institutions from the aspect of potential influence on policy-making or stands of various states, national, subnational or supranational institutions the following institutions can be identified as the key institutions for the decision and policy making processes in the EU.[31]

(1) The European Commission is a central place for interest groups' lobbying activities due to its crucial role in the EU

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26 Mazey, S. and Richardson, J. „Environmental groups and the EC: Challenges and Opportunities", in: Jordan, A., „Ed. Environmental Policy in the European Union. Actors, Institutions and Processes", London, Earthscan, (2002):141-156.

27 Greenwood, J."Representing interests in the European Union", London, Macmillan, (1997).

28 Charrard K. „Lobbyng in the EU", Westfälische Wilhems-Universität Münster, (2005): 2: доступно на: http//nez.uni-muenster.de – accessed: 10.02.2009.

29 Koeppl, P. "The acceptance, relevance and dominance of lobbying the EU Commission -A first-time survey of the EU Commission's civil servants.", Journal of Public Affairs vol. 1(N. 1) (2001): 71.

30 Prema:Greenwood, J.„Interest representation in the European Union", Basingstoke, Palgrave Macmillan, (2003): 32.

31 према: http://www.eurunion.org/eu/

legislative process. The Commission is mandated to promote common European interests. It is trying to use pressure to compel the Member States to adopt policies that are above the interstate consensus based on the lowest common positions. The Commission needs input in the area of common European interests. Functionalization of institutions includes the reduction of administrative burden, which results in the need to hire consultants, in order to remain connected to the private sector. The Commission has a key role in adopting laws in the EU. The Commission has a formal right to propose legal acts and debate bills. The discussion on laws is the first stage in the decision-making process and in this phase high expertise is required. The Commission has substantial needs for external expert resources in order to identify the needs and interests of Member States

(2) The European Parliament provides a possible forum for discussions of political issues. It is an institution of supranational and intergovernmental character. Since the inception of European institutions, it has achieved the highest level of institutional development and gained a strong position in influencing the public policy and legislation. Together with the Commission, it is a dynamic force that promotes and creates European integrations. The Parliament is responsible for the determining and management of the EU budget, for the control of executive bodies of the Community (the Commission and Council) and for passing the European laws. It has a significant role in the law-making process, in giving proposals, proposing amendments and decision making. In addition, there is a prominent need for external expert opinions on national stands, in order to foster the quality of the amendments and decisions. The members of the European Parlamant are elected at the national level and they need information about the attitudes of their national voters in order to harmonize policies and increase their posibilities for potential re-election.

(3) The Council of Ministers; an institution that is the most intergovernmental in character. It is the top decision-making body of the EU. Its President and Presidency are elected every 6 months from the EU Member States, and it is responsible for chairing, organizing meetings and institutional affairs during this period. The Council is assisted by the Council Secretariat, a small, politically neutral, administrative support body. The Council has a regulatory and enforcement role. Together with the Commission, it is responsible for implementing the EU legislation and policy decisions. In practice, Member States transpose the EU legislation in their national legislation. Interest groups' access to the Council is very limited, and they can potentially access it through the government of a Member State.

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Lobbying Procedures in the EU

A successful lobbying operation involves the analysis of types of the proposed legislation, the legal basis and the level of implementation of decisions affecting the interests of the lobbying organization. With this information, it is possible to identify the key players, communication channels, the type of message that is sent, and the best time to send the message. The starting point for defining the potential impact is set in relation to the three pillars of the EU: the European Community, the Common Foreign and Security Policy and the Police and Judicial Cooperation in Criminal Matters.

In defining issues via which possible changes or impact on EU policy could be made the following should be considered: whether the EU has jurisdiction in a given area, what are the envisaged procedures, how to influence the Member States. The established forms of communication in the fields of common policies should be taken into account: (1) directives: they specify the objectives and the countries are left to decide on the time and manner of implementation, (2) regulations: they are binding and enter into force upon publication in the Official Journal of the EU, (3) decisions: they are binding and effective immediately after the vote and the adoption by the Council.

Policy shaping phases: preparatory phase (*"decision – shaping"*), legal phase (*"decision – making"*), implementation phase (*"decision – taking"*). From the aspect of the effect of the potential influence, the preparatory phase is the most important and further on it will be the subject of more detailed analysis. The proposal phase starts with the issuing of the so called "Green Paper", which is the subject of public discussion of all stakeholders, the public, the experts. In addition, the third and partner countries participate in the public discussion in order to define the EC proposal. Based on the feedback, additional proposals, the so called "White Paper", are defined based and further public consultations are conducted on these proposals (usually in the form of an Internet questionnaire). After that, in line with the feedback from the public debate, the so called "Communication", containing the proposal of specific measures and goals, is adopted and forwarded to the Council and the European Parliament.

In the course of open meetings with the EC staff, i.e. during the public consultation process in the "Green and White Papers" phases, as well as in the preparatory phase of the "Communication", there is an excellent opportunity to organize thematic events, workshops and conferences to present certain positions. In such gatherings it is possible for various individuals, interest representatives, NGOs or companies to communicate with the Commission staff directly.

In the decision-shaping phase, the communication in the EU institutions takes place between the following entities:

- The chairman of the relevant committee in a certain field
- Parliament rapporteur
- European Commission representatives
- Representatives of a Presiding Council

Communication between entities within the institutions at this stage is conducted away from the public eye and decisions are largely inaccessible to the public.

Approach to Policy-Making in the EU

The complexity of the institution allows the interest groups to have more options in the choice of channels and points of access to the EU decision-making. It has been confirmed in practice that it is possible to achieve all kinds of goals and interests: business, professional associations at the EU level, various NGOs, temporary organizations or informal groups gathered around a certain initiative at the local, regional or national level, of both Member and non-EU countries.

One of the first steps in interest representation in the EU institutions is the defining of the level of ambition of the project goals, i.e. the goal of the lobbying operation should be adequately defined.

Furthermore, it is necessary to be informed about the EU activities in a particular field, the trends of amendments to the EU regulations. It is important to impose oneself as a proactive stakeholder in the decision making process. It is important:

1. To be completely informed about the EU activities in a given field of interest. It is necessary to understand the potential of the political sensitivity of the "green" or "white" papers. In a nutshell, it is necessary for the decision makers to have a clear perception of the importance of EU initiatives for their state, government or job.
2. To identify the specific policy frame, as well as its place in the EC hierarchy, i.e. subcommittee in the EP, working groups for certain issues, as well as in COREPER and the ministerial bodies. It is also necessary to identify the main stakeholders (the decision makers), i.e. their positions, so as to be able to identify the potential adversaries or allies.
3. To be positioned as a stakeholder, and asked to participate in expert panels, policy analysis groups.

Procedures to be implemented so as to gain an adequate position in representing ones' own interests:

1. Assess the situation, problem and challenges from the aspect of European policies. It is preferable to highlight the European dimension of the solution before positioning it on the national or corporate level.
2. A clear understanding of relationships, the correlations and interdependence of European institutions. For example, it is important to know where the EC plays the dominant role and where the EP plays the dominant role, especially from the aspect of changes that took place upon the entry into force of the Treaty of Lisbon.
3. Personal network of contacts in the institutions in charge of decision-making, as well as between subjects. The development of good relations and long-term relationships is of great importance, especially in crises.
4. It is necessary to muster an adequate level of enthusiasm and creative energy.

Relations between Non-EU countries and the EU Institutions

In general, the deciding factor for non-EU countries is the submission of proposals as soon as possible. One of the errors is that the third countries address the top officials, not recognizing that it is faster to act via individuals or groups who are responsible for the development of certain policies.

Since lobbying represents an exchange of information in the function of goods,[32] the type of "goods" that are the subject of exchange may be analyzed. Practice has shown that the systemic lobbying approach, as a form of realization of corporate interests, is implemented at the level of the EU umbrella institutions, while the U.S. tradition of lobbying is deeply rooted in business practices. In the U.S., approach to lobbying often involves relations directed toward specific issues, topics, while in the EU lobbying involves developing relations. Approaches to lobbying can be classified as transactional and relational, as individual and collective.

There are several approaches to analyzing the term and strategic approach in interest representation. Differences in approaches depending on the purpose of the lobbying can be identified, whether the aim is the positioning of an organization operating in a certain field, or the positioning of a national organization at the international

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32   Bouwen P., Corporate Lobbying in The EU: Towrds a Theory of Access, Europe University Institute, Florance, 2001. 369.

level. In that context, considering the exchange of information as an exchange of goods, Bouwen P. highlights that the corporative approach can be used to analyze the relations between organizations of the EU umbrella institutions. In this projection the information is viewed as a sort of access goods which have the following forms:

- Expert Knowledge – expertise, technical knowhow of the private sector, relevant to understand the market. It is important for the assessment and evaluation of the EU market in a particular area.
- Information about the European Encompassing Interest – information intended to help the private sector in recognizing common European goals.
- Information about the Domestic Encompassing Interest – information required from the private sector to determine the domestic encompassing interest, domestic markets and the domestic political and social scene.

The availability of information does not mean an automatic possibility to influence the decision makers. The complexity of the process, several levels of decision-making and incomplete knowledge in the field of shaping the systemic interest representation are some of the hindrances for an organization to establish an efficient lobbying structure and define clear demands in line with the goals. Clearly defined demands and the recognition of the decision-making structure can significantly contribute to the attainment of the set goal, reduce costs and prevent potential misuse and corruption.

Generally, ways to influence decision-makers may be assessed from the aspect of individual company action or a third-party representation. Both models are used in contemporary practice depending on the complexity of the organization, the goal that has been set, the projected interest, the targeted institutions, the state and atitude of the general public and the available resources.

The characteristics of the analysis which establishes the relation "information bearer-information" are the following. There are three types of information: individual firms (organizations) provide information about the market and technologies, EU associations provide information about special interests at the EU level, national associations represent national interests and provide information about the domestic encompassing interest.

The European Commission (EC) initiates a lot of activities. Organizationally, EC is organized into Services, Directorates and Units and via these forms it implements activities aimed at defined policy areas. It is important to note that the Commission depends on the technical *know-how* and expert knowledge of Member

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States, interest groups at the EU level and other transnational entities. Various types of organizations provide various information critical to the work of the EC. For example, external interest groups may provide legitimacy to the EC (European, wider aspect of interests compared to the interests of Member States), or, they may strengthen the EC (in addition to the know-how, large companies can provide business clout).

It is very important to use the "Brussels' language", a set of commonly used and recognizable phrases: "well-functioning internal market", "Lisbon agenda", "European competitiveness", "20—20—20 goals", "level-played field", "subsidiary", "economic integration", "sustainability", "employment", "best practice"…

The Treaty of Lisbon has strengthened the influence of the European Parliament (EP) on policy-making and decision-making at the EU level. Individual jurisdictions (particularly interesting with regards to the enlargement and regional policy) have undergone greatest changes, especially those of the EP. Its role in the use of EU structural funds is also important, as well as the fact that the role of the Committee of the Regions has also been strengthened. Perhaps the most important change is that the EP has taken over responsibility for the EU budget, together with the Council, pursuant to the system of codecision.

Lobbying in EP is stronger than lobbying in the EC or the Council because a large number of sessions are being held in the form of public ddiscussions, open to the public. Also, the institution has a highly developed infrastructure (fitness clubs, cafes), which facilitates direct contact with the Members of Parliament (Members of European Parliament – MEP).

In public and open discussions, for participants outside the EU, it is important to notice and identify which *MEP* is interested to host the session. He usually books the premises, chairs the discussion and ensures the implementation of technical logistics (posters, invitations to decision-makers, visiting *MEPs*, press statements). Participation in open debates is directly linked with the section of the regulation or law that will be discussed in the EP.

From the aspect of organization, 20 Committees in the Parliament are tasked with preparing plenary sessions and forwarding the conclusions to other committees. The EP can also set up a temporary committee in certain fields. Specifically, 34 delegates are in charge of liaising with non-EU countries. The Delegation for relations with South-East Europe is responsible for relations with Serbia, and a special Unit for Serbia is being set up. It is necessary to define which committee is responsible for relations with our country, and which

MEP is designated as the rapporteur. In addition, it is necessary to identify whether there are more committees that deal with our issues. It is necessary to identify the *MEPs* who have developed positions and interests in relation to our issue. In this way we define potential "allies" and "enemies."

Participation in public discussions is one way to find out the views of the *MEP*s. Also, it is necessary to arrange personal meetings with *MEPs* and their associates. In doing so, one should keep in mind the time, which is limited in their case. Since *MEPs* are often absent due to their business trips along the Brussels-Strasbourg route, the assistants to *MEPs* play an important role in the communication with the *MEPs*. Political ambitions of the *MEPs* are a good incentive for them to launch initiatives.

At the committee level, every member may propose an amendment, which means that it is possible to exert influence even before the plenary session. 40 *MEPs* should sign an initiative or a political party should support an amendment for it to become eligible to enter the parliamentary procedure.

Before the voting takes place, as part of the lobbying campaign, recommendations on how to vote should be forwarded to the *MEPs* and to the Party Secretaries of the EP. The document should explain the reasons for voting in certain way.

The Council of the European Union (the Council) is a very important body in making decisions on foreign policy and security. Therefore it is very important to define areas in which influence can be made. Quality bilateral relations improve the position of the state which would like to exert its influence in the pre-accession phase.

Other organizational forms of influencing the decision-making in the EUC are the following:

The Committee of Permanent Representatives (*COREPER);* it is a permanent representation body; they need comprehensive data and details before reaching a decision, because their regular meetings are realized in the form of a policy framework discussion. The data are prepared with the Working Groups, (about 250 experts) which prepare analyses and proposals regarding the issues on the agenda.

The Council Secretariat: a body comprised of about 3,500 people, whose role is to prepare the meetings of the European Council, the EU council, COREPER and the Working Groups. Its role is to provide technical and administrative support to the Presidency as well.

The Presidency; a rotating function, a mediator between the EP, Member States and the EC. It has a very important role in the foreign affairs. It is rotated every six months.

Operationalization of Communication in the EU Institutions

Communication is a necessary and fundamental tool in influencing the decision makers. Regardless of whether we have a developed structure and a defined communication strategy, an overview of possible institutional contacts in the EU is an indispensable tool.

The European Commission:

The College of Commissioners: Commissioners are appointed by the Member States, in certain fields. Commissioners are high-profile political figures (former political officials of Member States).

Directorates-General – DGs: a civil service, divided into 41 Directorates-General (DGs). Two-thirds are engaged in certain sectors, while one third is in charge of administrative procedures. They are predominantly expert services with broad knowledge in their field of action. They are composed of approximately 23,000 employees, physically located in the main DG, and some 9,000 national experts. About a half thereof are employed in administration (about 2,000 people are only engaged in translation to the languages of the EU).

Directorates and Units: the DGs are headed by directors-general, and each has several units covering specific fields and special tasks. For example: in the Directorate-General for Enlargement (DG ELARG), the Directorate C is responsible for Albania, BH, Montenegro, Serbia and Kosovo, while Unit (Unit C2; ELARG.C.2) is responsible for Serbia. Each unit numbers about 10 to 20 persons.

A useful way of exerting influence is participation at a committee discussion or a seminar, participation in a round table discussion, conference or a thematic event where the topic of the discussion is the issue of importance to us. In addition, it is possible to establish direct contact, via the decision makers themselves, because the EC staff has a permanent task to collect information from the stakeholders.

Cabinets: are composed of the commissioners' closest political advisers and they are potentially the strongest link to exert influence, especially politically, in the preparatory phase of a certain policy.

Expert groups: play a special role in the preparatory phases, when the EC calls all Member States and Candidate countries' experts to give their opinion on the proposal. This is an exceptional opportunity to influence the policy-shaping, especially because the proposal has not been shaped jet, and there is a vast playing field for exerting interests. Expert groups provide a unique opportunity for analyzing proposals in a creative atmosphere before they are sent to the Council or the EP.

European Parliament:

Party groups: Members of the European Parliament (*MEPs*) are not organized by their nationality, but by their political affiliation. At least 20 *MEPs* are needed to form a political group from at least one-fifth of the Member States (20 *MEPs* from 6 Member States).

The Committee Secretariat: is a relatively small unit, with an important role in advising members on the implementation of activities and the positions of the Committee.

INTERGROUPS; There are about 80 "Intergroups" which are gathered around various interests. They work through intermediaries, and some of them have permanent representative offices. They inform the EP on the developments and activities in their field. They are a good place for raising certain issues.

The Council of the European Union:

Permanent Representatives: they are employed in the Permanent Representations of the Member States. They can provide information on the Member States' positions on various issues on a case-by-case basis; they can exert their influence through participation in Council meetings; they provide contact information on working groups and topics; they provide information on key persons in a Member State that can be the target for lobbying; and they participate in discussions and other forums together with the decision makers. Forwarding information to their respective Member States on various issues is another of their roles. They are very interested in lobbying activities and useful for the non-EU countries for establishing contacts. Example: members of a relevant Working Group of the Council may assist in putting forward Serbia's questions at the working group meeting.

Officials and other contacts may: establish the position of a state prior to the working group meeting, propose changes or ask questions during the working group meeting, if necessary, they may time-adjust the decisions of a working group, lobby with other Member States for assistance and support, provide information

on processes and positions of other Member States. Since they come from a national entity, it is difficult to organize a meeting in Brussels, but it is possible to identify persons in the national environments. They can be contacted directly by e-mail or via Brussels Permanent Representatives. Before the meeting, it is useful to prepare a position paper and a presentation.

The Council Secretariat may: provide an agenda for various Council, COREPER and working group meetings, provide contact information on the working group members and the date of the meetings as well, provide information about the different positions of states and their negotiating positions, position of the Committee and the EP, provide data on the legal implementation of some proposals.

Chairman: includes issues into the agenda, chairs the meetings, provides information on various decision-makers, persuades other members to adopt a report or regulation, strengthens the conviction in the validity of raising a certain issue. A good relationship with the chairman is very important for creating a general impression and credibility.

Possibility of Influence in the Security Integrations

Institutions' potentials for positioning include harmonization and compliance with principles of participation, partner interaction, competences and creative and critical contribution to achieving common goals. The implied influence of a particular country is in conformity with its real competences and its presence in the bodies dealing with issues relevant to the said state. The overview below (Picture 1) shows that the states with the most powerful influence on foreign policy, security, economic and enlargement issues, are positioned at the center of integrations and in fact generate and create them.

Also, we see that their influence on defining positions and the general political climate depends on the the candidates' degree of readiness to be included in integrative forms, primarily the EU. Based on this, it is possible to conclude that in addition to the institutional, "umbrella" influence on the EU bodies, it is possible, particularly during the pre-accession phase, to develop good relations in the lower organizational forms or in bilateral relations. Also, the peripheral activities that are not directly conditioned by security issues, such as regional, cross-border cooperation, economic exchange, trade, investments, and exchange and cooperation in the fields of science, art and culture, significantly enhance performance of a state in the process of European integrations.

Potential success in influencing or leading an offensive in relation to the EU institutions implies the existence of organizational forms. In terms of security, organizational forms of institutions that can be viewed as potential target segments for exerting influence are those EU institutions that implement the common foreign and security policy, i.e. the European security and defense policy as the executive module (*CFDP / ESDP*), and cooperation with the NATO through organizational forms and programs, in the first place the Partnership for Peace, and particularly active and broad cooperation through the the *EAPC* institutions.

The existence of the institutional framework in an organization is a prerequisite for the realization of channeled, systemic interest representation. An organization with its organizational units, procedures and people who constitute it, is a potential field of activity for lobbying structures. Hence, it is important to note that, in addition to like-minded groups, it is possible and likely that opposing interest groups will try to exert their influence on the organization as well. In the phase of pre-accession process, negotiations and attempts to comply with the so called "conditions on the roadmap" for EU integrations, are important resources that can be used to influence the European Union public opinion, states and institutions.

Specifically, at the national level, support to accession can be generated by means of clearly defined activities and through supporting, exploiting and promoting the said activities, fostering good will, subjective positive thinking and the general promotion of partnership and sense of belonging to the same historical heritage, as well as with the common position on the issue of democratic values. In terms of security, the uniqueness of the Balkans is a complication, because this region has been positioned as volatile, insecure, barbaric, belligerent, etc., therefore this region is not perceived in the collective consciousness as part of the common European space.

This very fact underlines the need for systemic positioning and representation of interests in the negotiation on the integrative process.

The structures within the EU structure which are responsible for the implementation of the common foreign and security policy are: the Council of Europe, the Council of Ministers and the Presidency of the Council, the European Parliament, the institution of the High Representative for Foreign Affairs and Security Policy and the Policy Planning and Early Warning Unit.

In addition to institutions at the EU level, there are other, operating structures, instrumental in the implementation of tasks at the operational level: The Committee of Permanent Representatives, the European Coomissioners Network, a group of advisors, *CFSP*

Working Group, the EU Military Committee, Military Staff, Pol-Mil Group and the Committee for Civilian Aspects of Crisis Management.

What is important to note are the multiple levels and interdependence in decision-making and different timetables. Namely, the agendas are not the same in all the elements of the structure. One can achieve one's goals and position oneself as an active stakeholder in the sphere of common security and policy through monitoring individual elements of the system, a proactive attitude towards the offered initiatives and ideas, personal initiatives in the area of security which contribute to the general qualitative environment in the EU and the neighboring countries, constructive approach to resolving conflicts and disputes, promotion of results, taking initiative in bringing together security stakeholders in the region, and also through access and the ability to bring one's positions closer to the administration representatives, both at the operational and at higher levels.

The presence of the working bodies, access to the administration, knowledge of procedures and clearly defined objectives are, in addition to the general requirements (know-how, resources, organization), the preconditions for interest representation in the EU "umbrella" institutions, which are in the narrow sense of integration, connected with the common foreign policy and security issues.
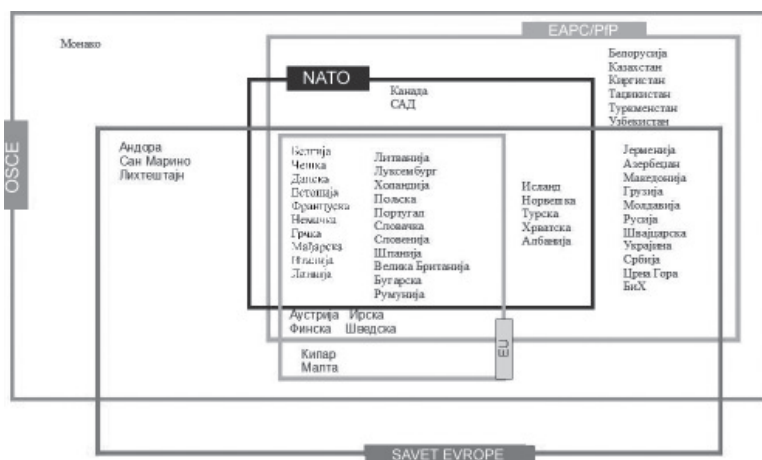
Picture 1. The position of EU Member States in relation to the EU and security organizations.

Summary

An assumption that an organization will simply be able to realize its interests without the presence and communication with the decision making bodies is almost an impossible mission, or it can be accomplished if its interests are identified with the interests of an influential group.

The Republic of Serbia has made a clear decision to accede to the European Union. The contribution of the Ministry of Defense of the Republic of Serbia to the process is significant. Namely, with participation in international security organizations and active contribution to the security policy making process, the Republic of Serbia has an opportunity to present itself as a respectable partner. Participation in a constructive security dialogue and the use of positive practices in interest representation in international bodies and forums provide a window of opportunity for the Ministry of Defense to impose itself as one of the players in the international security policy.

By using the experiences of lawful lobbying, with a strategic approach, the Ministry of Defense may participate in international bodies and direct security policy decisions, which are being prepared or not yet put forward for discussion, and therewith influence the harmonization of decisions and policy making with the strategic orientation of the country.

The precondition for that is the presence in the representative bodies, credibility, the status of a legitimate and recognized member, strategic frameworks, implementation of systemic interest representation in management practices and adequately educated and trained human resources. Thus based approach to systemic advocacy certainly ensures that, in the future, issues which are important for national interests are resolved in accordance with the interests of the state.

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Case Study: Human Security – A Mechanism Of Guaranteeing The Status, Freedoms And Rights Of National Minorities In Serbia

Abstract

Human security issues are tightly connected with human rights and the protection of various vulnerable categories such as national minorities. The human rights instruments codified within the UN or regionally (Council of Europe) stipulate general protection of persons belonging to national minorities and bind countries to work on anti-discrimination measures to ensure tolerance and diversity. In accordance with international/European standards, Serbia has adopted legislation related to the rights, freedoms and status of national minorities, introducing the following national mechanisms in the sphere of national minorities:

1) Committee on Inter-Ethnic Relations of the National Assembly,
2) Council for National Minorities of the Republic of Serbia,
3) Councils for Inter-Ethnic Relations,
4) National Councils of National Minorities,
5) Government of Serbia Coordination Body for the Municipalities of Presevo, Bujanovac and Medvedja,
6) Office of the National Defender of Citizens and Local Ombudsmen, and
7) Office of the Commissioner for the Protection of Equality.

Once the above institutions become fully operable and the reform of the courts system in Serbia is completed in 2010, the country will be able to establish real and efficient control over the security of minority communities and society as a whole. By raising the level of this security, Serbia will contribute to its own sustainable stability as well as the stability in the region and Europe. In this process, prompt and qualified assistance by the EU, the Council of Europe and the OSCE would be a part of the solution.

Keywords: human security, human and minority rights, national minorities, Serbia, EU, Council of Europe, OSCE, national institutions for the protection of national minorities

With the release of the 1994 Report by the United Nations Development Programme (UNDP), the concept of and approach to security started undergoing a radical change.[1] Mahbub ul Haq, the author of the Report, opened a completely new chapter in the definition of security, introducing a human dimension to something which was, until then, an extremely narrow concept of security as a national and state expression focused on a state's defence in the protection and strengthening of its integrity, interests and borders. Within a very short time[2], the scope of security provided for by this traditional approach was extended to environment, human rights and the social and economic status of individuals and groups, stripping at the same time the power (and its institutions) of its monopoly over the activities (planning, preparation, execution) considered to be the manifestations of security and (national and international/regional) policy in the domain up to that point. The entire concept was then dubbed 'human security', starting to develop and adopted as such ever since. This process and the sudden, extraordinary dynamics it has elicited were perhaps best described by Kofi Annan, former UN Secretary General, in 2000:

"Human security, in its broadest sense, embraces far more than the absence of violent conflict. It encompasses human rights, good governance, access to education and health care and ensuring that each individual has opportunities and choices to fulfil his or her potential. Every step in this direction is also a step towards reducing poverty, achieving economic growth and preventing conflict. Freedom from want, freedom from fear, and the freedom of future generations to inherit a healthy natural environment – these are the interrelated building blocks of human – and therefore national – security."[3]

The inevitable segment of human security deals with an individual, his/her protection and status, embedded in a specific corpus of laws, namely, human rights, which have been developing under the UN auspices since 1948.[4] Since then, they have been universally accept-

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1 Gerd Oberleitner, *Human Rights and Security – The Two Towers?*, Collected papers *Human Security* 2, Fund for an Open Society, Belgrade, 2006, p. 16

2 It would be hard to find in the development of international relations of a more recent date an idea formulated in the UN or another international body which was launched, developed, negotiated and applied within such a short time. An exception to it could be the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Ottawa Convention). At the same time, it would be good to recall how much time it took to introduce to international humanitarian law another protective emblem in armed conflict, on which some countries and Israel in particular had insisted for years, in addition to the Red Cross, the Red Crescent and the Red Lion and Sun. Eventually, this was done under Additional Protocol III to the Geneva Conventions but only as late as 2005, when the Red Crystal was adopted as a new protective and distinctive emblem in armed conflict.

3 Diane Winslow, PhD, *Human Security,* Collected papers *Human Security* 1, Fund for an Open Society, Belgrade, 2006, p. 13

4 International law records that this development began even earlier and, without listing the relevant doctrinary or individual national examples before the 20th century, stresses the importance of binding documents, for example, those adopted on refugees (Nansen) or by the International Labour Organisation *(ILO)* before World War II.

ed and placed in the focus of human security.[5] The legal procedures related to national implementation, which in the sphere of human rights include the adoption/ratification of the relevant international conventions and agreements[6], their adaptation to the national legislation (where necessary) and subsequent (judicial and administrative) application, represent universal standards for the countries taking care of their population by developing and preserving democratic relations and security, which are interrelated. The UNDP Report highlighted seven categories under which threats to the development of human security[7] can be considered, including personal security, aiming to protect people from physical torture either by their own state or by other states and from different types of violent people, blaming primarily crime for such a state of affairs, which is why it has to be prevented and punished within efforts to guarantee security. Another major element of human security is political security, pertaining to the life of people in communities, which honour their basic human rights. The guarantee of the development of both individuals as well as their organised communities (states) lies in the balance between the freedom from fear and the freedom from want[8].

Within its application of the comprehensive concept of human security, the European Union (EU) is trying to set the institutional framework for the realisation of this idea:

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5   The UN Security Council opened a debate on human rights in the then South Africa in 1976 and, condemning the policy of *apartheid*, declared that the violation of human rights, racial segregation and oppression of the Black majority posed a threat to regional and world security.

6   The major sources of international law defining human rights include the following: the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Labour Organisation (ILO) Convention No. 111 concerning Discrimination in Respect of Employment and Occupation, the UNESCO Convention against Discrimination in Education, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) and the Convention on the Rights of Persons with Disabilities (CRPD).
     In addition to the above universal international law instruments, it is important to mention the following regional sources, adopted by the Council of Europe: the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the European Social Charter, the European Convention on the Protection of Human Rights and Fundamental Freedoms (ECHR) and other sources.

7   According to the 1994 UNDP Report, seven categories of human security include the following: economic security, food security, health security, environmental security, personal security, community/group security and political security.

8   These are in fact two theories on the phenomenon and concept of human security, resulting from the 1994 UNDP Report. According to the Report itself, *human security requires the freedom from fear and the freedom from want*. The concept of the freedom from fear aims to protect individuals from violence, the assumption being that violence is linked to poverty and a state's lacking the capacity to fight poverty. Consequently, the responsibility to protect constitutes the main component of the theory on the freedom from fear.
     On the other hand, the freedom from want is based on a more encompassing view of threats to which a person can be exposed and which, consequently, include the following in addition: famine, epidemics and natural or man-made disasters (armed conflict, political tensions, dictatorship), recognised also by the theory of the freedom from fear.
     (For more, see the report drafted by the International Commission on Intervention and State Sovereignty at the request of Kofi Annan, the then UN Secretary-General, in 2001: www.iciss. ca/menu-en.asp; Prof. Hans-Gert Pottering, PhD, Defence of European Values, Konrad Adenauer Foundation, 2007)

"For over ten years now the EU has developed important instruments under the concept of a Common Security and Defence Policy (CSDP). These include a Military Committee and Military Staff, performing early warning and strategy planning functions, and a European Defence Agency. It also has access to an array of civilian personnel trained to provide assistance to local populations in conflict-torn areas of the world. These civilian capabilities are increasingly important for addressing what is now widely known as 'human security' – the notion that national and global security cannot be separated from the well-being of individuals and the communities where they live."[9]

The EU has demonstrated that it has no dilemmas as to the concept and acceptance of human security in the context of internal and external security challenges. Consequently, in view of the complexity of the Union itself, which is made up of member states (as well as individuals), the issues related to nations and national minorities living in its territory are infinitely important in the concept of human security. This is completely in line with one of the elements of/ threats to human security expressed as community security and aimed at protecting people from the loss of traditional relations and values in ethnically-motivated and other violence. This security pillar, adopted from the UNDP, is crucial to the EU because, on the one hand, it makes it possible for the member states to preserve their own identity, while, on the other, it enables the EU to protect the interests of different national/ethnic communities *in grosso*, i.e. regardless of borders. The nations and, consequently, national minorities have thus become the lines that bind in the EU, with an extreme tendency to preserve and keep their community security even at the trans-national level, making the EU zone unique in the world in this sense.

Defining national minorities

Although the EU has been mentioned in connection with the status and protection of national minorities, another European institution plays a more important role in this respect. This is the Council of Europe, a regional international organisation, rallying 47 European countries. Through its Committee of Ministers and Parliamentary Assembly, the Council of Europe takes decisions and passes resolutions in keeping with its founding treaty signed in London in 1949, which in time developed into its Statute. In addition to its Secretariat,

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9   *Project Europe 2030: Challenges and Opportunities, A Report to the European Council by the Reflection Group on the Future of the EU 2030*, May 2010, p. 32
     As a result of that, the EU launched 22 observation, peacekeeping and stabilisation missions worldwide by 2010. As for its more active engagement/offensive action in peace-making, the current situation indicates that the EU, despite the fact that it has half a million troops more than the US, has no logistic capacity to deploy its rapid intervention force that is some 60,000 strong.

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the Council of Europe's major institutions include the European Court of Human Rights and the Office of the Commissioner for Human Rights. Both institutions, the product of the European Convention on Human Rights of 1950, greatly contribute to the achievement of the Council of Europe's basic goals including the following: creating a common democratic and legal zone in the protection of human rights, pluralist democracy and the rule of law, building Europe's cultural identity and diversity, and consolidating and strengthening its democratic stability by supporting political, legislative and constitutional reforms.[10] The European Convention on Human Rights specifically bans discrimination, threatening human rights and freedoms guaranteed by it. The European Court of Human Rights has a unique position and function in the prevention and punishment of such cases. Although set up as far back as 1959, individuals have been able to approach the Court directly only since 1998, once they have used all the avenues at home in terms of courts and legal remedies in the human rights sphere. The Court does not only sanction the Council of Europe member states' negligence in handling human rights violation cases,[11] it also exerts influence on them to amend/adapt their respective legislation and public administration in order to improve the position of each individual, regardless of differences, and contribute to his/her progress.

As for national minorities and persons belonging to them, the Council of Europe pays particular attention to this category under the European Charter for Regional or Minority Languages of 1992 and the Framework Convention for the Protection of National

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10 Due to the Council of Europe's field of activity, this organisation is an indispensable factor in the application of the human security concept. The ban on torture and the fight against different forms of trans-national crime including human trafficking, cyber-crime, terrorism, child pornography and similar belong to the sphere of action which can pose major threats to human communities (states), because of which the Council of Europe introduces the procedures for the prevention of such cases and alleviation of their effects. For example, the Council of Europe's Committee for the Prevention of Torture visits the Council member states, drawing up reports with recommendations for the improvement of the position of persons deprived of their liberty. Under the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Committee for the Prevention of Torture has great powers when visiting places of detention and hospitals and its recommendations are binding to all Council of Europe member states.
The media are also one of the Council of Europe's target groups, but the European Social Charter provides also for the protection of persons with disabilities, employees as well as those who are unemployed for various reasons, and forms of their association. In 1979, the Council of Europe adopted the Convention on the Conservation of European Wildlife and Natural Habitats, but it also fights against corruption *(Group of States against Corruption - GRECO).*

11 In 2008, the European Court of Human Rights established three cases of Serbia's violation of Article 6 of the European Convention on Human Rights (ECHR) with respect to the length of the relevant proceedings. In April 2009, a report stating that, out of the Court's 27 rulings against Serbia since September 2006, 17 concerned the violation of the right to be tried within a reasonable time, was released. There have been nearly 3,000 eligible cases pending against Serbia since September 2009. According to the Serbia 2009 Progress Report (section 2.2), released by the Commission of the European Communities, *"the Judicial Training Centre continues to provide training on the ECHR. Awareness among judges of international human rights obligations has improved. However, courts are still reluctant to directly enforce ratified international treaties".*

Minorities of 1995.[12] The latter treaty is in particular important to defining national minorities, because nothing like that can be found in universal sources of international law. Namely, the Framework Convention does not provide for an explicit definition of a national minority or a person belonging to it, but its articles define some procedures, areas, characteristics, rights and status of these persons, based on which it can be concluded what kind of category/community this is. Article 4 guarantees the persons belonging to national minorities the right of equality before the law, prohibiting any discrimination against them, while Article 5 guarantees them the right to maintain and develop their culture and to preserve their identity (religion, language, traditions), preventing their assimilation. National minorities are further guaranteed the right to freedom of peaceful assembly, freedom of expression and freedom of thought, religion and media (Articles 7-9). The Convention pays special attention to minority languages, guaranteeing their preservation and the right to information, the use of minority alphabets and education (Articles 10-15). In the exercise of the rights and freedoms enshrined in the Framework Convention, *any person belonging to a national minority shall respect the national legislation and the rights of others, in particular those of persons belonging to the majority or to other national minorities* (Article 20). The Framework Convention further defines the role of the Council of Europe's Committee of Ministers and Secretary-General regarding the states' reports on the status of national minorities and the obligations arising from their membership in the Council. All rights and freedoms provided for by this international/regional treaty can be enjoyed either individually or within a community (collectively). Based on the above provisions, the criteria for defining persons as belonging to a national minority could include the following:

- belonging to a community numerically smaller than the rest of the population of the state or a part of the state,
- belonging to a community that is not in a dominant position,
- having a culture, language, religion, race etc. distinct from that of the rest of the population,
- belonging to a community whose members/followers have a will to preserve their specificity,
- being citizens of the state where they have the minority status, and
- having a long-term presence on the territory where they live.[13]

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12 The European Charter for Regional or Minority Languages provides for different actions the state parties can take to protect and promote historical regional and minority languages, as it refers to them. The Charter stipulates two levels of protection, the lower of which must be implemented by its signatories. As for the Framework Convention, its Article 25 stipulates that the member states must submit to the Council of Europe periodic reports containing *"full information on the legislative and other measures taken to give effect to the principles set out in the Framework Convention"*.

13 Daniel Smihula, *Definition of National Minorities in International Law,* Journal of US-China Public Administration, Vol.6, No.5, October 2009, p. 50

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From the security aspect, national minorities perceived in this way can be exposed to serious risks and threats if there are no national measures offering them support and if their rights are not guaranteed and implemented:

Ethnic tensions and the lack of respect for ethnic, religious and cultural values pose a real threat to a state's stability. The specific manifestations of this threat can include intolerance, xenophobia, being uncoordinated with democratic principles and practice, disregard for agreements and international treaties on the respect for minority rights, and instigation of ethnic violence and causing difficulties in the setting up of multi-ethnic democratic institutions. Positive legislation and practical measures should ensure the rule of law, the respect for and the protection of human and minority rights and freedoms, balanced economic development, and the development of the spirit of tolerance and mutual cooperation, which ease ethnic tensions and largely help avoid the danger of creating a state of emergency.[14]

Serbia became a Council of Europe member state in 2003, ratifying, however, the Framework Convention for the Protection of National Minorities already in 2001. The Constitution of the Republic of Serbia guarantees individual and collective rights to persons belonging to national minorities, providing also for additional rights in their protection.[15] In a country like Serbia, the relationship with and official measures towards national minorities constitute a fundamental value of national interest, not only due to the fact that national minorities account for about 17 per cent of the country's total population,[16] but also due to the recent past and the conflict in the former Yugoslavia, which had an extreme ethnic and national dimension. That is why the context of national/ethnic communities in

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14   Katarina Strbac, PhD, *Humanitarne organizacije u zbrinjavanju civilnog stanovnistva u vanrednim situacijama,* Belgrade, 2008, pp. 34-35

15   Under Article 79 of the Serbian Constitution, persons belonging to national minorities are entitled to the following: the expression, preservation, cherishing, developing and public expression of their national, ethnic, cultural and religious specificity; the use of their symbols in public places; the use of their language and alphabet; in the areas where they constitute a considerable population, to having the proceedings by state bodies, organisations with delegated public powers, bodies of autonomous provinces and local self-government units conducted in their language as well; education in their own language in public institutions and institutions of autonomous provinces; the setting up of private educational institutions; the use of their name and surname in their language; in the areas where they constitute a considerable population, to having traditional local names, the names of streets, localities and topographic signs written also in their language; full, timely and impartial information in their language, including the right to express, receive, send and exchange information and ideas; the setting up of their own media. Under Article 80 of the Serbian Constitution, persons belonging to national minorities can form their own educational and cultural associations, which are funded on a voluntary basis. Serbia recognises the specific role of the national minorities' educational and cultural associations in the exercise of rights of persons belonging to national minorities. Persons belonging to national minorities are entitled to undisturbed relations and cooperation with their compatriots outside Serbia.

16   According to the last, 2002 Census, the following national minorities live in Serbia: Hungarians (accounting for 3.91% of the total population), Bosniaks (1.82%), Roma (1.44%), Yugoslavs (1.08%), Croats (0.94%), Montenegrins (0.92%), Albanians (0.82%), Slovaks (0.79%), Vlachs (0.53%), Romanians (0.46%), Macedonians (0.35%), Bulgarians (0.27%), Backa Croats (0.27%), Muslims (0.26%), Ruthenians (0.21%), Slovenes (0.07%), Ukranians (0.07%), Gorani Muslims (0.06%), Germans (0.05%), Russians (0.03%), Czechs (0.03%), others (0.16%), while 1.44% of the total population chose not to reveal their ethnic origin.

the said region poses a serious security challenge, highlighted in the 2009 National Security Strategy of the Republic of Serbia:

"Compliance with the accepted commitments in the field of human and minority rights and improving the legal framework, which allows monitoring in the function of preventing human rights violations and marginalisation of citizens based on political, ethnic and religious affiliation, is a significant aspect of improving national security.

The Republic of Serbia guarantees all individual and collective rights of national minorities on its own territory. It also promotes and advocates for the obligation to respect human and minority rights of Serbs in other countries through the improvement of relations with those countries, and in accordance with the relevant documents of international law.

Starting from the importance of inter-ethnic tolerance and intercultural dialogue, the Republic of Serbia takes effective measures to improve mutual respect, understanding and cooperation among all the people living on its territory, regardless of their ethnic, cultural, linguistic or religious identity. The Republic of Serbia is determined to develop cooperation with representatives of minorities, as well as their countries of origin, in order to improve their position and their rights."[17]

Serbia's experience in its more recent history (the period between 1875-1878, when it tried to protect its minority in today's Bosnia-Herzegovina, which was a part of the Ottoman Empire at the time; the First and the Second Balkan War and its inability to take into account the Albanian factor in the Balkans; entire World War II as well as the period prior to its outbreak, and the issue of the Banovina of Croatia and the German minority's status) shows that the factor of national minorities must be approached with extreme caution, searching for the most acceptable solutions in guaranteeing their freedoms and status so that they should not have a negative bearing on stability. For domestic purposes and building on international law, the Law on Protection of Rights and Freedoms of National Minorities, adopted by the Federal Republic of Yugoslavia in 2002 and implemented in Serbia, defines in its Article 2 persons belonging to national minorities as follows:

"A national minority for the purpose of this Law shall be any group of citizens of the Federal Republic of Yugoslavia numerically sufficiently representative and, although representing a minority in the territory of the Federal Republic of Yugoslavia, belonging to a group of residents having a long-term and firm bond with the territory

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17   Republic of Serbia, *National Security Strategy of the Republic of Serbia,* Belgrade, 2009, pp. 30-31

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of the Federal Republic of Yugoslavia and possessing characteristics such as language, culture, national or ethnic affiliation, origin or confession, differentiating them from the majority of the population and whose members are distinguished by care to collectively nurture their common identity, including their culture, tradition, language or religion.

All groups of citizens termed or determined as nations, national or ethnic communities, national or ethnic groups, nationalities and ethnicities, and which meet the conditions specified under Paragraph 1 of this Article shall be deemed national minorities for the purpose of this Law."

The human security concept primarily requires a state and its bodies to engage in the protection of national minorities, with the assistance of civilian sector organisations, academic circles, the persons belonging to national minorities themselves and their associations. Once the adequate national legislation is adopted,[18] the course of action includes the quest for national models of affirmation of the national minorities' rights and status, based on the relevant international standards,[19] which Serbia has also built on, adopting the following mechanisms which directly or indirectly have to do with national minorities:

1) Committee on Inter-Ethnic Relations of the National Assembly,
2) Council for National Minorities of the Republic of Serbia,
3) Councils for Inter-Ethnic Relations,
4) National Councils of National Minorities,
5) Government of Serbia Coordination Body for the Municipalities of Presevo, Bujanovac and Medvedja,
6) Office of the National Defender of Citizens and Local Ombudsmen, and

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18   The basic legislation on the protection of national minorities in Serbia includes the following:
– Law on Protection of Rights and Freedoms of National Minorities of 2002,
– Law on the Official Use of Languages and Alphabets with the 2010 Amendments, and
– Law on the Bases of the Education and Upbringing System of 2004.

19   A brief analysis of the relevant practice and situation in some central European countries would reveal that there is no uniformity and that the countries have adopted different institutional approach to the resolution of minority status. Consequently, the Czech Republic has a human rights commissioner and a minister in charge of human rights and national minorities (but no ministry). The Government Council for National Minorities and the Inter-Ministerial Commission for Roma Community Affairs are in charge of supervision. The Czech Republic also has the Office of the Public Defender of Citizens' Rights and local ombudsmen. Bosnia-Herzegovina, in addition to its Ministry of Human Rights and Refugees, which is only indirectly in charge of national minorities, has also Roma committees. The Parliament of Macedonia has the Inter-Community Relations Committee and municipal ombudsmen. Germany has introduced a Commissioner for Human Rights Policy and Humanitarian Aid alongside the Bundestag Committee on Human Rights and Humanitarian Aid. Croatia's Parliament has the Committee on Human and Minority Rights, ombudsmen and the Human Rights Office. Montenegro has set up a Minority Fund and the Centre for the Preservation of Cultural Heritage of National Minorities as part of its efforts to implement minority rights. In addition to local ombudsmen, the Montenegrin government has a department for the protection of human and minority rights. Slovakia's deputy prime minister is in charge of human and minority rights. To meet the relevant obligations, Slovakia has set up the Government Council for National Minorities and Ethnic Groups and the Office of the Commissioner for Roma Communities.

7) Office of the Commissioner for the Protection of Equality.

These are in fact the institutions implementing the national minority standards arising from the country's being a party to international human rights conventions. They reflect the need to improve the community security segment of human security management in Serbia, with their setting up being directly backed by the EU, the Council of Europe and the Organisation for Security and Cooperation in Europe (OSCE).[20]

Committee on Inter-Ethnic Relations of the National Assembly

Within the highest-level legislative power in Serbia, Article 49 of the National Assembly's Rules of Procedure provides for the setting up of a Committee on Inter-Ethnic Relations as its permanent working body with the mandate *to review draft legislation, other legislation and by-laws, as well as other issues related to the exercise of national rights and inter-ethnic relations* in the Republic of Serbia.[21] The Committee has 21 members and the number of persons belonging to national minorities is practically higher than in other Assembly committees, which came under criticism by the Commission of the European Communities in its Serbia 2009 Progress Report, section 2.1, stating that committees "still lack sufficient numbers of qualified staff".

Of the 250 seats in the Serbian parliament, a number of them are reserved for parties of national minorities,[22] which are positively discriminated in Article 13 of the Amendments to the Law on the Election of Deputies of 2004:

Political parties and coalitions of national minorities take part in the distribution of mandates even if they win less than five per cent of the votes cast by the total number of voters.

Political parties of national minorities are all parties whose basic goal is to represent and act on behalf of the interests of a national minority, as well as to protect and promote the rights of persons belonging to national minorities in keeping with the relevant international standards.

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20 During the preparations to draw up the bill on national councils of national minorities in the 2007-2008 period, the Council of Europe designated Prof. Reiner Hoffman of Germany to provide expert comments and suggestions on the bill drafted by Serbia.

21 In the first five months of 2010, the Committee on Inter-Ethnic Relations was in session three times, discussing the project called *Inclusion of the Roma* and elections for the national councils of national minorities, scheduled to take place in June 2010.

22 Of the 72 political parties registered in Serbia until May 2010, 42 had been formed by persons belonging to national minorities.

The Republican Electoral Commission decides on whether a party submitting the list of candidates holds the status of a national minority's political party/coalition when declaring the list of candidates, at the proposal by the party submitting the list of candidates that must be included in it when submitting the list of candidates.

Although this is not a classic institution, such a legal solution enables persons belonging to national minorities to avoid being bypassed in legislative activities due to their small number. The issue of the majority's domination in the National Assembly, even on matters having a direct bearing on national minorities, remains open because no regulation refers to the 'outvoting' of national minority deputies in such cases and, consequently, this could pose a threat to community security.

It should also be pointed out that a similar committee exists within the Assembly of the Autonomous Province of Vojvodina, Serbia's region with the highest concentration of different ethnic groups/ national minorities, so that this working body is highly active in reviewing issues which, according to the Assembly's Rules of Procedure, *pertain to the development of inter-ethnic relations and the exercise of the right to education, culture and information of nationalities and national minorities in the Province, and other issues related to inter-ethnic relations.*

Council for National Minorities of the Republic of Serbia

The Council for National Minorities of the Republic of Serbia was set up under a special government decree as far back as September 2004. Since then, the Council's activity has been defined under other government decrees (the last was adopted in July 2009), but the body's original mandate within executive power has remained the same: *the preservation, promotion and protection of national, ethnic, religious, linguistic and cultural specificity of persons belonging to national minorities.* The Council represents a strategic body, which is also reflected in its composition comprising the prime minister and the ministers in charge of human and minority rights, public administration and local self-government, culture, education, youth and sports, religion, justice, internal affairs, as well as chairpersons of national councils of national minorities. The Council is in charge of verifying the national minorities' symbols, insignia and holidays, reviewing bills and other legislation relevant to the exercise of minority rights, monitoring the status of inter-ethnic relations in the country, proposing measures for the promotion of full and effective equality of persons belonging to national minorities, and reviewing the fulfilment of international obligations with respect to the implementation of rights of persons belonging to national minorities

in Serbia as well as international/regional agreements concerning the position of national minorities. Under the last decree, adopted in July 2009, the Council meets when necessary but not less than four times a year, which was not the case under the previous government decrees stipulating that the Council's regular sessions be held twice a year. Despite the fact that its official sessions were to be held so rarely, the Council did not meet at all in the 2007-2009 period, although this was repeatedly requested by persons belonging to national minorities. Headway was made in 2010, when the Council started functioning, but only at the end of this year it will be clear whether it will meet four times, as provided for by positive legislation, thus demonstrating its strategic-level readiness to remove threats jeopardising community security.

The budget fund for national minorities, planned to be used to finance cultural, education and information activities as of 2010, will also have to stand the sustainability test. The fund's statute is to be drafted by the Ministry of Human and Minority Rights, which will also run the fund.

Councils for Inter-Ethnic Relations

Article 98 of the Law on Local Self-Government, effective in the Republic of Serbia since 2007, provides for the setting up of councils for inter-ethnic relations, although they were first introduced under the previous Law on Local Self-Government (Article 63), adopted in 2002. Based on that, it is stipulated that, *in ethnically mixed local self-government units,* councils for inter-ethnic relations *should be set up as independent working bodies, comprising representatives of Serbs and national minorities.* The assembly of a local self-government unit decides on a council's scope of work, composition, election of its members and its method of operation. The assembly and executive bodies of a local self-government unit must first submit all proposed decisions on national equality for consideration to the council, which has the right to instigate the proceedings before the Constitutional Court to determine whether a given decision or other by-law are in keeping with the constitution and the law, if it believes that they directly violate the rights of Serbs and national minorities; under the same terms, it has the right to instigate the proceedings before Serbia's Supreme Court to assess the conformity with the law of a given decision or other by-law.

Under the 2007 Law, *ethnically mixed local self-government units* are those local self-government units in which persons belonging to a national minority account for more than five per cent of the total population or in which all national minorities account for more than 10 per cent of the total population, according to the last, 2002

Census in the Republic of Serbia. This practically means that 68 municipalities in Serbia (excluding Kosovo and Metohija) meet the criteria for the setting up of councils for inter-ethnic relations. Still, there were only 34 such bodies in Serbia in 2009.[23]

This information alone reveals that the forming and operation of councils for inter-ethnic relations is not an explicit legal obligation and that their existence is defined under local statutes if it is in the interests of local self-government units to instigate proceedings to this effect. Given that it is stipulated that councils should act as working bodies of assemblies of local self-government units, their term of office lasts only during the assemblies' term of office. As a result of all that, a great/unacceptable dose of voluntarism surrounds the entire institution, its role and functioning are relativised, while the motives of the political initiative for its setting up are called into question. *Practice has shown that these bodies are ineffective and do not fulfil the purpose why they have been set up.*[24]

Due to the lack of clearly-defined, explicit legislation and the state's commendable efforts to increase the autonomy of local self-government units, these councils are often not in a position to meet their legally defined obligations. The current situation is such that, in keeping with their capacity, which is often modest, local self-government units arbitrarily take decisions on the councils' setting up, competences and method of operation, which leads to unproductive chaos in the sphere and the councils' not functioning at all or their functioning only in part. [25]

The inexplicitness of legislation is the main cause of poor results achieved by councils for inter-ethnic relations, causing mild confusion.[26] Moreover, the public is not sufficiently informed about this institution's mandate and potential, so that there is hardly any ownership of it by local or broader communities. Not much has been

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23 Centre for the Study of Ethnicity, *Sustainable Model of the Establishment and Functioning of the Councils for Inter-Ethnic Relations,* Belgrade, 2009, p. 2
    The first councils for inter-ethnic relations were elected in 2002, while seven years later, there were 43 councils, of which figure 37 were registered in Vojvodina and six in the rest of Serbia.

24 *Ibidem,* p. 5

25 *Councils for Inter-Ethnic Relations: A Model Decision on Their Setting Up and Model Rules of Procedure,* OSCE mission in Belgrade, 2009, pp. 7-8

26 A round-table discussion on *the operation of councils for inter-ethnic relations*, held at the Vojvodina Executive Council in late October 2009, underlined that *municipal councils for inter-ethnic relations constituted a major institutional framework for the preservation of stable inter-ethnic relations and the protection of minority rights at the local self-government level, and that they represented a recommended model of social relations in multi-ethnic communities, implying the balance between social and political interests of different ethnic and cultural communities and contributing to the preservation and promotion of their identity and culture.* It was noted at the same time that there was a contradiction in the sense that in 17 municipalities the councils had been formed under the 2002 Law, while in 10 municipalities they had been formed under the 2007 Law. Their term of office also varied, ranging from two to five years. In seven municipalities, council members were elected from the ranks of committeemen, while in five municipalities quite the opposite was the case.

done to promote it[27] and, as a consequence, the working body, which should have worked on the elimination of threats to community/human security and their causes, has become a risk *per se.* According to the Serbia 2009 Progress Report by the Commission of the European Communities, section 2.2, "municipal structures lack the capacity to enforce minority rights fully in Sandzak".

Although the dissolution of the councils would be quite a realistic option in view of their highly modest results to date, before making any radical moves, one should consider the possibility of their improvement bearing in mind community security management.

This points to the need to launch initiatives, which would be directed at amending the existing subordinate legislation defining the sphere in more detail, as well as at strengthening the multi-ethnic local self-government units' capacity to implement the existing regulations efficiently and to recognise the importance of the council for inter-ethnic relations in the local community. The only thing that can lead to the true affirmation of this institution of local self-government is the councils' ability to exercise their legal competences, enabling persons belonging to national minorities to exercise their rights and ensuring full ethnic equality in multi-ethnic municipalities.

One such initiative is that launched by the Belgrade-based OSCE mission, which has entrusted an expert group with drafting a model decision on setting up councils for inter-ethnic relations and model rules of procedures of the councils. The material used by the experts in defining the models was developed earlier by the Centre for Regionalism and the Fund for an Open Society (Local Policies in Multi-Ethnic Communities), as well as the Centre for Civil Society Development and the Civic Initiative.[28]

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27 A regional conference on Serbia's and Macedonia's experience in the normative definition and creation of councils for inter-ethnic relations was held in Novi Sad in late February 2009. The Serbian Ministry of Public Administration and Local Self-Government stressed that the setting up of councils *should be encouraged in order to promote inter-ethnic relations and develop democracy.* The Ministry holds the stand that *councils must be formed in all ethnically mixed local self-government units* in accordance with the criteria set under the Law on Local Self-Government of 2007 and that efforts to this end *should be backed by advice and suggestions;* the stand was backed by the representative of the OSCE, which was the co-organiser of the conference. Jovan Komsic, programme director of the Association of Multi-Ethnic Cities of Southeast Europe, pointed out at the conference that the setting up of councils *was vital to the consolidation of democracy and inter-ethnic relations in the region* and that *the qualities of human rights, a state ruled by law and the protection of national minorities constituted the key condition defined by the Copenhagen criteria for the admission of new member states to the EU.*

28 *Councils for Inter-Ethnic Relations: A Model Decision on Their Setting Up and Model Rules of Procedure,* OSCE mission in Belgrade, 2009, p. 8

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National Councils of National Minorities

Under the Serbian constitution, persons belonging to national minorities are entitled to unhindered ties and cooperation with their compatriots outside Serbia, i.e. with their kin states, which in Serbia's case, as in the case of other central European countries, mainly include neighbouring countries. An attempt to establish the territorial distribution of persons belonging to national minorities in Serbia based on the 2002 Census would reveal that they populate areas close to the border with their kin states.[29] This is indeed one of the results of the disintegration of former Yugoslavia, but it is also the product of the demarcation of nation-states conducted in this region and central Europe since the 19th century, so that the national minority issue is sometimes considered to be a central European phenomenon.

Moreover, in order to exercise their right to self-government in the sphere of culture, education, information and the official use of their language and alphabet[30], persons belonging to national minorities can elect their national councils in Serbia. This institution was inaugurated under the 2002 Law on Protection of Rights and Freedoms of National Minorities, but its characteristics and setting up in keeping with the relevant international standards were defined in more detail under the Law on National Councils of National Minorities, adopted in 2009. Under these laws, national councils are bodies comprising between 15 and 35 members (depending on the size of a national minority), with a four-year term of office. They appoint from their ranks the chairman, the executive body and committees on education, culture, information and the official use of the minority language and alphabet, and can establish consultative and other bodies under their statutes. The chairman represents and acts on behalf of a national council, the members of which are elected in separate elections (direct elections or electoral assemblies), organised by the Ministry of Human and Minority Rights. The councils represent national minorities and can submit to the National Assembly, the Government and other state bodies and specific organisations, including those at the provincial and local levels, proposals, initiatives and views on the issues within their field of activity.

The Law on National Councils of National Minorities (Section VI, Articles 29-111) mainly focuses on the election of national councils, defining the procedure for calling the elections, the drawing up of a separate electoral roll for persons belonging to national minorities (defined to the smallest detail), bodies in charge of the elections (the Central Electoral Commission, electoral commissions for specific

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29 Serbian Statistical Office, *2002 Population and Housing Census,* Belgrade, 2003
30 In May 2009, the Council of Europe Committee of Ministers issued a set of recommendations on the implementation of the European Charter for Regional or Minority Languages in Serbia. The recommendations call for the promotion of tolerance and better definition of the use of minority languages in education.

constituencies and electoral committees), the candidate nomination procedure and lists of candidates (again defined to the smallest detail), holding the elections and the voting method, including the procedure for releasing election returns and the organisation of repeated elections (if necessary) and, finally, the distribution of mandates. In this section (which could be tentatively called the rule book for the election of national councils of national minorities), the Law also defines the election of national council members in electoral assemblies.[31]

Acting in line with the above provisions, in June 2010, Serbia held direct elections for 16 national councils and three electoral assemblies for national councils[32], which, together with the Jewish community, makes a total of 20 such bodies. The elections were preceded by the Ministry of Human and Minority Rights several-month campaign to register people in a separate electoral roll, which was the prerequisite for holding the elections. Once the election process is over, the national councils are expected to take an active part, in coordination with other relevant bodies, in the management of the preschool institutions and primary and secondary schools which were founded by the Republic of Serbia, the autonomous province or a local self-government unit, which have classes in minority languages or in which minority languages and culture are taught as a separate subject. The national councils have the founder rights and can set up independently or with another legal entity institutions and business companies including newspaper publishing houses, radio and television, as well as institutions and companies for the printing and reproduction of recorded media, and can exercise the founder rights and fulfil the related liabilities.

The councils, for which there is no parallel in Europe, were set up in concretising the national minorities' additional and collective rights, guaranteed under the Constitution. In Hungary and Croatia, some bodies exist at the local level, but they do not operate at the national level and their elections are held parallel to local elections. The national councils of national minorities in Serbia represent therefore

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31   Under the Law on National Councils of National Minorities (Article 101), a person entitled to be an elector has to submit the following:
      1) an elector's application with a statement that the person is applying for the national minority's electoral assembly and his/her personal data;
      2) certificate of the right to vote;
      3) written statement on his/her ethnic origin;
      4) certificate of permanent residence;
      5) filled-in forms with the signatures of 100 persons belonging to a given national minority, i.e. a written document on the decision to appoint the person in question as the national minority's elector, issued by the assembly of the national minority's organisation/association;
      6) decision on the registration of the organisation/association in question.
      Direct elections for national councils will be held if by the date when the elections are called more than 50 per cent of the total number of persons belonging to a national minority according to the last Census, reduced by 20 per cent, are entered in a separate electoral roll of the national minority.
32   Direct elections were held for the following minorities: Albanians, the Ashkali, Bosniaks, Bulgarians, Backa Croats, Vlachs, Greeks, Egyptians, Hungarians, Macedonians, Germans, the Roma, Romanians, Ruthenians, Slovaks, Ukrainians and Czechs, while members of the Macedonian, Slovene and Croat national councils were elected in electoral assemblies.

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sui generis institutions. They build on Serbia's national/ethnic specificity, enabling the country, among other things, to prevent risks to community security and eliminate potential threats as efficiently as possible.

The deterioration of the status of this category of people is always followed by the transborder spill-over and regionalisation of the problem, so that this international component in the functioning of the national minorities' national councils should always be present in the context of successful community security management, in particular in the Balkans.[33] *"In a multi-ethnic society good inter-ethnic relations and the integration of persons belonging to national minorities depend on the perception of all ethnic groups that the activities of the state are legitimate and effective"*.[34]

Some national minorities, although quite sizeable in Serbia, like Montenegrins or Muslims, did not get their councils in these elections, either because they had submitted their applications too late or due to other reasons. This also goes for Yugoslavs (accounting for 1.10 per cent of Serbia's population), who neither have their national council nor their parent state, which places them in the same group as Ruthenians or Gorani Muslims. The way things look, the list of 20 national councils of national minorities in Serbia will not change until the next elections, i.e. until 2014 when conditions will be met for other communities (Turks, Russians) to form their councils. Meanwhile, they will be in a less favourable position than the national minorities that have their national councils, because they will not get an opportunity to exercise their rights in the sphere of culture, education, information and the official use of their language and alphabet via the national councils, but only individually or through their associations (through representation). Such a situation could place them in a discriminating position, because failure to complete the forming of the national minorities' national councils can trigger the vacuum effect in community security in Serbia.

Under the relevant regulations, the national councils are mentioned also in connection with the election of members to municipal

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33 Romania, for example, has over the past few years repeatedly raised the issue of the Vlach minority in Serbia and its existence as a separate ethnicity (eastern Serbia). This country insists that these are Romanians, stressing that there is no such thing as the Vlach language, although the 2002 Census in Serbia revealed that there were about 40,000 people who said they spoke this language. On the one hand, Serbia cannot renounce the proclaimed principle that persons are free to declare their ethnic origin and that it is its duty to honour and protect that, while on the other hand, Romania is trying to dispute the Vlachs' origin, calling them Romanians and descendants of former Wallachia, which ceased to exist as a political creation (state) in the 19th century. Conversely, according to some theories on the Vlachs' origin, they are descendants of the Aromuni, which Macedonia has also recognised, defining them as such in its Constitution and granting them the minority status. In the Council of Europe Parliamentary Assembly, Romania regularly initiates resolutions condemning Serbia's policy towards Romanians and Vlachs and national minorities in general. Consequently, in 2007, the Council of Europe appointed a special rapporteur (from Germany), who has submitted a report entitled *The Situation of National Minorities in Vojvodina and of the Romanian Ethnic Minority in Serbia.*

34 OSCE, *Recommendations on Policing in Multi-Ethnic Societies,* The Hague, 2006

councils for inter-ethnic relations and in the government decree on the functioning of the Council for National Minorities of the Republic of Serbia. If there is some instability or disruption in the national councils' operation, this could have a negative bearing on the other two institutions. All this can be further complicated by the new population and housing census in the Republic of Serbia, scheduled for 2011. Building from this fact and recognising the national councils' central role in eliminating threats to national minorities in Serbia, the EU has offered strong support to these bodies' institutional development and the strengthening of their capacity under the *IPA 2007* programme, i.e. within the EU pre-accession funds. The idea is to reinforce the national councils with equipment and stationery via Serbia's Ministry of Human and Minority Rights over a one-year period, starting immediately after the elections held in June 2010. Moreover, the training of national council members and professional staff, who fill in future provide technical support to the councils, has also been planned, as well as additional training of the existing staff.

Government of Serbia Coordination Body for the Municipalities of Presevo, Bujanovac and Medvedja

Over the past ten years, the most drastic case of deteriorated inter-ethnic relations in Serbia, Kosovo and Metohija excluded, has been registered in the south of the country, namely, in the municipalities of Presevo, Bujanovac and Medvedja, predominantly populated by the Albanian national minority.[35] In the late 20th century and at the beginning of the first decade of the 21st century, open clashes broke out between Albanian paramilitary groups (Liberation Army of Presevo, Medvedja and Bujanovac) and law enforcement officials as a result of the spill-over of the conflict from Kosovo and Metohija. The violence resulted in fatalities on both sides. The government units launched their last operation on 15-16 May 2001. After that, the crisis spread according to the same formula to Macedonia, which managed to withstand it in January 2002, when the Ohrid Agreement was signed between local Albanian rebels and the Macedonian authorities, thanks to the international community's huge commitment and efforts.

The incidents in the south of Serbia ended with the signing of the Declaration on Disarmament of the Liberation Army of Presevo, Medvedja and Bujanovac and the granting of amnesty to the local population and its involvement in police forces and other spheres of

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35   According to the statistics, in 2002, Medvedja had a population of 10,760, of which figure Serbs accounted for 7,163, Albanians for 2,816, and the Roma and others for 108. Bujanovac had 43,302 residents, including 23,681 Albanians, 14,782 Serbs, and 3,867 Roma and others. In Presevo, 34,904 residents were registered, of which figure Albanians accounted for 31,098, while Serbs and others accounted for 2,984.

social and state life. To stabilise the situation in this part of southern Serbia, the Coordination Body for the Municipalities of Presevo, Bujanovac and Medvedja of the Government of the Federal Republic of Yugoslavia (FRY) and the Government of the Republic of Serbia was set up in December 2000. A year later, a plan and programme for the resolution of the crisis in Presevo, Bujanovac and Medvedja was adopted, highlighting the practical role of the Coordination Body, defined as an administrative and executive body coordinating the activities of the Serbian government, the relevant authorities and public services, local self-government bodies and the population of Presevo, Bujanovac and Medvedja, in order to develop these municipalities as secure and politically and economically stable areas with developed standards and a high quality of life, where human, minority, religious, political and other rights and freedoms are respected. The Coordination Body plays an active role, primarily in raising the degree of social and political integration, guaranteeing human security, ensuring sustainable economic development, building civil society and offering support to civil activism.

Serbia approached the issue of easing tensions in the three municipalities with a high degree of caution, dealing with inter-ethnic relations step by step and peacefully. The OSCE was involved in these processes from the very start, keeping that role until the present day and considerably contributing to a more favourable inter-ethnic climate in Presevo, Bujanovac and Medvedja. Within these processes, the Agreement on the Basic Principles for Holding Early Municipal Elections in Southern Serbia, which somewhat eased tensions in the region, was adopted in March 2002. The incidents were nevertheless rekindled in 2008, but a new document, namely, the Agreement on Principles of Reconstruction of the Coordination Body for the Municipalities of Presevo, Bujanovac and Medvedja, was signed in 2009; according to the Agreement,

I   The Coordination Body's core presidency includes the following:
a.   president of the Coordination Body,
b.   Presevo, Bujanovac and Medvedja district council chairmen; the Bujanovac and Presevo district council chairmen alternately act as the Coordination Body's deputy president,
c.   Coordination Body vice-presidents, appointed by the Government of the Republic of Serbia,
d.   deputies from Presevo, Bujanovac and Medvedja,
e.   Presevo, Bujanovac and Medvedja municipal assembly chairmen,
f.   head of the Coordination Body service.

II   The Coordination Body's enlarged presidency includes:
a.   core staff of the Coordination Body,

b. heads of six working groups (from the ranks of ministries),

c. deputy heads of the working groups (from the ranks of local self-government units),

d. Bujanovac, Presevo and Medvedja district council vice-chairmen,

e. Bujanovac, Presevo and Medvedja municipal assembly vice-chairmen.

III Decisions by the core/enlarged Coordination Body presidency are taken by consensus.

IV Working groups:

a. The Coordination Body includes the working groups in charge of the following:

1. economic and infrastructural development,
2. political and social integration,
3. security and justice,
4. strengthening the capacity of local self-government units and their training for sustainable development,
5. education, culture, information, sports and youth,
6. health care and social policy.

(...)

c. the structure of working group members proposed from the ranks of local self-government units corresponds to the ethnic structure of municipalities.

Following the signing of the Agreement on Principles of Reconstruction of the Coordination Body for the Municipalities of Presevo, Bujanovac and Medvedja, the key Albanian leaders ended their boycott, joining the social and political life in their respective municipalities and taking part in the Coordination Body's work. To encourage the spirit of cooperation, the Serbian government issued licences to set up bilingual (Albanian and Serbian) branches of the Nis University schools of law and economics. Moreover, by way of an incentive, the state announces and approves projects within tenders for the allocation and use of (budget) funds for programmes for the exercise and promotion of social and minority rights and specificity, intended for civil sector organisations.

All stimulating measures for the south of Serbia and other state activities targeting Presevo, Bujanovac and Medvedja are carried out via the Coordination Body, including infrastructure programmes and the allocation and implementation of activities under the National Investment Plan (NIP).[36] The Coordination Body is based in Belgrade but it is present in the field through three branches

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36 According to Milan Markovic, president of the Coordination Body for the Municipalities of Presevo, Bujanovac and Medvedja and minister of public administration and local self-government in the Serbian government formed in July 2008, the Coordination Body has been allocated RSD 421,550,000 from the budget for its work and different incentive investments in the domain in 2010.

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directly cooperating with the Bujanovac-based OSCE office. The entire region is underdeveloped, with a high population growth rate compared to Serbia's average population growth rate. Consequently, the 2009 National Security Strategy of the Republic of Serbia identified the following threat to security:

"Uneven economic and demographic development of the Republic of Serbia, which was a strong source of crisis in the past, is still a security risk in this region (...) Demographic trends and migrations, in addition to social problems and the growth of crime, can lead to increased instability and the emergence of risks and threats to the security of the Republic of Serbia."[37]

Despite the fact that Serbia is making every possible effort to improve the well-being of the population of Presevo, Bujanovac and Medvedja, the situation in the three south Serbian municipalities will continue to depend largely or even fully on the definition of Kosovo and Metohija's status and the events taking place there (internally) or in connection with Kosovo and Metohija (externally/internationally). Even though it was set up as a temporary body, the Coordination Body must remain on the scene, focused on the issues in the field aiming to ease inter-ethnic tensions, end (potential) violence and implement measures for the normalisation of the lives of all people.

Office of the National Defender of Citizens and local ombudsmen

The post of the national defender of citizens in Serbia is provided for by its Constitution of 2006, however, a year earlier, the National Assembly set up the institution under a separate law, which was slightly amended in June 2007. Consequently, the authority of the defender of citizens is more or less the same as in other countries,[38] but it is vital to the issue of national minorities and the protection of persons belonging to them in Serbia, because one of the defender's four deputies is in charge of national minorities. In the sphere of national minority rights, the defender of citizens is in charge of

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37 *National Security Strategy of the Republic of Serbia,* Belgrade, 2009, pp. 15-16
38 The defender of citizens is an independent and autonomous government body, whose task is to protect and promote the respect for freedoms and rights. The immunity enjoyed by the defender of citizens enables him/her to remain independent and autonomous in his/her work. Investigating complaints or acting on his/her own initiative, he/she checks whether public administration bodies, the Serbian Attorney General and bodies and organisations exercising public powers treat citizens in line with the laws and other regulations of the Republic of Serbia and the principles of good administration. The administration bodies are obliged under the law to cooperate with the defender, to grant him/her access to their premises and to place at his/her disposal all data, regardless of the degree of their confidentiality, if this is in the interests of the relevant proceedings. The defender can publicly recommend that an official responsible for the violation of citizens' rights be dismissed. The defender can request that disciplinary proceedings be instituted against an administration body employee directly responsible for the violation of citizens' rights. If he/she establishes that actions by administration body officials/employees contain elements of criminal or other punishable acts, he/she is entitled to submit to the relevant authority a request or a citation to institute criminal, petty offence or other relevant proceedings.

the promotion of these rights, supervising the work of public administration and other relevant bodies with respect to the exercise of individual and collective rights of national minorities, in keeping with his/her powers defined by law. The defender of citizens and his/her deputies are appointed and relieved of duty by the National Assembly.

Also, there is the Ombudsman of the Autonomous Province of Vojvodina, who, too, has a deputy in charge of the protection of minority rights, [39] as well as local ombudsmen, set up under the Law on Local Self-Government of 2007.[40]

The ombudsmen and defenders of rights in Serbia are not subordinate to one another, each of them representing a separate legal entity. Their activities are coordinated on an *ad hoc* basis, considering that there is no operating network to keep them together all the time. Still, the effects of their activity can be felt in society and there are diverse activities for the protection of persons belonging to national minorities. In terms of security, the offices of the defender of citizens and local ombudsmen are by all means institutions which have practically completed their development in Serbia so that now they can play their protective role without any difficulty.[41] This was noted also in the Commission of the European Communities' Serbia 2009 Progress Report, section 2.1, stating in addition that, *"public awareness of the existence and responsibilities of the Ombudsman has increased"*. In 2009, the plan was to open the local offices of the defender of citizens in Presevo, Bujanovac and Medvedja in the coming period. The UNDP and the OSCE should assist the defender of citizens in opening new local offices.

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39   The 2008 report by the Ombudsman of the Autonomous Province of Vojvodina noted that, out of the 597 complaints received in the course of the year, 24 (4%) concerned national minority rights. In its Serbia 2009 Progress Report, section 2.2, the Commission of the European Communities stated that, *"On the whole, ethnically-based incidents in the province decreased in 2008"*.

40   Under Article 97 of the Law on Local Self-Government, a local self-government unit can set up a defender of citizens, authorised to control the respect for citizens' rights and establish violations resulting from acts, actions or failure to act by administration bodies and public services, if they are in breach of the local self-government unit's regulations and by-laws. Two or more local self-government units can decide to set up a joint defender of citizens.

41   By initiating legislation and issuing opinions and recommendations, Serbia's defender of citizens (as well as his deputy in charge of national minorities) has developed activities related to the protection of rights, status and freedoms of persons belonging to national minorities in Serbia. Consequently, on 1 April 2010, he submitted draft amendments to the Law on Civil Servants and other laws concerning keeping records of the ethnic origin of the staff in government bodies, public services, provincial bodies and local self-government units. He provided the relevant authorities in Priboj with recommendations on the harmonisation of the statute with the Constitution and other positive legislation in order to ensure the Bosniak minority's exercise of the right to the official use of its language and alphabet (1 April 2010). Also, in Zagubica, he submitted a recommendation in connection with the negligence registered in the election of members of the Vlach minority's national council (14 December 2009). The defender of citizens of the Republic of Serbia also approached the Serbian government's Office for Human Resources Management about the lack of data on the ethnic structure of the staff in public administration bodies, the lack of the plan of their employment and its failure to announce vacancies in minority languages (1 July 2009).

Office of the Commissioner for the Protection of Equality

While the Office of the National Defender of Citizens of the Republic of Serbia and similar local independent regulatory bodies had been operating for quite some time in mid-2010, quite the opposite was the case with the Office of the Commissioner for the Protection of Equality, which is a similar institution. Established under the Law on Prohibition of Discrimination adopted in March 2009, the Office is just in the early stage of its forming, which is proceeding rather slowly as experience shows and which was initially characterised by problems in ensuring funds from the budget for its (sufficient) operation. Finding/allocating a suitable facility for the Commissioner's work in Belgrade (the Serbian government's responsibility), drawing up the job plan, defining the (financial) department and other issues [42] are but a few of the initial obligations facing the Commissioner, who has not even started doing his/her job, defined under the Law on Prohibition of Discrimination.[43] One of his/her major tasks includes the prevention of discrimination against persons belonging to national minorities *on the grounds of nationality, ethnic origin, religious beliefs and language.*

If one should make an analogy based on the period of time which elapsed between the appointment of Serbia's defender of citizens and the point at which he started fully operating, the results of the Commissioner for the Protection of Equality should be expected in a few years at the best. Meanwhile, there will be a vacuum in the implementation of the Law on Prohibition of Discrimination, pertaining also to potential cases of discrimination against persons belonging to national minorities. That is why the period of time before the Commissioner starts fully operating will be a period of instability in terms of human security in Serbia, so that it is necessary to offer support to this institution, including international support (EU, OSCE), for, as stated in the Commission of the European Communities' Serbia 2009 Progress Report, section 2.2, *"in practice, there is ongoing discrimination, in particular against vulnerable groups such as Roma (...) There is little support for victims of discrimination and there is a need for greater commitment on the part of all involved".*

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42 The Commissioner enjoys immunity, granted to the deputies to the National Assembly. The Commissioner has three assistants and the administrative and professional service assisting him/her in exercising his competences, deciding alone on the employment of persons in the service in keeping with the law. The funds for the operation of the Commissioner, his/her assistants and the administrative and professional service are provided from the budget of the Republic of Serbia, at the Commissioner's proposal.

43 Under Article 33 of the Law on Prohibition of Discrimination, the Commissioner's duty is to receive and investigate complaints about violations of the Law, to provide information to complainants about their rights and possibility of instigating court or other protection proceedings and to recommend reconciliation measures, to file charges and citations and to warn the public against the commonest, typical and grave discrimination cases. He/she also monitors the implementation of laws and other regulations, initiates the adoption of or amendments to regulations to ensure and promote the protection against discrimination, and gives his/her view on anti-discrimination bills and other regulations.

Other institutions

Under the Law on Ministries adopted in July 2008, the Ministry of Human and Minority Rights was set up to deal with general issues concerning the status of persons belonging to national minorities, keeping the register of the national councils of national minorities, the election of these national councils, the protection and promotion of minority rights, drafting regulations on national minorities, ensuring the ties between national minorities and their kin states, as well as the national councils' status and exercise of competences. Consequently, the Ministry has formed a section dealing with the promotion and protection of minority rights, within which the Office for Implementation of the National Roma Strategy operates.[44] Between July 2008 and mid-2010, the Ministry was mainly involved in holding elections for national councils of national minorities (including two campaigns, one for the registration of potential voters in these elections in a separate electoral roll, and the 6 June 2010 election campaign). In addition to that, the Ministry played the key role in performing Serbia's duties during the country's chairmanship over the Decade of Roma Inclusion.[45] The Ministry of Human and Minority Rights is the successor of the Serbian government's Human and Minority Rights Department, which ceased to operate the day the Ministry was set up, showing and proving that none of the institutions is either permanent, or long-term, and that their existence depends on the (current) political will. In democratic countries, this should not cause any problems in terms of human security. If clearly-defined laws exist and are implemented, the institutional dynamics can only contribute to the well-being and security of communities.

Instead Of The Conclusion

This overview of the institutions in Serbia working exclusively or partly on the protection of persons belonging to national minorities

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44 According to the 2002 Census, about 110,000 Roma live in Serbia. The majority of them are internally displaced persons from Kosovo and Metohija. Due to economic, material and other reasons, this population is one of the most vulnerable/poorest categories in the country. The housing problem they are faced with is in particular visible because they live in unhygienic settlements. They are very often the target of discrimination, prejudice and intolerance and, consequently, victims of individual assaults. Their major problem is that they do not have any ID papers. They encounter obstacles also in education, finding jobs and integration into social life in general. The lack of understanding for the Roma tradition, values and similar is widespread, which is also confirmed in statements by the League for the Decade of Roma Inclusion, rallying some 60 Roma and non-Roma non-governmental organisations and associations in Serbia.

45 This is a regional project due to be implemented in the 2005-2015 period and based on the European governments' obligation to improve the social and economic position of the Roma. The Decade is an international initiative, rallying government, inter-governmental and non-governmental Roma organisations and associations. The main subjects addressed by the Decade of Roma Inclusion include their education, employment, health care and housing. The following 12 states takes part in the Decade's activity: Albania, Bosnia-Herzegovina, Bulgaria, Hungary, Macedonia, Romania, Slovakia, Serbia, Croatia, Montenegro, the Czech Republic and Spain (Slovenia holds the observer status). All these countries have considerable Roma populations. The following international organisations have joined the project: the World Bank, the Open Society Institute, the UNDP, the Council of Europe, the OSCE, the UN-HABITAT (for more, see: www.romadecade.org/about).

or tasked with ensuring some of their special rights in keeping with the relevant international standards did not cover the judiciary and judicial practice. Its focus was on the administration and independent regulatory bodies, based on which it could be seen how much attention Serbia is paying to national minorities in view of the country's ethnic structure. The actions and measures taken in that direction are highly dynamic (the National Assembly's Committee on Inter-Ethnic relations, the Coordination Body for the Municipalities of Presevo, Bujanovac and Medvedja, the Office of the National Defender of Citizens), original (national councils of national minorities) and full of potential (the Councils for Inter-Ethnic Relations, the Office of the Commissioner for the Protection of Equality). To keep these institutions alive, the EU, the Council of Europe and the OSCE have offered Serbia financial and other support. In this case, it has been easier for them to get support because no one has asked them the question repeated time and again of whether regulations in Serbia are implemented in keeping with the relevant international/EU standards, following the adoption of adequate legislation. In the context of the protection of the rights, freedoms and status of persons belonging to national minorities, Serbia has demonstrated efficiency, setting up national and local mechanisms for the implementation of laws and international obligations it has assumed in the domain of national minorities. Once it ensures full operability of all these institutions and (re)activates the courts after the 2010 reform, Serbia could very quickly establish real control over the security of minority communities and eliminate the existing/potential risks (discrimination, intolerance, disregard for diversity) through non-violent/democratic instruments. In this way, it would contribute to the development and sustainability of its own as well as regional stability bearing in mind the trans-national characteristics of minority communities.

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Internal Security Of The Republic Of Serbia With Regard To European Integrations

Abstract

Transition of the traditional (state centric) concept of the national security which is focused on vital state values (sovereignty, territorial integrity, political independence, state survival, national unity) and state interests in the foreign policy that should be protected against direct threats coming from other states by diplomatic, military and intelligence means is radically changed due to the Euro Atlantic integrations. Modern concept of national security is focused on the security of the state, society and individual which are protected against diverse threats by numerous actors of the governmental and nongovernmental, military and civilian, national and international sectors as well as by the state participation in international and global security.

In such circumstances the idea of the so called internal security which protected constitutional order, political and economic system, human freedoms and rights has been changed into the concept of comprehensive security safeguarding the so called societal security, national unity and pride, national identity, energy security, environmental security, economy security, social security, national information resources and other values.

These trends are accepted to a considerable degree by the Republic of Serbia which tries to accommodate important factors and national security system to the standards of the European Union respecting at the same time own security needs and specific characteristics of its internal and European security environment.

Key Words: internal security, national security, Republic of Serbia, European integrations, European security environment

Introduction

Traditionally, internal security is one of the components of the oldest security concept – *state security* i.e. *national security*.[1] As to the *orthodox version* of this concept the security is focused on the state, that is, on its "survival", its vital values (sovereignty, territorial integrity, political independence, state survival, national unity) and its interests in the foreign policy that should be protected against direct threats coming from other countries. Primary mean in states' (self)protection is their "power" which generally means military and economic power. That is why it is called *state centric* approach to security.

The care for everyday security of the people was put aside, it was neglected or some of its aspects were "discussed shyly". It was considered that greatest threat and danger to national security was armed attack against it or various forms of "subversive operations from inside and supported from abroad" (and vice versa) and not economic, social, environmental, educational, health, food, physical security and other types of people's problems. Thus national security was identified with the so called *external security* of the state and the citizens were instruments of the security function i.e. defence of the country.

Apart from the diplomacy, intelligence and military-defence functions were considered as primary sub-functions of the national security i.e. protection of the vital social values. It means that major part of the national organizational, personnel, technical and materiel resources was used by the intelligence services and military forces. The social values were protected by the aggressive intelligence, resolute counterintelligence and perfidious subversive activities. The security was identified with "sufficient military capability and combat readiness" by means of which the state would win the possible war conducted for the protection of its own values and interests. At the same time, *economic power* was "material base" of the national security. Increasing military, political and economic power and realization of national interests of the opposing state were often considered as direct threat to ones own values, interests and security.

With time the external security developed on the account of internal security: while many states participated in the "arms race" and prepared for conducting defence war against external attack they experienced internal collapse. It turned out that the greatest threats

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1   For this level of security the term national security is traditionally used. As it describes the security of the state its use is not completely correct. That is why the term state security, although less used, was more appropriate. The reason for this lies in the fact that term nation has wider meaning than the term state and because the states need not be national one i.e. that their territory need not coincide with the category of nation. At the same time, the term state security was in our country related to the safeguarding of state against political crime, protection of the authorities and to the State Security Service.

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to national security were in fact ethnic and religious nationalism, political turmoil, increase of (organized) crimes, divisions and conflicts among social groups, economic and social discrepancies and crisis which, unfortunately, often led to cruel armed conflicts. This resulted in numerous civil wars, civil revolutions, change of political authorities by force and disintegration of the states. Such was predominantly the fate of the states of real socialism. The arguments supporting this thesis are fresh ones: developments in Soviet Union, Czechoslovakia, Romania, Albania, "second" and "third Yugoslavia", Serbia.[2]

Because of this the traditional concept of national security became unsustainable. Its reshaping was conditioned by numerous national and international factors and it resulted in changing scope and contents of the notion of vital national values and interests, types of security threats and reform of security sector.

Reform of the Traditional Concept of National Security into Modern One

European integrations, aimed at inspiring balanced and durable economic and social development by creating space without internal borders, strengthening economic and social cohesion and establishing economic and monetary union; affirming own identity on the international scene by means of common foreign and security policy including defining of common defence policy; strengthening rights and interest of the Member States' citizens by establishing Europe as community; developing close cooperation in the fields of judicial and internal affairs and preserving the achievements of the communitarian law questioned, though in lesser degree, the very existence of the "Westphalian state" and traditional concept of sovereignty but they did not cause their disappearance.

Besides, numerous worldwide turbulences in post cold war era shattered obviously the role of the state in regard to the international scene, but they did not make it obsolete. Although less dominant, international system is still powerful; the states change but do not disappear; state sovereignty "has eroded" but it is still strongly defended; the governments are weakened but still influential; public is demanding, but more often persuadable; the borders still stop the intruders but they are more porous; although both individuals and groups are alienated in many aspects, territories are huge preoccupation of many nations.[3]

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2   More in: Mijalković, S.: Nacionalna Bezbednost – od vestfalskog do posthladnoratovskog koncepta, Vojno delo – general military scientific-theoretical magazine, No.2, Ministry of Defence, Republic of Serbia, Belgrade, 2009, pp.55-73.

3   Rosenau, J. N.: The Dinamism of a Turbulent World, *World Security – Chalenges for a New Century* (eds. Klare, M. T.; Chandrani, Y.), St. Martin's Press, New York, 1998, pp. 18–21.

However, security reality has changed: national security has been *reconstructed* into international one, because the security of the states depends upon the security of the international regions; this changed *the security threats agenda* from predominantly military one (above all, global or nuclear war) towards wider spectrum of others such as those regarding environment, migrations and gender; national security has been *deconstructed* because the nation and the state most often do not coincide and the focus of the national security *is shifted* from the state to individuals and communities as primary security referents.[4]

Although there is still a belief that "power, interests and material wealth of the states, as the key of their security, will continue for a long time to be important factors of international life"[5] it is noticeable that there are three approaches to expandng the traditional concept of the national security. The first approach insists upon overcoming the concept as to which the military aggression is the greatest threat to national security and it includes new, wider, potential threats such as negative economic development, environmental degradation, violation of human rights, endangering democracy and huge migrations. The second approach extends the contents of the security by including numerous aspects of individual, regional and global aspects of security issues. Finally, the third approach is based on the traditional state centric approach to security but it also includes new forms and contents (common, collective and cooperative) security.[6]

No doubt, national security has to be addressed at three levels and in regard to several areas of human activities. These levels are *individual*, *state* (national) and *international* one, while the areas of human activities include at least military, political, economic, social and area of environmental protection. The state level is the most important one because it defines the other two: under contemporary conditions the standard unit of security is sovereign territorial state. Areas important for national security are: *military* one that envelopes offensive and defensive capabilities of the state; *political* one i.e. the attempt of the state to preserve its stability, its system and its ideology; *economic* one i.e. access to natural resources, market and finances that determine acceptable level of welfare; *social* one which defines current conditions and evolution of tradition, culture, language, national identity and customs and *environmental protec-*

4   Shaw, M.: The Development of "Common-Risk" Society: *A Theoretical Overview, Military and Society in 21st Century Europe – A Comparative Analysis* (eds. Kuhlman, J.; Callaghan, J.) Transaction Publisher, LIT, Hamburg, 2000, pp. 13–26, in: *Реформа сектора безбедности,* (ed. Hadžić, M.), Institute G 17 Plus and CCVO, Belgrade, 2003, p. 186.

5   Wendt, A. E.: *Social Theory of International Politics*, Cambridge University Press, Cambridge, 1999, p. 41

6   Tatalović, S.: Nacionalna i medjunarodna sigurnost, Politička kultura, Zagreb, 2006, p.8.

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tion which includes care for biosphere on which all human achievements depend.[7]

Expansion of contents of the national security has been reflected on international and global security: dialectical relation is established between the two referent actors – state and the people as well as between internal and external threats to these actors and between the mechanisms of their protection. Modern national security is a mid way between traditional, state centric and people centric approaches to security. Human security involves wider idea on security, from sole preservation of the security of state (*state sovereignty*) to security of the individual (*individual sovereignty*). The state is of crucial importance in defending human security, for there is no security of state if its people is not secure. At the same time, both state and human security are contained in the international obligations and they are subject of interest because of which international organizations and states invest their efforts in their relations. Thus we come to the conclusion that human, state and international security are closely connected and that the states are those that have capabilities of protecting it. State centric and people centric approaches to security are necessary but not self-sufficient to resolve contemporary security problems. People centric security complements state centric one by being concentrated on the people and it addresses forms of insecurity which are not threats to state security. They are complemented by the concepts of international and global security. Despite all these arguments, many states continue to favour state centric security but take into account security of people.[8]

Besides, recognizing the phenomena threatening national survival and welfare is not limited to military field; scope of threats covers also human rights, environment, economy, diseases, crimes and social injustice and inequality. Consequently, this concept is enlarged in regard to nature and types of threats as well as to methodology of their prevention: from military to non-military challenges, risks and threats to security; from military to non-military mechanisms of countering new security problems; from individual states' activities to common (joint) responses to security problems and from protection of the territory and sovereignty to protection of common values.[9]

7   Buzan, B.: *People, States & Fear – An Agenda for International Security Studies in the Post-Cold War Era,* Lynne Rienner Publishers, Boulder–Colorado, 1991,pp. 19–20.

8   Slaughter, A-M.: *A North American Perspective, The New Challenges to International, National and Human Security Policy,* The Trilateral Commision, Warshaw, 2004, p. 9, 19; Kerr, P.: Razvoj dijalektičkog odnosa izmedju državnocentrične i ljudskocentrične bezbednosti, Ljudska bezbednost 2 (ed. Dulić, D.), Fund for Open Society, Belgrade, 2006, pp. 22, 35–39, 45.

9   Baldwin, D. A.: The Concept of Security, *Review of International Studies,* No 23, British International Studies Association, 1997, pp. 5–26; Johnson, T. A.: *National Security Issues in Science,* Law and Technology, Routledge, London, 2008.

Many of the mentioned factors made traditional concept of the national security unsustainable and caused crisis of the so called states' internal security. Because of this the research and practical area of national security was extended in several directions:

- "upwards" – towards international and global security;
- "downwards" – towards, social, human and individual security;
- "horizontally"- towards cultural, political, economic, environmental, health relating, energy, informatics, food and other security spheres.[10]

Contents of the traditional concept of the national security enlargement "downwards and horizontally", mechanisms of their protection as well as participation of the state in international and global security and relying on their security mechanisms in safeguarding state and national values are constituent part of *the extended understanding of the national security* (the so called *comprehensive – integral national security*). Besides, the contents of extended national security "downwards and horizontally" can be considered as modern sector of internal security.

Contemporary national security is synthesis of the security of the society (regardless ethnic, religion, race and ideology of its members) and state security but it also envelops their participation in international and global security. It is certain state of protection of their vital values and interests optimized through functioning of state and non state sector of the national security system and by relying on international security cooperation.

Referent national and state values and interests are protected against wide spectrum of threats (at present these are crime, terrorism, internal armed conflicts, ecology and social threats, natural and technical-technological disasters) and these are not predominantly armed aggression, political, military and economic pressures or subversive operations of other states. Important function is prevention of threats (the so called *threats' reduction*).

The actors at all security levels participate in protection of the national security: individuals, society, state, international community. States (and alliances) still have all capabilities (human, materieltechnical and organizational) for the protection of all levels of the security against majority of challengers, risks and threats.

Finally, one of the crucial features of the national security notion is its "openness as to which, it includes or excludes some new and certain old values" according to the circumstances, time and place".

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10   Compare to: Alkire, S.: Konceptualni okvir za ljudsku bezbednost, Ljudska bezbednost 1 (ed. Dulić, D.), Fund for Open Society, Belgrade, 2006, p. 109.

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Traditional referent values of the national security are presented as survival in the widest sense, survival of the state, national survival, physical self-preservation, territorial integrity, political independence, quality of life, national identity, national interest. At the threshold of the third millennium the vital values of the national security, apart from the state defence, are security of the citizens, health security, economic security, environmental and social security.[11]

Consequently, *national security is a state of unobstructed achievement, development, enjoying and optimum safety of national and state values and interests which are reached, maintained and improved by the security of the citizens, national security system and supernational security mechanisms as well as absence of (individual, group and collective) fear from their being endangered, the collective sense of tranquility, safety and control over future phenomena and events of importance for the life of the society and state.*

Referent values are peace, freedom, rights and security of the people and social groups; quality of life, national unity, dignity, pride and identity, healty environment; energy stability, economic and social prosperity, information resources; legal order and rule of law; teritorial integrity; political independence and survival of the state and society. Referent interests serve to achieving, enebling unimpeded enjoying, development and protection of the referent values.

Internal Security as the Component of the National Security and Sector of National Security System

The national security component can be discussed only in regard to the structure function (group of sub functions), condition and/or system (group of subsystems and actors) of the national security. National security condition understands qualitative status of the vital social values and interests achieved within certain spheres and sectors of social and state life. Thus by taking into account diverse criteria it is possible to identify several components of the national security. Most general and the oldest one is classification into internal and external security.

Internal security is safety of the vital social values and interest within the state borders against threats to security which predominantly occur inside the country or which are combined (supported) with the threats coming from abroad. This refers to constitutional order, political, social and economic system, human freedoms and rights and environment.

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11 Simić. D.R.: Nauka o bezbednosti – savremeni pristupi bezbednosti, Službeni list SRJ and Fakultet političkih nauka (Faculty of Political Science), Belgrade, 2002, p. 30

External security is safety of the vital social values and state interests as actor in the international relations against threats occurring on the international scene. It addresses safety of sovereignty, territorial integrity and foreign political interests.

However, this should be taken for granted. First, many threats appear by the simultaneous, combined or synchronized operations performed by both internal and external factors. Second, many of them, no matter whether they are internal or external, are destructive in regard to a number of traditional referent values of the state's external and internal security.

In case the area of social and state life within whose framework vital state and national values are achieved, enjoyed and protected is taken as criteria for defining and distinguishing components of national security then it can be possible to talk about the following components (*types, spheres, sectors*): peace and freedom (security from military challenges and threats); security of national sovereignty; security of the territory; security of the political system and political independence; security of the legal order; economic security, energy security; information security; social security, ecology security and security of the national identity, pride, honour and dignity.

It is also possible to distinguish several components of the national security in regard to the referent actors of security: sector of the individual security; sector of the groups and minorities security (ethnic, religious, race, gender, sexual, cultural, age and other); sector of entire society security including also the security of its members that live in other states; sector of state security and sector of state participation in international and global security.

National security structure and its presentation as complex phenomena consisting of a number of components is possible only for the didactic-pedagogy and theoretical reasons. Practically, these areas are so interwoven, mutually influential and dependent that it is difficult to separate them (e.g. relations among economic, political, social or ecology sphere of national security). By threatening some of these components of national security others are threatened as well (e.g. by threatening economic component the social one of the national security is also threatened).

National security is generally threatened whenever any of its components is endangered. Besides, strict lines between responsibilities of the individual actors of the security which traditionally take care about the so called external security of the country (for example, army, foreign policy bodies) i.e. its internal security (e.g. police) are almost out of date. The expansion of the so called nongovernmental security sector contributes to such situation as well. Thus it is

appropriate to speak only about *comprehensive*, i.e. *integral national security* as complete, unique and indivisible category that envelops all mentioned components.

The protection of the mentioned national security sectors is responsibility of the relevant actors of the national security system. In a *wider sense*, national security system includes all potentials (natural, human, material-technical, normative-political and institutional) of one country that are engaged in securing national and state but also international and global values and interests. In the *narrow sense* these are only parts of these resources which are specialized and which professionally, legally and legitimately, directly and indirectly realize the function of the national security.

More precisely, *national security system* is a form of organizing and functioning of the state and society in implementing preventive, repressive and sanative measures and operations which enable achievement and improvement of the referent national values and interests, secure their use and protect them against security challenges, risks and threats i.e. rehabilitate them if endangered. It consists of its own horizontally and vertically set security subsystems and micro systems among which there are certain organizational and functional communications. These sub systems and micro systems are state bodies, public services or other non state (nongovernmental) actors. In organizational sense, it is part of the state and social organization – conventional, unconventional and supplementary security actors[12] which carry out certain jobs, activities and measures and in the functional sense they represent instrument for achieving and securing their values and interests.

Security systems can be more or less complex which depends on the type of the state – whether they are simple (unitary states) or complex (federations, confederations). It also depends upon complexity of the "national and international security issues": presence and greater number of the destructive security threats requires for more relatively independent specialized security actors. Finally, it depends upon state power and more powerful states have more developed security systems.

Traditionally, national security system consists of five sectors: military, police (public and secret police) justice, foreign affairs and

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12 Conventional security actors are those who perform security function directly through carrying out their regular job (police, military, customs, inspections, prosecution office, courts and bodies in charge of implementing criminal sanctions); unconventional actors are those who perform security function indirectly through carrying out their regular duties (Parliament, Government, President of the Republic, foreign affairs bodies); supplementary actors are those who contribute to security function through carrying out their regular duties (local community and elements of local self governance, public services, companies and other organizations, nongovernmental organizations, educational system, church and citizens). Compare to Stajić, Lj., Mijalković, S, Stanarević, S.: Bezbednosna kultura, Draganić, Belgrade, 2005, pp.135-136

economic one which is, from the point of view of one modern state, just a narrow description. Military and foreign affairs sectors were the external security component while others constituted internal security component.

Components of the modern national security system can be divided into *civilian* and *military security sector*. At the same time all security actors can be classified, apart from conventional, unconventional and supplementary ones, into governmental and nongovernmental security sector pursuant to their founder and fields of operation. These are wider determinants of the national security system components.

Traditionally organized national security systems distinguish clearly the following:

- *military security sector* (consisting of the military, military police, military security services, civilian defence, military justice, and military social and health insurance system and military health system) and
- *civilian security sector* (consisting of other security actors, above all police, intelligence service, justice organs, elements for implementation of criminal sanctions, inspections and customs).

Such structure is applied to a great extent in the modern security systems but the rough division between some responsibilities of the military and civilian security sector are abolished (e.g. in regard to fighting terrorism, organized crime, technical-technological dangers, natural disasters, etc)

After the World War II the nongovernmental security sector developed in the Western countries. Only much later such trends were registered in the Eastern countries. Although their primary activities were aimed at protection of the referent values in charge of the civilian security sector in time they started performing some military functions within the so called *private security companies for military management, consulting and provision of military services.* Thus nongovernmental sector which performed certain functions of the civilian security sector acquired some characteristics of the state-military security sector. However, this does not happen in our country.

Consequently, at present we have:

- *state security sector* (actors and forces founded by the state) and
- *nongovernmental security sector* (actors and measures of the non-state bodies).

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Security systems of some states involve also international security sector's actors both civilian and military, intergovernmental and nongovernmental sector (e.g. military/civilian peace missions, military companies in the role of peace mission, representatives of the international police and military institutions, bodies of international guardianship, representatives of the international nongovernmental humanitarian organizations, etc).

National security system is a state and society subsystem that envelopes actors and functions of the governmental and nongovernmental, civilian and military security sectors protecting social and state values and interests against military and non military security challenges, risks and threats. This system is often, without any justification, identified with the defence, internal and external security systems.

Defence system is one of the national security subsystems. It provides protection against military security threats to national sovereignty, constitutional order, territorial integrity, independence and population; it also provides assistance to civilian authorities and population in eliminating consequences of emergencies that threaten human lives, environment and property to a large scale but it also participates in peacekeeping and security worldwide and in safeguarding international and national values at the territories of other countries by taking part in the international military, peace and humanitarian operations under auspices of the international organizations and pursuant to international law. It consists of the so called *military defence* (armed forces and its specialized formations) and *civilian defence* (civilian protection, state bodies, local communities' bodies, public services, economic and other institutions and individuals participating in state defence with non-military methods). Both defence sectors are guided by the national law, strategy, national security policy, strategy and defence policy and certain military doctrine taking also into account international law above all the Hague and the Geneva laws (war law and humanitarian law).

Internal security system is the system of actors in charge of protection of state order, internal public order and security of people against any type of unarmed and armed threats occurring mostly within the state (crime, natural disasters, technical-technological dangers, etc) and against some non-military threats from abroad (e.g. cross border crimes, infectious diseases, etc). It consists of a number of subsystems (e.g. home affairs sector, national judicial system, etc.)

External security system is traditional name for the military, intelligence and diplomatic function whose predominant mission is protection of the state and social security against military, political, subversive and economic threats coming from abroad, from other states, international organizations and nongovernmental actors.

Contemporary national security systems consist of the so called vertical and horizontal subsystems. Vertical subsystems "go from top to bottom of the state organization" and most often they are concentrated within particular state departments (ministry of defence, justice, home affairs, etc.)

Horizontal subsystems of the national security system are aimed at countering individual types of threats to national security. It consists of a number of existing or newly formed security actors or several organizational units from a number of vertical subsystems of the national security linked in a system (e.g. state border security system consists of the specialized police units, customs and inspection; system for fighting organized and high technology crime consists of specialized police units, prosecution, courts and elements for implementation of criminal sanctions, etc)

Horizontal security subsystems can be formally institutionalized i.e. defined, organized and set by unique legal, rarely strategic regulation which can be elaborated and amended by legal regulations and by-laws, i.e. substrategies and action plans. These are, for example, national systems for countering organized crime, high technology crimes, war crimes, safety of state border, etc.

Other horizontal subsystems function through coordinated activities of a number of security actors (e.g. Government of the Republic of Serbia Council for Fighting Human Trafficking, National Coordinator for Fighting Human Trafficking and Republic Team for Fighting Human Trafficking coordinate operations of many security actors. However, there is no unique institutionalized system for fighting human trafficking because organization and functioning of the mentioned actors are regulated by the by-laws; operations of certain actors are regulated by special laws; there is no unique legal regulation which defines their rights, obligations and coordination of activities, etc.)

Finally, national security system is often element of some *super national security mechanisms* (collective security, collective defence, security community, security regime, security complex, security cooperation). By participating in these institutions of the international security the states attempt in protecting their (traditional) external and internal security.[13]

13 More in – Mijalković, S.: Bezbednost države i koncepti međunarodne bezbednosti, Defendologija, No. 25-26, Defendologija centar za bezbjednosna, sociološka i kriminološka istraživanja, Banja Luka, 2009, pp. 69'83.

New Security Threats Agenda in the Global and European Environment

Contrary to traditional approach to national security as to which the greatest danger to vital values and interests are military threats and subversions, present security chalanges, risks and threats to state and national values „are more internal than external and rather non military than military ones; they originate rather from nongovernmental actors than sovereign states."[14] They threaten to the same extent both the so called external and internal security of the states.

Namely, presently the dominant threats are *political threats* (internal instability, "unsuccessful states", terrorism, violation of human rights, etc), *economic threats* (poverty, increasing gap between the poor and the rich, international financial recessions, influence of informal centers of financial powers, piracy, etc); *man made ecology threats* (nuclear disasters, global ecology problems, degradation of soil and water, lack of food and other natural resources, etc) and *social threats* (conflict between minorities and majority, overpopulation, organized crime, illegal migrations, infectious diseases, etc). Because of all this the attention is diverted from the so called *military* to the so called *comprehensive security*.[15]

Consequently, threatening national security envelops *activities and consequences of all threats aimed against vital social and state i.e. national values and interests.*

More precisely, these are all *activities, events and phenomena of the human, natural and technical-technological origin whose consequence is or can be prevention or aggravation of unimpeded achievement and enjoyment of state and national values and interests or degradation of their optimum condition resulting in fear from their threatening, collective sense of uncertainty and absence of control over future development of phenomena and events of importance for society and state.*

Pursuant to our law, threats to (national) security are in principal classified as follows:

- *military challenges, risks and threats to security* that are demonstrated as aggression, armed rebellion and other forms in which armed forces are used and
- *non-military challenges, risks and threats to security* demonstrated as terrorism, organized crime, corruption, natural disasters, technical-technological and other accidents

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14 Terriff, T.; Croft, S.; James, L.; Morgan, P. M.: *Security Studies Today*, Polity Press, Cambridge, 2001, p. 135.
15 *Parliamenraty Oversight of the Security Sector – Principles, mechanisms and practices*, DCAF–Inter-Parliamentary Union–CCMR, Belgrade, 2000, p. 16.

and dangers.[16]

Strategy of the Republic of Serbia National Security[17] identifies dominant challenges, risks and threats to security of our country and international problems (global and regional) endangering stability of our country, other countries and whole regions.

The following are considered as most pronounced challenges, risks and threats to the security of the global environment: regional and local conflicts, ethnic and religious extremism, terrorism, organized crime, arms proliferation for mass destruction and marked deficit of energy resources. Use of prevention attacks and interference into internal affairs of sovereign states are particularly dangerous for they violate United Nations Charter. The security problems are expanded from predominantly military area to other security spheres such as economic, energy, societal and ecology ones. Besides, they become increasingly unpredictable, asymmetric and transnational.

Dominant problems of the European security are terrorism, organized crime, proliferation of the weapons for mass destruction, ethnic and religious extremism and illegal migrations. They are particularly marked in the South East Europe.

Security of the Republic of Serbia has been considerably improved if compared to the last decade of the 20th century thanks to a great extent to its pro European political orientation. This fact coupled with its striving towards same civilization values and integration of all countries in the region, decreased possibility for direct threat or aggression against Republic of Serbia. The armed conflicts could occur only in case of global and regional crisis which is not probable nowadays due to the established mechanisms of international security.

Dominant source of the Republic of Serbia instability is the security situation in the territory of the Autonomous Province Kosovo and Metohija produced by establishment of the international status and illegal proclamation of "Kosovo Republic". It is characterized by the fear and general insecurity generated by the ethnically motivated violence against Serbian population and other minorities, slow building of the democratic institutions and democratic political culture and relations, disrespect for basic human rights, denying freedom of movement, expansion of the organized crime (predominantly crimes related to drugs, arms and human trafficking, illegal migrations), usurpation and destruction of private property and cultural-histori-

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16 Article 4, paragraph 1, point 10-11, Law on Defence, Official Gazette, Republic of Serbia, No.116/2007
17 Strategija nacionalne bezbednosti Republike Srbije, official site of the Republic of Serbia Government, www.srbija.gov.rs). See: Glava I – Bezbednosno okruženje and Glava II – Izazovi rizici and pretnje bezbednosti.

cal heritage and impeded return of the exiled and internally displaced persons.

Apart from this, the most prominent security challenges, risks and threats are terrorism, armed rebellions, disputes with the use of weapons, separatism, various forms of organized crime, ethnic and religious intolerance and extremism, intelligence activities of other states, proliferation of weapons for mass destruction, corruption, problems related to economic development, energy insecurity, uneven economic and demographic development, unresolved status and hard position of the refugees, exiled and displaced people, incomplete process of defining borders among the states of the former SFRY, uncontrolled spending of the natural resources and endangering environment and health of the citizens, consequences of the natural disasters and technical and technological accidents, endangering environment and people's health due to spreading of infectious diseases among people or animals, drug addiction, destructive activities of some religious sects and cults, high technology crimes and threats to information and telecommunication systems and climate change.

Finally, the strategy underlines that abuse of new technology and scientific achievements in the area of informatics, genetic engineering, medicine, meteorology and other scientific areas is possible with lower or higher degree of demonstration and recognition.

Analysis of the Strategy of National Security leads to the conclusion that the forms of threats to the security, both military and non military, internal and external are all together considered as threats to national security. This also proved that traditional stereotypes of internal and external security are out of date.

Instead of Making Conclusion

Analyzing traditional and contemporary concept of the national security, components, sectors and subsystems of the traditional and contemporary national security systems as well as the agenda of traditional and contemporary threats to national security, one can conclude that division of state security into internal and external is only provisional and it is justified only by didactic reasons. But in practice it is not possible. Consequently, it is possible to discuss only comprehensive – integral national security in which, as in connected vessels one can note the correlations among all security challenges, risks and threats and all vital values and interests of the society and state and which to a great extent depends upon mechanisms of international security.

The thesis is proved by the Strategy of National Security of the Republic of Serbia whose starting point is sovereignty and territorial integrity of the Republic of Serbia, economic prosperity, social stability, development of democracy and rule of law, respect for human and minority rights, European foreign political orientation and improvement of cooperation with most influential actors of the international community and the countries in the region. It confirms the dedication of the Republic of Serbia to general democratic values, international law and respect for own statehood tradition. Republic of Serbia is ready to contribute to building up and improving its own, regional and global security within the United Nations, European and other international organizations and regional structures.

The aims of the Republic of Serbia national security are strengthening of relevant institutions and implementation of efficient measures and activities relative to security for the purpose of safeguarding national interests and successful prevention and addressing challenges, risks and threats to security. This means development of politically and economically stable and prosperous society, participation in building up favourable security environment both regionally and globally by taking part in European integration and other regional and international structures and cooperation with other democratic societies.

Republic of Serbia national security policy is based on the principles of prevention, right to defend itself, compatibility, **integrity of the security and responsibility**. Its main components are foreign policy, defence policy, policy of internal security, economic policy, social policy and policy of other areas of social life. Besides, improvement of education, science, scientific research work, protection of the environment, culture and other areas of social life as well as their harmonization with European Union standards have strategic importance for the protection of national interest.

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The Forces Designated For Implementation Of The European Union Security Policy

Introduction

The European Union (EU) forces for implementation of its security policy can be categorized as the police, gendarmerie and civilian forces. The said forces may be viewed from the broad or narrow aspect. In the narrow sense, the forces for implementation of the said security policy include institutions, which have been purposefully established and function within the EU structure. For example, as per the abovementioned criterion, the forces include: **Europol** (police forces), **European Gendarmerie Force (EGF)** – (gendarmerie forces), **Eurojust,** and other institutions, such as the European Judicial Network and European Anti – Fraud Office (civil forces), etc. In the broader sense, the forces for implementation of the abovementioned security policy include security bodies and special organizations of the EU Member States. This paper shall cover the following forces for implementation of the EU security policy: **Europol**, **European Gendarmerie Force (EUROGENDFOR – EGF)** and **Eurojust.**

European Police Office – EUROPOL

The basic features of the European Police Office – EUROPOL shall be discussed from the functional structural aspect.

EUROPOL Mission

The European Police Office (EUROPOL)[1] was established under the Treaty on European Union, signed in Maastricht in 1992[2], as a transnational police organization. As a precursor of Europol, the Drugs Unit (EDU) started limited operations on 3 January 1994, based in the Hague, (the Netherlands).[3] The Europol Convention was ratified

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1 EUROPEAN POLICE OFFICE (EUROPOL) / OFFICE EUROPÉEN DE POLICE (EUROPOL)/ EUROPÄISCHES POLIZEIAMT (EUROPOL).

2 Article K.1 of Title VI supports the idea of establishing the Eurepean Police Office, Europol.

3 The Europol Drugs Unit (EDU), which was established at the ministerial meeting of the former TREVI group, was the precursor to this Office.

by all EU Member States and came into force on 1 October 1998. Pursuant to the Convention, Europol commenced its full activities on 1 July 1999.[4] Under the Europol Convention, the organization for police collaboration within the EU was created as a sort of "the European FBI".

The basic reason for establishing Europol was the need for more effective fight against organized international crime and terrorism at a time of insubstantial border controls between the EU Member States. The European Police Office is not empowered to conduct international investigations, however it is empowered to collect, analyze and provide intelligence (information and notifications) to the competent authorities of the Member States or third parties (handle criminal intelligence), i.e. to provide expertise and technical support in criminal investigations.[5] Europol's aim is to improve the effectiveness and collaboration between the competent authorities of the Member States in preventing and combating international organized crime and terrorism.

Europol's competence was laid down under the Europol Convention, and it is related to activities aimed to prevent and mitigate serious forms of international nonpolitical and political crimes with indications or grounds for suspecting involvement of an organized criminal structure affecting the security of at least two Member States which, taking into consideration the level of threat to public security, requires joint action of the Member States. Europol is responsible for preventing and mitigating: international organized crime, and primarily terrorism, trafficking in human beings and illicit trafficking in migrants, as well as illicit drug trafficking.

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4   Knezevic Predic V, *Ogled o suverenosti, suverenost i Evropska unija*, Institute for Political Studies, Belgrade, 2001, pp. 334.

5   For example, pursuant to the Law on Ratification of the Agreement on Strategic Cooperation between the Republic of Serbia and the European Police Office, information may be categorized as strategic and technical.
     1. "Strategic information" includes, but is not limited to:
     a. enforcement action that might be useful to suppress offences and, in particular, special means of combating offences;
     b. new methods used in committing offences;
     c. trends and developments in the methods used to commit offences;
     d. observations and findings resulting from the successful application of new enforcement aids and techniques;
     e. routes and changes in routes used by smugglers or those involved in illicit trafficking offences covered by this agreement;
     f. prevention strategies and methods for management to select law enforcement priorities;
     g. threat assessments and crime situation reports.
     2. "Technical information" includes, but is not limited to:
     a. means of strengthening administrative and enforcement structures in the fields covered by this agreement;
     b. forensic police methods and investigative procedures;
     c. methods of training the officials concerned;
     d. criminal intelligence analytical methods;
     e. identification of law enforcement expertise.

EUROPOL Structure

Europol bodies include: the EU Council of Ministers of Justice and Home Affairs, Management Board, Joint Supervisory Body, Joint Audit Committee, Director, National Units and Liaison Officers. A brief analysis of all management bodies and the organizational structure of Europol is as follows:

Europol is responsible to the EU Council of Ministers of Justice and Home Affairs. The said Council is responsible for the Europol management. In relation to that, it appoints the Director and the Deputy Directors and approves, together with the European Parliament, Europol's budget, which is a part of the budget of the European Union. In addition, together with the European Parliament, the Council may adopt all regulations concerning Europol's operations. The Council submits a special, annual report on Europol operations to the European Parliament.

Europol has a Management Board which is comprised of one high-ranking representative from each Member State and the European Commission. Each member has one vote. The Management Board meets at least twice a year to discuss a wide range of Europol issues which are related to its current activities and its future development. The Management Board makes its decisions by a two–thirds majority. The Management Board adopts a general report on Europol activities for the previous year and discusses and approves an annual plan of Europol's forthcoming activities, as well.

The Joint Supervisory Body is an independent entity set up to review Europol's activities in order to ensure the safeguarding of individual rights, first and foremost, during the storage, processing and utilization of personal data. This body is composed of two representatives from all national Supervisory Bodies who are appointed for a period of five years by the Member States. Each delegation is entitled to one vote for decision making purposes.

The Joint Audit Committee is composed of three members appointed by the Court of Auditors of the European Union for a term of office of three years. The Committee carries out an annual audit of financial management and submits a related report to the Council.6

The Head of Europol is the Director who is appointed by the Council acting unanimously, after obtaining the opinion of the Europol Management Board. The Director is appointed for a four–year term of office, which may be extended once. He is assisted by

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6   Monitoring of the commitment and disbursement of expenditure and of the establishment and collection of income of Europol shall be carried out pursuant to the general EU rules. Europol staff shall adhere to the same principles as the staff of any other EU institution. The Europol final financial statement shall be subject to audit.

three Deputy Directors (who are heads of departments for operations, governance and capabilities that provide different services) who are also appointed by the Council, for a four–year period which may be extended once. Deputy Directors are assisted by Assistant Directors in their work. In addition to the departments and services, Europol includes the Member States' Liaison Bureau and Third Parties' Liaison Bureau. Europol has about 410 employees and about 90 liaison officers.

Europol National Units are set up by each EU Member State, i.e. the states which have concluded a cooperation agreement with Europol.[7] For example the Republic of Serbia designates the Ministry of Internal Affairs, General Police Directorate, Criminal Police Department, Division for International Police Cooperation, Unit for Europol (...) to act as the national contact point between Europol and other competent authorities of the Republic of Serbia.[8] The National Unit is in charge of collecting, processing, organizing, analyzing and forwarding of intelligence and information to Europol.

Each Europol National Unit is entitled to delegate at least one liaison officer. For example, in case of the Republic of Serbia, the liaison officers' functions, tasks and status shall be the subject of consultation with a view to concluding a liaison agreement.[9] The networked information system allows every liaison officer to have a direct connection with the information system of his / her country, thereby enabling him to perform immediate security checks.[10] The working languages of Europol include: English, French and German.

Finally, Europol collaborates with other EU institutions with a view to improving the effectiveness of its mission. From the aspect of the EU forces for the implementation of its security policy, Joint Investigation Teams (JITs), which are set up in coordination with EUROJUST, are of particular importance. They shall be discussed in more detail in the part of this paper dedicated to Eurojust.

European Gendarmerie Force – EUROGENDFOR

Initially, the European Gendarmerie Force (EGF) was an initiative of five European Union Member States – France, Italy, the

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7 *The Agreement on Strategic Cooperation between the Repulic of Serbia and the European Police Office*, done at Belgrade, 18 September 2008, in Belgrade, drawn in a single original in the Serbian and English languages, each text being equally authentic.

8 *The Law on Ratification of the Agreement on Strategic Cooperation between the Repulic of Serbia and the European Police Office,* Official Gazette of the Republic of Serbia, No. 38-09.

9 Article 11of the *Law on Ratification of the Agreement on Strategic Cooperation between the Repulic of Serbia and the European Police Office,* Official Gazette of the Repulic of Serbia, No. 38-09.

10 Bunyan T, *Trevi, Europol and the Europen State*, Internet, 29/09/09, http://www.statewatch.org/news/handbook-trevi.pdf, pp. 6-7.

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Netherlands, Portugal and Spain- which was aimed at improving the crisis management capability in sensitive areas. The Romanian Gendarmerie became a full member of the EFG at the end of 2008. From then on, EGF has been comprised of gendarmeries of the six EU Member States.

EUROGENDFOR Mission

The European Gendarmerie Force should rapidly respond to special security problems, either on its own or in parallel with the military intervention force. The said Force should facilitate the crisis management, especially in the context of peace-keeping missions (operations).

The European Gendarmerie Force must be capable of covering every aspect of crisis response operations, both from the legal and efficiency side:

- during the **initial phase of the operation,** the EGF may be engaged along with the military force, in order to perform its police tasks;
- during **the transitional phase**, the EGF could continue its mission alone or together with a military force;
- during the **military disengagement phase**, the EFG could facilitate the handing over of responsibilities from military to civilian authorities, etc.

In accordance with its mandate, the EFG conducts each operation via a broad spectrum of activities related to the following:

- performing security and public order missions;
- monitoring local police operations;
- counseling for the purposes of the local police activities;
- performing criminal investigation work, covering detection of offences, tracing of offenders and their transfer to the appropriate judicial authorities;
- protecting people and property and keeping order in the event of public disturbances;
- training of police officers as regards international standards;
- training of instructors, particularly through co-operation programs, etc;

EUROGENDFOR Structure

The EGF Headquarters are based in Vicenza (Italy), which should, being the management body of the said Gendarmerie Force, provide

a high level of readiness (ensure the legality and efficiency of official tasks) that will primarily permit prompt deployment to crisis areas. The European Gendarmerie Force is, first and foremost, at the disposal of the EU, but it can also be made available to other international organizations such as the NATO, UN, OSCE, or *ad hoc* coalitions.

The vertical dimension of the EFG organizational structure is divided into the strategic, operative and tactical levels. In the command structure, at the strategic level, there is the CIMIN (acronym meaning "**C**omité **I**nter**MI**nistériel de haut **N**iveau"- High Level Inter-Ministerial Committee), which is composed of representatives of the line ministries of each country. The Committee ensures coordination between organizational elements of each country, appoints the Commander and adopts directives and guidelines for EFG operations.

At the organizational level, the EFG is comprised of the Command, with the Commander as the head, and his Deputy Commander. The most important part of the Command are the Headquarters. The Headquarters are comprised of organizational units for operations, planning and logistics. All Member States have a role in EFG management and the command changes every two years, in line with the so called Rotational Criteria.[11]

At the tactical level, EFG units are placed under a predefined chain of command during a mission. These units can be put, either under military command, or under civil authority, in order to guarantee public security, public order and fulfill other police tasks. An EGF force is not a standing force and it is generated and deployed on an *ad hoc* basis.

The tactical level enables rapid deployment of the gendarmerie force of a maximum of 800 police officers, including a rapidly deployed temporary HQ in the field, for which the core will be provided by the permanent HQ. The total strength of the Force may reach 2300.

The EFG tactical force will act in accordance with the operational concepts of the so called IPU (Integrated Police Unit) developed by, which includes:

- an operational component, dedicated to missions of general public security and maintaining of public order;
- a crime fighting component, including specialists in criminal investigation missions, detection, gathering, analysis and processing of security data, traffic control, fight against terrorism and other serious crimes, etc;

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11   http://www.eurogendfor.eu.

- a logistic support component, able to perform all activities related to supplies, maintenance, recovery and evacuation of equipment, transportation, medical and health care and other activities.

Having in mind the mission and the capacities of the EFG on one hand, and the significant experience of the Gendarmerie of the MIA (Ministry of Internal Affairs) of the Republic of Serbia in solving the most complicated security problems, on the other hand, one can conclude that establishing possible mutual collaboration and partnerships between the said EU institutions and the institutions of the Republic of Serbia may lead to rising the level of professional standards of deployment of police officers. The previous cooperation of the gendarmeries of certain EU Member States (e.g. France and Romania) and the Republic of Serbia consisted in joint training of police officers and participation in training activities. These are areas with a wide window of opportunity for the promotion of mutual cooperation.

EUROJUST

Eurojust is a legal entity, established to improve (stimulate) judicial cooperation between Member States, especially in the field of investigations and prosecutions covering the territory of more than one Member State.[12] Therefore the expression – *Judicial Cooperation Unit-* is often used as a synonym for Eurojust. The basic features of EUROJUST shall be presented from the generic structural and functional aspects.

History and Structure of EUROJUST

Eurojust was established as a result of a decision of the European Council of Tampere (Finland), held in October 1999. Namely, the European Council held a special meeting aimed at improving the situation in the field of freedom, security and justice in the European Union. It was concluded that improvements would be achieved in the said fields, if EU capacities were focused on establishing 1) a unique system for controlling immigration and asylum, 2) a policy based on joint solidarity between Member States, as well as between the states and international organizations they collaborate with, 3) the fight against trans-border crime and 4) and consolidating international and interstate cooperation between different levels of government. [13] In relation to that, the European Council adopted the

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12   See: Cavoski A, *Osnivanje Eurojust-a u cilju jacanja borbe protiv transnacionalnog kriminala*, Vodic kroz pravo Evropske unije, the Institute for International Policy and Economy, the Faculty of Law, Belgrade, PE Official Gazette, Belgrade, 2009, pp. 194.
13   http://www.eurojust.europa.eu/mission.htm

Conclusion No. 46, under which a transnational unit, composed of national prosecutors, magistrates, police officers detached from each EU Member State, was to be established.

After that, the terrorist attacks of 11 September in USA indicated that the phenomenon of terrorism was not nationally of regionally, and therefore the fight against terrorism must be coordinated in the widest international context. In 2002, this thought led to establishing the Eurojust – under the Council Decision 2002/187/JHA. The following year, the Eurojust was moved to its current seat in the Hague (the Netherlands).

A year later, the management structure faced the challenge of the European Union enlargement. In May 2004, ten new members joined the EU, and in January 2007, two more were added, bringing the total number of Member States to the current 27.

Member States determine the organizational form of Eurojust – by being members of the so called College. This body is responsible for organization and operation of Eurojust. Eurojust may fulfill its tasks via one or more of its National Members, or as a College (by engaging all members, where each National Member has one vote). [14]

The College elects its President from National Members for a term of office of three years, with a possibility of one reelection. The College may, where appropriate, elect two Vice Presidents.

Since the EU enlargement, Eurojust has been very active in signing cooperation agreements with states and international organizations which enable exchange of information and personal data. In relation to that, Eurojust has concluded agreements with Europol, OLAF, CEPOL, European Juditial Training Network, UNODC and other organizations, id est, with Iceland, Romania, Norway, the USA, Croatia, Switzerland and Macedonia. EU relations with prosecutors from Norway and the USA are permanently based on Eurojust mission and capacities. In addition to cooperation agreements, Eurojust has established a network of contact points throughout the world.[15]

EUROJUST (mission, tasks and cooperation)

Eurojust stimulates and improves the coordination of investigations and prosecutions between the competent authorities in the Member States and improves the cooperation between the competent authorities of the Member States, in particular by facilitating the execution

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14 See: Cavoski A, *Osnivanje Eurojust-a u cilju jacanja borbe protiv transnacionalnog kriminala*, Vodic kroz pravo Evropske unije, the Institute for International Policy and Economy, the Faculty of Law, Belgrade, PE Official Gazette, Belgrade, 2009, pp. 194

15 http://www.eurojust.europa.eu/mission.htm.

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of international mutual legal assistance and the implementation of extradition requests. In addition, Eurojust supports the competent authorities of Member States in rendering their investigations and prosecutions more effective, especially when dealing with cross-border crime. At the request of a Member State, Eurojust may assist in investigations and prosecutions concerning that particular Member State or a non-Member State, if a cooperation agreement has been concluded, or if there is an essential interest in providing such assistance. Eurojust competence covers the same types of crime and offences as Europol's does. Eurojust may assist in investigations and prosecutions at the request of a Member State when dealing with other types of offences. Furthermore, Eurojust may ask the competent authorities of the Member States concerned: 1) to investigate or prosecute specific acts, 2) to coordinate with one another, 3) to accept that one country is better placed to prosecute than the other, 4) to set up a Joint Investigation Team, or 5) to provide Eurojust with information necessary to carry out its tasks.

In order to improve (promote) the efficiency of EU national organizations, such as Europol and Eurojust the concept of Joint Investigation Teams (JITs) was developed. This is a concept from 2000, which originates in the EU- in its Convention on Mutual Assistance in Legal Matters (2000 MLA Convention). Namely, the said Convention was adopted with the aim to improve cooperation between judicial, police and customs authorities, by updating provisions on mutual legal assistance. Experts assist the Member States' practitioners via a network to set up JITs. In addition, Europol and Eurojust provide assistance via a network of experts. The network still does not have a Secretariat, however Eurojust and Europol and the Secretariat of the European Council provide support which bridges the said deficiency.

In order to perform its tasks, Eurojust maintains privileged relations with Europol, OLAF and other organizations. In addition, Eurojust may, via the Community Council, conclude cooperation agreements with non-EU Member States or international organizations and bodies for the purpose of exchange of information. In relation to that, Eurojust has established contact points in 24 non-EU Member States: Albania, Argentina, Bosnia and Herzegovina, Canada, Egypt, Macedonia, Island, Croatia, Israel, Japan, Korea, Lichtenstein, Moldavia, Mongolia, Montenegro, Norway, the Russian Federation, Serbia, Singapore, Switzerland, Thailand, Turkey, Ukraine and the USA.

The importance of Eurojust- for Serbia it is multiple. This estimation can be substantiated by facts which are related to the Eurojust competences – security issues in Serbia and neighboring countries, security in the Republic etc. Therefore, setting up control contact

points in Serbia, and also in the region, although Serbia is not an EU Member State presents a significant precondition to the improvement of security in the Republic of Serbia, but also in the region of South Eastern Europe.

Conclusion

On the basis of the analysis above, one may conclude that the European Union has significant capacities for implementation of its security policy. Out of the multitude of bodies and organizations which are implementing the EU security policy at the EU level, **Europol**, **the European Gendarmerie Force (EUROGENDFOR – EGF)** and **Eurojust** have been singled out and presented for the purposes of this paper. In the analysis of these forces, i.e. their cooperation with other EU security bodies, other transnational security organizations, such as OLAF, CEPOL, the European Judicial Training Network etc., have been discussed indirectly, as well.

The analysis has indicated that the EU possesses defined goals, functions and a diversified structure for implementation of its security policy. The policy has been presented according to the vertical and horizontal criteria. According to the vertical criterion, strategic, operative and tactical levels have been established and operating. In addition, the governance subsystem in the broader sense is divided into the governance part (committees, management boards, supervisory boards etc) and, in the narrow sense, the management part (directors, commanders etc.). The operative level includes the functional and territorial governance subsystems of security organizations and its purpose is to ensure the operational stability of individual security systems. Finally, the tactical level ensures that all results, which are the reasons for establishing security organizations, have been achieved.

The horizontal structure of the EU capacities for implementation of its security policy is divided as per the territorial and functional principle. When divided according to the territorial principle, these capacities include the national members of certain security institutions, and when divided according to the functional principle, they include various organizations. In addition, cooperation has been established with numerous non-EU Member States, i.e. international organizations, which have a common interest for cooperation in security matters with the EU. Having in mind its significant cooperation potential, the Republic of Serbia is included among these states, as well.

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Military Forces Available To The European Union For Implementation Of Its Common Security And Defence Policy

Abstract

With its very foundation European Union (EU) became one of the most powerful economic-trade actors in the world and strong factor in the global international relations. But its military-security influence in the world was not in harmony with its economic power. In order to strengthen its security capabilities, role and impact in Europe and worldwide, its first idea was to establish West European Union (WEU) as its military-security component. However, despite invested efforts to enable WEU build necessary military capability, the crisis in the West Balkan and on the outskirts of East Europe during nineties of the past century, showed obvious incapability of EU and WEU to exercise more considerable influence on them. Because of this the EU and Member States' leaders launched, as off 1999, new project – European Security and Defence Policy through which EU would develop required forces and capabilities for efficient strengthening of its influence on the European security and defence as well as on the peace and security worldwide.

In 10 years of developing military-security capabilities EU managed to build institutions and establish instruments and forces available to it for crisis management, which made it unavoidable actor in European and important factor in international security.

From the point of view of military capabilities, the Member States established two categories of forces for EU-led military operations – rapid reaction forces and forces packages (battle groups) for quick response to the crisis. Consequently, in the period from 2003 till present EU launched 23 military and civilian operations for peace support in Europe and worldwide. Two of them were undertaken on the European soil – military one under the name of *Althea* in Bosnia and Herzegovina and civilian *Eulex*, in Kosovo and Metohija. It is possible that in future EU will be in charge of military presence in Kosovo and Metohija.

Key words: European Union, defence, security, military forces, Eurocorps, battlegroups, military operations.

Introduction

Development of the European Union military capabilities[1] for crisis management was initiated with its foundation and it can be divided into three stages or periods: from 1992 to 1999, from 1999 to 2003 and from 2004 till present day, a stage still in progress.

During the first stage, military role, pursuant to the interests and needs of EU was performed by West European Union (WEU)[2] which was defined by special declarations of EU and WEU member sates as "defensive component of EU and European pillar of NATO"[3]. It should be mentioned that that time Europe was characterized by strong integrative enthusiasm, when it was considered that integration should be comprehensive, in and around EU which would be its core and which would eliminate all the differences. This resulted in belief that WEU "naturally" should be in the function of EU as its base for building European Security and Defence Identity – ESDI. Because of that in this period EU did not establish nor it developed other military forces and capabilities save for WEU.

Second stage, which is often called the initial stage of establishing "EU military forces" or European military forces"[4] was the consequence of the military incapability of WEU to have more significant influence on addressing military-security crisis and peacemaking in some parts of Europe (especially in former SFRY) which was evident during nineties of the past century. Responding to this

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1 European Union – EU is formed by the Treaty on European Union (TEU) adopted by the members of the European Community on February 7, 1992 (Maastricht) and it came into force on November 1, 1993. The countries founders of EU are: France, FR Germany, Italy, Belgium, Luxemburg, Netherlands (these countries were the founders of European Community in 1951 and 1957) Great Britain, Denmark and Ireland (members of EC from 1973), Greece (EC member from 1981, Portugal and Spain (EC members from 1986). In 1995, in the first wave of EU enlargement its members became Austria, Finland and Sweden. In the second stage, in 2004, 10 new members were received into EU, predominantly former socialist countries: Hungary, Slovenia, Slovakia Czech Republic, Poland, Latvia Lithuania, Estonia, Malta and Cyprus. In the third, and for the time being last stage, in 2007, the new members of EU became Bulgaria and Romania so that today EU has 27 Member States.
Essentially, EU is based on three pillars or areas of commonwealth and close cooperation:
   - European Community – EC
   - Common Foreign and Security Policy – CFSP
   - Justice and Home Affairs – JHA
2 West European Union – WEU was formed in October 23, 1954 in Paris as defensive organization of West European countries by the agreement made by seven countries: France, Great Britain, Belgium, Netherlands, Luxemburg, Italy and West Germany. By 1992 (foundation of EU) Spain and Portugal were accepted in WEU (1988) and Greece (1992) and thus the number of permanent Member States reached 10. More about WEU in S. Savic: Zapadnoevropska unija – nastanak, uloga i transformacija" Vojno delo, No.1/2006, VIZ, Belgrade, 2006.
3 Intergovernmental declarations of the WEU and EU Member States on the role of WEU and its relations with EU and NATO (No. 30 of February 7, 1992 and 191 of July 29, 1992) are attached as annexes to final Treaty on EU. Internet: http:// www.ena.lu under the title *declaration 30 WEU and declaration 191 WEU*. Also, Official Journal of the European Communities.
4 The phrases 'European military forces' or "EU military forces" are often found in literature. In fact, as it will be seen in this text, EU does not have and does not develop any kind of own armed forces save for the military forces of the Member States. These are the forces which they make available to EU for the operations it leads. These terms are used because they are short and practically replace the following sentence: 'forces of the EU Member States and other European countries which, based on the agreement on the contribution to the "main goal" are made available to EU for the EU-led operations. Due to this and with the given meaning these terms will be used in this article and because of their often use they will not be put under quotation marks.

military-security incapability of Europe the leaders of the Member States and EU institutions decided that EU should establish own European Security and Defence Policy – ESDP)[5] within the framework of Common Foreign and Security Policy through which EU military and civilian security would be developed for crisis management, protection of EU Member States' interests worldwide and greater contribution to international peace and security. Three areas of EU military-security needs were identified: institutions, instruments and forces. At the same time it was decided that WEU would transfer its responsibilities, accountability, military forces and assets to the organs and bodies which would be established within the framework of ESDP. In order to bring to life the mentioned decisions in December 1999 in Helsinki, European Council defined the "Main Goal" of the forces' development that would be available to EU by 2003.[6] This initial stage of EU military forces and capabilities development was completed in 2003 by establishing organs and bodies for realization of ESDP, adopting European Security Strategy and by declaring operative capabilities of the military forces available for EU operations

The third stage, which may be called the stage of EU-led military operations started with the first military-police operation called *Concordia* that took place in Macedonia in March 2003. During this stage, together with deployment of the EU military forces in crisis management (so far 23 operations/missions were undertaken, 4 out of them being purely military ones) EU and its Member States continued intensive activities on strengthening military capabilities and capacities of the forces available to EU. Based on the decisions made by the appropriate EU organs and bodies (2004) Member States, individually or at regional principle, initiated establishment of Battle Groups (BG), new category of forces available to EU for rapid response in the event of crisis. Besides, for improvement of military capabilities and forces available to EU and national forces of the Member States the European Defence Agency (EDA) was founded followed by establishment of the permanent Operations Centre (in the EU Military Staff) and numerous other initiatives were made for overcoming shortfalls of the combat forces, support, transport and logistics forces. The activities of the EU and its Member States in regard to improving EU capabilities for successful countering threats to the European security and defence and with a view of contributing more to international peace and security are still in progress. Each EU Member State tries to contribute as much as possible to the Common Security and Defence Policy because strengthening of common European security and defence means also strengthening of the individual, national security of each country. To this end the

5   The word European in the name European Security and Defence Policy was changed in the stipulations of the Lisbon Treaty on EU (came in force on December 1, 2009) by the word common. Their use in this text will be in accordance with the chronology of ESDP/CSDP development.
6   Presidency Conclusions Helsinki European Council, doc. 10-11/SN 300/99, December, 1999.

countries candidates for EU try as earlier as possible in the course of accession to join the common security defence project of EU.

Presently, respective military forces and structures for implementation of CSDP are made available to EU which, apart from being unavoidable factor of European security contributes increasingly to the international peace and security.

This article addresses predominantly development and achieved military capabilities of EU within CSDP framework for implementation of ESDP/CSDP. The purpose is to consider possible accession of the Republic of Serbia military capabilities to the EU-led military forces and operations as early as the stage of preparations and candidacy for EU membership.

The data presented in the article are mostly taken from the internet presentations of EU and its institutions and annual surveys of the military forces published in Military Balance. As the format of the article does not permit presentation of some decisions, procedures and even very military structures available to EU, the authors attempted in directing the readers to the sources containing detailed data on them, most often pointing out in footnote the official internet addresses of the organizations, institutions or contents of some documents.

Development of Military Capability – EU Forces and Capabilities for Implementation of the Common (European) Security and Defence Policy.

West European Union as European Union Military-Defence Component

During intensive negotiations of EC Member States concerning establishment of European Union in 1991/92 the negotiations on establishing close cooperation in the areas of foreign policy, security and defence and the role of WEU within this context were conducted as well. Thus, apart from the basic Treaty on European Union (TEU)[7] a number of intergovernmental declarations were adopted on the new role of WEU and its relations with EU, NATO and other actors relative to European security.[8]

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7   http://www.ena.lu/ (treaty_european_union_maastricht_february 1992)
8   These are, first of all, three declarations of the Council of Ministers of WEU. In fact, apart from the already mentioned (No.30 and 191) on June 19, 1992 in Bonn (Petersberg castle) the so called Petersberg Declaration was adopted – Declaration on security role, missions, strengthening of operative capabilities and cooperation of WEU with other European countries members of EU and with NATO. Text of this declaration is to be found in Simić R. Dragan, Nauka o bezbednosti: savremeni pristup bezbednosti, Belgrade, SL SRJ, 2002, pp. 180-183. Also, on the internet: hhtp://www.ena.lu/petersberg_weu_council_ministers_bonn_19_june_1992

From the security and military-defence point of view the most important stipulations of the Treaty on EU are those referring to common foreign and security policy of EU and the role of WEU and stipulations of WEU Declaration adopted in Petersberg. These documents defined that WEU would be future military-defence component of the EU within whose framework ESDI would be developed together with adequate European military-defence forces. Point 1, Article J.4, Chapter V of the Treaty on EU stipulates that: "Union requests the WEU, which is an integral part of the development of the Union, to elaborate and implement decisions and actions of the Union which have defence implications…"Pursuant to this stipulation, Petersberg Declaration on WEU (Article 22) defines the possible missions in which WEU Member States' military units can be engaged apart from collective defence in accordance with Article 5 of Washington Agreement and Article V of Treaty on WEU (modified "Brussels Treaty"):

▪ Humanitarian and rescue tasks
▪ Peacekeeping tasks and
▪ Tasks for combat forces in crisis management, including peacemaking.

For the purpose of strengthening WEU operations capabilities, its members accepted to put on its disposal adequate military staffs and units that would be organized on "multinational and multi-service basis (Articles 24 and 25 of Petersberg Declaration). By the end of 1992 within WEU Secretariat General, Planning Cell was formed whose main task was to plan (define needs) and keep lists of the Member States' military units which might be allocated for WEU military operations. In 1993 Eurocorps was established as WEU multinational military unit.[9]By 1995 other Member States notified considerable forces which they might allocate to WEU. On May 15, 1995 WEU Ministerial Council adopted Lisbon Declaration confirming determination of the four members – France, Italy, Portugal and Spain to form European land (EUROFOR) and naval (EUROMAFOR) forces[10]. Pursuant to this declaration the four nations established permanent common multinational Headquarters of the European Forces (EUROFOR Headquarters) with its seat in Florence, Italy, while each of them had ready units of 5000 troops which would be made available to EUROFOR Headquarters when necessary to carry our WEU missions.

However, dual responsibilities in regard to European security and defense (between EU and WEU), insufficiently developed WEU

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9 Establishment of Eurocorps was initiated by France and Germany in 1991 and a year later (1992) the permanent Headquarters of the Corps was established in Strasbourg (France). The corps was officially formed on October 1, 1993 and its was declared operationally capable in 1995. Structure, role, tasks and activities of the Eurocorps will be better described later in the text
10 Lisbon Declaration, http://www.eurofor.it

military-staff infrastructure and simultaneous participation of the military units both in NATO and in WEU actions (in which NATO had priority) disabled practically any serious military role of the WEU in European security. This was obvious during crisis and conflicts in the Balkans, in the nineties of the past century, when EU and WEU did not have significant influence on their resolution. Such situation imposed a need for EU to upgrade organization, instruments, methods and assets of CFSP. The first measure in that direction was partial rephrasing and amending of the TEU stipulations which address CFSP.

The first revision of the Treaty on EU was done in 1997 in Amsterdam, when Treaty of Amsterdam Amending the Treaty on European Union[11] was adopted and which entered into force on May 1, 1999. The Amsterdam amendments to the Treaty on EU did not pronounce WEU out of date, but European Council was given a possibility to consider other forms of institutional organization of CFSP and to take over responsibility for implementation of Petersberg tasks.

Increase of determination to change concept of European security and defence and EU and WEU role in it, was considerably influenced by the meeting of the leaders of the most powerful members – France, Great Britain and Germany. They supported strongly the position that "EU should have on its disposal credible military capabilities for crisis management in Europe and for adequate role in regard to international security".[12] EU eventually decided to take in charge European security and defence after incapability of EU and WEU to prevent the so called Kosovo crisis and obvious military shortfalls of the EU members shown during "NATO military intervention against FRY" at the beginning of 1999. At the EU summit in Cologne, 3-4 June, 1999 the concrete initiative was made to launch and build European Security and Defence Policy directly within EU framework, i.e. CFSP pillar.

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11   Treaty of Amsterdam Amending the Treaty on European Union, The treatise Establishing the European Communities and related Acts and The Treaty on European Union, Title V – Provisions on Common and Foreign Security Policy, Article II, Official Journal C 340, 10 November 1997.
12   Anglo-French Summit at St-Malo: "Declaration on European Defence", EU Security and Defence Policy: The first five year (1999-2004) ed. By Nicole Gnesotto, Institute for Security Studies European Union, Paris, 2004, p.261.

Development of the Military Forces Available to EU in the Period from 1999–2003

For elaboration of EU decision on transferring European security and defence from WEU and for building institutions and military capabilities the most important were the decisions made by EU European Council from Helsinki (December 10-11, 1999) and Nice (December 7-9, 2000).

The EU Summit in Helsinki defined Headline Goal-2003 i.e. military forces and capabilities which should be available to EU for crisis management by 2003[13]:

- EU Member States must be able by 2003 to deploy within 60 days and sustain for at least one year 50,000 – 60,000 troops. These forces would represent the future European Rapid Reaction Force (ERRF), predominantly aimed at implementation of Petersberg tasks;
- new political and military bodies and structures would be established within CFSP under the EU Council control to ensure necessary political guidance and strategic decisions for EU – led operations and
- modalities of EFFR deployment would be developed in a transparent manner and in consultations between EU and NATO taking into account the needs of all EU Member States.

At the EU defence ministers' meeting in Sintra (Portugal) on 28 February, 2000 an agreement was reached to define concrete national obligations of the Member States regarding their contribution to "European forces" by the end of 2000 and to establish permanent structures of the CSDP executive bodies and institutions within EU.

One of the most important problems, remaining till today, is financing of the permanent structures within CFSP and realization of CSDP. It was decided, as a temporary solution, that each member would participate with 0.7% of its own defence budget.

At the European Council meeting in Nice (6–7 December, 2000)[14] it was determined that transfer of WEU command-planning structure to EU should be completed by the end of 2000 and of other institutions not later than 2002. Besides, on 20 November, 2000 in Brussels the EU Conference adopted Military Capabilities Commitment Declaration. It defined the structure of the required military capabilities available to EU: 60 000 army troops, 30 000 AF and Navy, 100 ships and 400 airplanes.

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13   Presidency Conclusions Helsinki European Council, 10-11 December, 1999, doc. SN 300/99
14   Text of the decision of EU Summit in Nice can be found in Dragan R. Simic, Nauka o bezbednosti – savremeni pristup bezbednosti, Službeni list SRJ, Belgrade, 2002, pp.200-205

In the first analysis of the achieved military capabilities made at the EU Summit in Laken (Belgium, December 2001) it was noted that military capabilities available to EU for carrying out Petersberg tasks were insufficient and EU Council was asked to work out, in a shortest possible time, European Capabilities Action Plan –ECAP[15] for improving capabilities of forces at disposal for EU operations. The plan was focused on 19 areas of shortfalls[16] for which working groups were formed whose task, together with experts from the Member States, was to find a way for overcoming the major shortfalls by March 2003.[17]

Declaration on the Operational Capability of the Common European Security and Defence Policy was adopted on the Conference on EU military capabilities, on 19 May, 2003 in Brussels and it said that the forces available to EU for conducting ESDP achieved capability for launching operations relative to Petersberg tasks. The first EU – led military-police mission started on 31 March, 2003. It was a mission for stabilization of peace and support to Ohrid Agreements in Macedonia under the name *Concordia*.

It can be said that by undertaking the first military mission and proclaiming operations capabilities of the military forces available to EU for accomplishing Petersberg tasks the stage of initial development of EU military-security capabilities was completed.

European Security Strategy

European Union is based on common values whose foundations are freedom, democracy, respect for human rights, equality and rule of law, and whose principles are tolerance, justice, solidarity and non-discrimination. In its relations with the world the Union also supports development and safeguarding of such values and contributes actively to international peace, security, solidarity, economic development, free trade, elimination of poverty, protection of human rights and strict respect and development of international law including respect for the UN Charter principles. Consequently, one of the main interests of EU is security of the basic common values, preservation of principles on which relations in European multilateral society are based, as well as creation of conditions for EU greater

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15   Burkard Schmitt, European Capabilities Action Plan, ISS, September 2005, at www.eu.oreg./eu-iss/2005

16   The areas are the following ones: combat and non-combat helicopters, NBC protection, drones, medical teams, special forces, airplane carriers, AD, air refueling, combat reconnoitering and rescuing, cruising missiles and highly precision ammunition, ballistic defensive missiles, communications, headquarters, reconnoitering of the terrain from the land and air, strategic intelligence support (ISR IMINT), early warning and detection and long ranges, strategic air mobility and fast assault boats

17   More on problems of implementing ECAP in European Defense Integration: Bridging the Gap between Strategy and Capabilities, ed by Michele A. Flournoy and Julianne Smith, Center for Strategic and International Studies (CSIS), Washington, October 2005, pp.45-55.

contribution to and greater influence in the world. Basic method for preservation of EU common security is cooperation of the Member States and its main instrument is common strategies.

A decade after its foundation European Union has formulated and adopted the first European Security Strategy (ESS)[18]

Adoption of the ESS is historical event, not only for post modern Europe, but for the international relations system as well. It crowned one stage of joint efforts and wide cooperation of EU Member States to develop true European security and defence policy capable of preserving European internal and foreign security independently or in cooperation with the partners worldwide, above all NATO and USA, against all current and future challenges and threats and to provide adequate contribution to international peace and security.

Namely, international events, followed by numerous conflicts of "new type" show clearly that contemporary world, at the beginning of twenty first century is characterized by instability, uncertainty and insecurity. Europe, particularly EU as the global actor is exposed to multiple (old and new) security challenges and it is forced to develop and strengthen common security capabilities for protection of its values and interests. To this end, making of common, European security concept (strategy) resulted from the EU efforts to respond to new security reality relative to international relations and provide, as its symbolic name associates, a more secure Europe and better, more secure world.

The aim of ESS is to incorporate the approaches of EU Member States to European security and to create doctrinal framework, which is wide enough to include strategic interests of the members and whole range of traditional and new security threats and which is at the same time dynamic and precise to direct the development of ESDP to the areas which will enable successful preservation of Europe Security and adequate international performance of the EU.

Even before the adoption of ESS, European Union, as mentioned before, made considerable advances in regard to strengthening its security capability and international credibility. Strategy, as framework concept, however, justifies the need for even greater strengthening of European security capabilities, defines clearly current threats and principles of common position as well as the fields of necessary cooperation of Union Member States in military and

18   European Security Strategy was adopted on 12 December, 2003 in Brussels under the working title :A Secure Europe in a Better World". Internet: www.europa-eu.org/doc/ess. Also in Antonio Missiroli, "From Copenhagen to Brussels, European defence: core documents, Volume IV" Chaillot Paper 67, ISS EU, December 2003, pp.106-109. Text of the European Security Strategy is translated into Serbian language, Bezbedna Evropa u boljem svetu, Centar za medjunarodne i bezbednosne poslove (ISAC Fond), Belgrade, 2006.

non-military aspects of security both mutually and with the partners outside EU.

As to ESS, the key, current threats to European and international security are coming from three groups of sources: (1) terrorism; (2) uncontrolled proliferation of weapons of massive destruction (WMD) and (3) regional conflicts, instable state regimes and organized crime. J. Solana also warned of current threats on the occasion of signing European Security Strategy: "Taking into account all different elements, terrorism with maximum violence, available weapons for massive destruction, organized crime, weak state systems and private armies we really face very radical threats."[19]

Learning from the experience regarding destructive consequences of new threats, especially after terrorist attack against USA, ESS introduces certain turn in its approach to preserving security, thus making right "balance" between soft power and some elements of hard power. But though Strategy stresses the need of strengthening military power to respond to modern security challenges, it does not mean abandoning EU general security concept as to which solution of complex security issues in the modern world must be, above all, political and global (led by UN) and use of force is not main way of preserving security. Security concept given in the Strategy, confirms wide range of active EU measures, independently and in cooperation with other military factors, with focus on political, diplomatic and other non-military measures. Only when such measures do not produce desired results, they can be followed by forcible actions applied pursuant to UN Charter (Part VII) and international law such as sanctions, blockades and even use of force. Consequently, European Security Strategy understands considerable role of non military actors and international organizations, and military forces' deployment requires for UN SC resolution.[20]

The strategy consists of three parts: (1) security environment, (2) global aims and (3) instruments for crisis management and conflict prevention.

The first part starts from the observation that "internal and external aspects of security are mutually dependent". Terrorism, proliferation of WMD and their connections are pointed out as main threat to European and international security while "ruined states and organized crimes" represent key regional threats. ESS also describes as threats some aspects of globalization and the facts "that in major

19   Javier Solana, promotion speech on the occasion of adopting ESS, Brussels, 12 December 2003. Internet: www.europa-eu.org/doc/ess.
20   Antonio Missiroli, From Copenhagen to Brussels, European defence: core documents, Volume IV, ibid.

part of developing world, poverty and diseases cause great suffering and contribute to increase of security risks."[21]

The second part points out that EU main interests and goals are dedication to universal respect for international agreements, development of democratic societies and efficient multilateralism.

The third part refers to the capability of the Union to engage itself in political-security issues and in crisis management and it states that EU should be more active, capable and coherent and that it has to strengthen the cooperation with others.

A number of political analysts and experts for military-security issues considers that ESS contains truly noble aspirations but that Europe, which has 450 million inhabitants and which is historical crossroad of civilizations must not be limited by its geographic position neglecting own natural role and responsibility in the contemporary world.[22]

Undoubtedly, the next steps will be upgrading of security strategy with the aim of reinforcing efficiency of mechanisms and instruments and developing military-security capabilities of the Union for realization of ESDP.

EU and NATO Agreement

The first framework of institutionalized cooperation between NATO and EU was established at the meeting of the two organizations' ministers of defence in 1996 in Berlin and it is known as Berlin Agreement[23]

Essentially, the Agreement states that EU i.e. "WEU as military wing of EU is enabled access to adequate military capabilities of the Alliance for realization of Petersberg tasks. As to the Agreement stipulations WEU can use part of the infrastructure and NATO command systems under specified release and return procedures. Thus, for example, the "technical" part of the Agreement stipulated that during the EU/WEU led operations, necessary personnel, headquarters, headquarters' elements, units and equipment of the Alliance were to be placed under WEU command while air lift ca-

21   Ibid
22   More about ESS in: Gnesotto Nicole, Jean Yves-Haine, Andre Dumoulin, Tomas Reis, Jan Foghelin, Lothar Ruhl, Francois Heisbourg, Stefano Silvestri, William Hopkinson, Hans-Bernhard Weisserth, Marc Otte and Rob de Wijk, European Defence – A Proposal for a White Papers, EU ISS, Paris, May 2004, www.iss-eu.org/chaillot/wp2004pdf.
23   The NATO Handbook Documentation: Final Comminique of the Ministerial Meeting of the North Atlantic Council (including the Berlin Decision on building a European Security and Defence Identity within the Alliance),Berlin, 3 June, 1996, NATO Office of Information and Press, Brussels, 1999, pp 370-391

pabilities, early warning systems, intelligence services and communication systems could be used for the needs of such operations but under permanent NATO control.[24]

At the same time and following North Atlantic Council (NAC) initiative the two organizations established regular consultations at the Councils' level. In fact, it was foreseen that NATO Secretary General would attend the meetings of EU Council when it addressed the security issues and development of European military capabilities while the Chairman of the EU Council would attend North Atlantic Council meetings when it discussed issues related directly to European security.

However, EU decision to "abolish" WEU, strengthen ESDP and intensify development of new institutions, organs and bodies in CFDP, caused certain doubts with NATO (USA and other NATO members which are not EU Member States) regarding future cooperation between EU and NATO and certain reactions relative to the EU access to NATO capabilities. On the other hand, although EU by taking over the WEU role and capabilities and by building new common military and civilian capabilities for realization of ESDP became more equal and more autonomous partner in regard to NATO concerning European security, it still does not have the whole range of capabilities to be able of acting autonomously under all conditions. It continues to depend considerably upon the NATO assets and command capabilities. EU need to have access to NATO assets, on one hand, and its partner role with NATO on another required for establishment of new relations between EU and NATO.

Consultations on new cooperation framework were initiated between the military headquarters of the two organizations by identifying NATO capabilities that would be used by EU ("in the operations in which NATO would not be deployed") and by developing mechanisms for access to NATO capabilities. However, two important NATO members, USA and Turkey, had reservations regarding EU access to NATO planning assets and capabilities. And while Turkish opposition was aimed in succeeding in becoming candidate for EU membership[25], the USA reservations were much more serious. US Administration was particularly suspicious of ERRF, and because of that the key EU states, such as Great Britain, had to assure American leaders on a number of occasions that the aim of developing European capabilities was not "creation of the army" but strengthening capabilities for carrying out Petersberg tasks.[26]

24   The NATO Handbook Documentation, ibid.
25   Missiroli, B.A., Turkey and EU/NATO Cooperation, Security Dialogue, No.33, March 2002, pp. 9-26
26   Gnesotto Nicole… European defence – a proposal for a White Papers, ibid.

However, after a number of meetings, consultations and harmonization, the conditions were created for establishing strategic partnership between two organizations and making a whole range of documents concerning relations and providing NATO support to EU led operations.

During the joint meeting of the EU Political-Security Committee and North Atlantic Council (16 December, 2002) the principles of future cooperation were mutually accepted: partnership (mutual support in crisis management activities) consultations, dialog, cooperation, transparency, equality, respect for EU and NATO autonomies in decision making, respect for EU and NATO Member States' interests, respect for UN Charter, coherence and mutual support in developing military capabilities of both organizations. The Principles of Cooperation were followed by Agreement on Exchange and Security of Information between EU and NATO adopted on 12 March, 2003.

Finally, on 17 March, 2003 in Brussels, at the meeting of EU Council and North Atlantic Council a set of documents on cooperation known as Berlin plus[27] was adopted

Agreement on cooperation, made, as it was stressed, for the purpose of "avoiding unnecessary duplication of resources" defines EU access to allied capabilities for operations planning and accommodation of the NATO defence planning system (in order to meet its own needs and for the EU-led operations), cooperation in commanding the EU led operations when NATO capabilities participate in them and procedures for releasing and returning NATO military forces and assets made available to the Union for the operations it leads. This agreement stipulates also the obligations of the two organizations to develop "coherent and mutually strengthening capability requirements and introduces the consultations relative to operations/missions led by EU when using NATO capabilities.

The subsequent events showed that certain limitations also resulted from Berlin Plus agreement but they were challenge for further partnership of the two organizations. For example, pursuant to the Agreement, the states with potentially unclear security situation could not be member of either of the two organizations. However, EU accepted Cyprus and Malta (May 2004) which was particularly opposed by Turkey. This paralysed briefly the Agreement implementation until Turkey changed its position upon USA and Great Britain insisting. Some inconsistencies were also caused by initiative of some Member States (France, Belgium, Germany and

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27   NATO-EU Relations, www.nato.org, The choice of the name Berlin Plus for the agreement adopted in Brussels was done on the grounds of USA proposal to reflect the continuity with earlier agreements on cooperation (adopted in Berlin, 1996)

Luxemburg at Brussels Four Summit in April 2004) to strengthen staff and command-planning structure of the military forces available to EU. Several NATO members opposed such idea believing that independent military staffs within EU could be counterproductive for EU – NATO relations, and that it would lead to already inadequate command-staff assets of NATO members. Consequently, instead of introducing independent staffs for operations, a permanent Operations Centre was established within the EU Military Staff, which could manage certain EU operations as well.

Thus, one of the key actors in the new military/security architecture of Europe, apart from USA and NATO is the EU. This requires for new distribution of tasks relative to European security and development of new strategic partnership which must be based on trust and transparency, coordination of activities and complementary approach in preserving European, North Atlantic and worldwide security and peace. To this end, the agreement Berlin Plus is of key importance for development of strategic partnership of the two organizations.

Development of Military Forces Available to EU from 2003 to 2010

Proclaiming operations capabilities of EFSP for carrying out Petersberg tasks (May 2003), made clear that there are considerable shortfalls especially in regard to staff infrastructure and deployment speed in the area of operation, especially in remote regions. It was also clear that elimination of major shortages of EU military capabilities is not simple nor it can be done quickly. EU Member States' defence ministers estimated in 2003 (in Rome) that only 2010 is realistic time limit for eliminating major identified shortfalls.

In order to strengthen military capabilities available to EU and elimination of noted shortfalls number of initiatives was launched together with concrete activities of the EU Member States and institutions. On 16 June, 2003 the EU Council adopted decision on criteria for the personnel of the Military Staff, and on 12 December it verified the EU Military Staff structure.[28]

As a solution for the EU rapid reaction forces' shortfalls, France and Great Britain initiated establishment of the battle groups – package of forces that would enable EU to react quickly in case of crisis.[29]

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28   Council Decision 2003/479/EC of 16 June 2003, Official Journal L 160 of 28.06.2003 and Antonio Missiroli (comp.), From Copenhagen to Brussels. European Defence: core documents, Volume IV, Chaillot Paper 67, Paris: EU Institute for Security Studies, December 2003, pp.322-3.The reorganization of EU Military Staff occurred in the period 2005-7 on the grounds of European Council decision of December 2004 by means of which EU Military Staff was given a task to consider the options for becoming capable of leading EU operations.

29   The idea originated at French-British summit which took place in Le Touquet on 3 February, 2003

The "Battlegroup Concept" was worked out by the experts of France, Great Britain and Germany and then adopted on 10 February, 2004.[30]

Based on the analysis of the achieved capabilities of the military forces available to EU and for the purpose of channelling and joining initiatives of the Member States for their strengthening, EU General Affairs and External Relation Council (GAERC) defined, on 17 May, 2004 new military Headline Goal 2010 for the European military capabilities development till 2010.[31]

New Headline Goal 2010 expanded the scope of the missions – operations in which military forces available to EU could be engaged, defined the need and mechanisms for strengthening their capabilities, focused on interoperability, deployability and sustainability, confirmed initiative for establishment of EU BG as expeditionary forces, which would not be part of ERRF, but they would be made available to EU if necessary for crisis management. It also established European Defence Agency for joining and centralisation of EU Members States' efforts in strengthening military capabilities and national forces available to EU for the crisis management operations.

Pursuant to Point 2 EU Council Decision on new headline goal, apart from the tasks defined by the Peterseberg Declaration, operations of the joint forces available to EU can include: joint disarmament operations and support for the third countries in combating terrorism and in security sector reforms. This same point stresses that EU must be capable of acting in a preventive manner (before a crisis occurs, preventing deterioration of the situation) and that it must retain ability to conduct several operations at different levels of engagement. Point 3 of the Decision stresses that the Member States will invest their main efforts in increasing interoperability, deployability and sustainability of the forces in EU-led operations. Point 4 says that development of battle groups is the key element for long term building of EU capabilities for quick response to crisis. To this end EU should be able to take decision to launch operation within 5 days from the moment it occurs and that deployment begins 10 days after decision to launch operation is made.

Point 5 describes main activities and establishes terms for upgrading EU military capabilities for crisis management till 2010:

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30   The EU BG will be described more in the next part of the text
31   Headline Goal 2010 approved by general Affairs and External relations Council on 17 May 2004, endorsed by European Council of 17 and 18 June 2004; http://www.consilium.europa.eu/showpage.aspx?id=1349lang=EN

a) to establish as quick as possible military – civilian cell within Military Staff that will be capable of setting up rapidly operation centre for particular operation;

b) to establish Agency for developing defence capabilities, research and armaments in the course of 2004 (European Defence Agency)

c) by 2005 implement joint lift coordination with a view to achieving necessary capability of strategic lift (land, sea and air) for providing support to anticipated operations by 2020;

d) Member States that wish to develop by 2010 full capacity of European Airlift Command –EAC should by the end of 2004 transform air components into EAC;

e) to complete development of BG by 2007 including the identification of appropriate strategic lift, sustainability and debarkation;

f) to make available to EU one aircraft carrier with air wing and naval escort by 2008;

g) to develop by 2010 adequate compatible communication systems (terrestrial and space) with necessary equipment for all levels of EU operations;

h) to develop appropriate quantitative benchmarks and criteria that national and multinational forces have to meet in regard to their deployability.

Implementation of new headline goal during the coming years was followed by numerous activities and efforts of the EU Member States, institutions and bodies at various levels and areas with the aim of permanent upgrading of the military forces' capabilities (Progress Catalogue). However, there are still differences between needs (Requirement Catalogue) and actual capabilities of the military forces (Force Catalogue) available to EU for crisis management. Still it can be said that through CSDP EU reached by 2010 capability for managing more demanding crisis and for simultaneous conducting of two separate operations each up to one BG strong.

Lisbon Agreement – New Tasks of the Military-Security Forces Available to EU

Failure of European Constitution that is refusal of France and Netherlands at referendums (2005) to accept the proposal of the Constitution slowed down to some extent the expected strengthening of European communitarism in the fields of intergovernmental cooperation such as Common Foreign and Security Policy and European Security and Defence Policy. Some authors warned that EU should continue with strengthening structures and instruments of close cooperation within CFSP and ESDP. Otherwise, due to the differences in EU Member States' capabilities it could become

a problem in the years to come for the Member States with stronger capabilities would insist on higher level of cooperation.[32]

However, the EU Member States decided to maintain continuity of EU strengthening and enlargement and close cooperation with new organizational models of cooperation structures and reinforcing roles of the existing Union institutions. To this end European Council adopted amendments to the EU Treaty on 13 December, 2007 in Lisbon – Treaty of Lisbon[33] which entered into force on 1 December, 2009.

In the political sense, Treaty of Lisbon makes EU more democratic, efficient and more transparent. From the point of view of security and defence this Treaty should strengthen common capabilities of the EU and its members for responding successfully to existing but also to new, global challenges such as economic crisis, climate changes, development sustainability, energy security and struggle against transnational crime. In short, Lisbon Treaty should secure the EU coherence as security-defence factor in Europe and worldwide.

Lisbon Treaty introduces several institutional changes concerning development of ESDP and indirectly military forces and EU operations in crisis management. First, it united the roles and responsibilities of EU High Representative for CFSP and European Commissioner for Foreign Affairs in one function – High Representative for Foreign and Security Policy, HR FSP. It means that a person performing this job is at the same time Vice President of the Commission and Chairman of the EU Council when it meets as a council for foreign affairs and which, in facts, decides on most important issues regarding ESDP. Second, it also introduced The European External Action Service – EEAS, Point 3, Article 13a part II, Chapter 2 of the Treaty, which works predominantly in cooperation with diplomatic services of the Member States directly managed by HR FSP.

The Treaty also introduced several changes and novelties in stipulations relative to EU security and defence policy. First, the word European, in the name European Security and Defence Policy was replaced with the word Common and thus the full name is Common Security and Defence Policy –CSDP. Further, it introduced Permanent Structured Cooperation, Point 6, Article 28 A, Section 2 of the Treaty: "Those Member States whose military capabilities fulfil high criteria and which have made more binding

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32   More on problems of EU military integrations in Sven Biscop European Military Integration: Beyond the Headline Goal, ed. Academia Press, June 2005
33   Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing European Community, signed at Lisbon, 13 December 2007, Official Journal of the European Union No 2007/C 306/01

commitments to one another in this area with a view to most demanding missions shall establish permanent structured cooperation within the Union framework." The Treaty also brought two clauses on solidarity inviting the Member States to act in the spirit of solidarity if any of the members is exposed to terrorist attack or if it is affected by the natural or provoked disaster and on common defence (Point 7, Article 28, Section II Chapter 2 of the Treaty which states: "If a member State is the victim of armed aggression on its territory the other Member States shall have towards it an obligation of aid and assistance by all the means in their power in accordance with Article 51 of the United Nations Charter…"

The tasks for which Member States made forces available to EU for crisis management are expanded and apart from the already known ones which are defined by Petersberg Declaration, Point 1, Article 28 B, section II, Chapter 2 of the Treaty, added the following: joint disarmament operations,: military advice and assistance tasks, conflict prevention, post-conflict stabilization and fight against terrorism, including support for third countries in combating terrorism in their territory.

Some partial changes occurred as well with a view to the decisions made by EU Council relative to CSDP. Unanimity was preserved in regard to decisions concerning military deployment and defence, but for other issues of "technical" and "organizational" nature, which before the Lisbon Treaty required unanimity, rule of double majority was introduced. It means that in order to make one EU Council decision valid at least 55% of the Member States should vote for it but they must, at the same time cover at least 65% of the EU population. This way of decision making will come into force in 2014. Besides, the so called rule of co-decision was introduced. Consequently, a decision subject to this rule, and these are mostly EU legal regulations, should be considered valid only if adopted by two instances (bodies) having right to decide. Most often the co-decision makers are EU Council and European Parliament.

At the moment of preparation of this article, several months after Lisbon Treaty came into force, the greatest unclear issues referred to the establishment of EU Permanent Structured Cooperation or better to say, to possible consequences of its establishment. Although its establishment anticipated two stages – initial period which understood acceptance of Protocol on Intentions and very establishment of the permanent structure which was also defined by a separate Protocol, still, as pointed out by some European institutes "there are a lot of unclear issues". From the adoption of Treaty till present neither one initiative was made to establish such structured cooperation.

Military Forces Available to EU

European Union military capabilities for crisis management consists of the three segments: institutions, instrument and military force available to EU

EU institutions under whose responsibility comes ESDP and crisis management consists of political and political-security bodies at the strategic level, developed as general – common EU bodies or special political-security organs established within CFSP. Save for the High Representative for Foreign and Security Policy, they have mainly representative character i.e. they consists of representatives of all EU Member States. These are: the European Council, The Council of the European Union or the Council of Ministers, General Affairs and External Relation Council – GAERC, Political and Security Committee – PSC and High Representative for Foreign and Security Policy/ Vice President of the Commission.

Instruments for managing and realization of ESDP, including crisis management are: common positions, common strategies, common actions, declarations, demarches, statements, and common procedures and mechanisms for decision making and defining agreements.

Military forces available to EU for operations relative to crisis management are: military staff-command structures, military forces, agencies, schools, centres and institutes.

Military Staff – Command Structures

Strategic Level

EU Military Committee – MC is the highest EU military body established under the EU Council[34]. It consists of the chiefs of the general staffs of the armed forces of Member States or their permanent military representatives (MilReps). Military Committee meets regularly at the level of military representatives, while at the level of the chiefs of the general staffs it meets exceptionally, several times a year (when addressing important issues and decisions). Military Committee is the EU permanent representative body and its decisions are made unanimously. EU MC is permanent forum for military consultations and cooperation of EU Member States in regard to conflict prevention and crisis management. It is authorized for

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34 EU Military Committee was established by the Council of the EU decision, 21 January, 2001. (COUNCIL DECISION of 22 January 2001 setting up the Military Committee of the European Union (2001/79/CFSP). Text of the decision can be found at http://www.consilium.europa.eu/uedocs/cms Upload/1_02720010130en00040006.pdf.

military guiding of all defence activities undertaken by the EU. In regard to PSC, Military Committee has advisory role concerning all military issues, such as possible risks, assessments of military capabilities available to EU and similar. In the event of crisis and based on the PSC request, Military Committee issues adequate directives to the EU Military Staff for working out drafts of strategic options. Military Committee examines drafts of all options and forward them to PSC together with its assessment. On the grounds of the options approved by the EU Council, Military Committee orders operation commander to draft the action plan and initial directives. The Military Committee work is managed by the Chairman who is at the same time a spoke person for the Committee and military advisor to EU HR FSP. The MC Chairman is a four-star general.[35] The Chairman's mandate lasts for three years and he is appointed by the EU Council on the grounds of proposal of all MC members.

EU Military Staff (MS) was established on 11 June, 2001 and represents basic permanent integrated military structure of the EU. Organization, role and tasks of the EU MS were changed and upgraded along with expansion of EU capabilities for crisis management.[36] EU Military Staff employs about 200 officers and it is led by the Director General.[37] Currently the Staff consists of the five directorates: for concepts and capabilities; intelligence, operations (within which there is Operations Centre); logistics and for communications and information systems. Military Staff has permanent communication with NATO Military Staff via permanent EU MS Cell in the NATO Headquarters and at the same time via NATO MS representative in EU MS. From the organizational point of view EU MS is one of the departments of the EU Council General Secretariat.

From the functional point of view EU MS is given tasks and works under the EU MC and at the same time it provides military expert opinions for the EU High Representative for Foreign and Security Policy. Basic role of MS is early warning, situation assessment and strategic planning, including defining of political-military framework and putting forward strategic military options.

Main tasks of the military staff are: monitoring of the military situation, crisis management including management of current EU-led military operations, making and keeping plans of the necessary and actual EU military capabilities; cooperation with the defence staffs of the Member States; intelligence support of the staffs and operation command; establishing operation's staff – when it is conducted autonomously under EU leadership; planning and organization of

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35 Current Chairman of the EU MC is the Swedish general Hakan Syren, who was appointed this duty on 6 November, 2009.
36 Current – valid stipulations on EU MS: http://www.consilium.europa.eu/showPage.aspx?id=1039&lang=en
37 As off 28 May, 2010 director of EU MS is Netherlands general Ton Van Osch

logistic support, planning and organization of communication and IT systems; evaluation of the military forces available to EU, etc.[38]

European Union CFSP/CSDP did not establish permanent military commands of the forces at strategic – general European level.

Operations Level

European Union does not have established permanent operations command but there are defined command-staff potentials available to EU for commanding the operations carried out under its leadership.

Operations commands and staffs for EU-led crisis management operations are established for a concrete operation in three ways: (1) autonomously, directly within EU Military Staff, (2) relying on operations command and staffs of EU Member States and (3) relying on NATO command-staff structure pursuant to Berlin Plus Agreement.

(1) In case of the so called autonomous commanding, Operation Commander (OpCdr) is appointed either from the EU MS or Member States and Operation Headquarter (OHQ) is developed within Operations Centre – Operations Section which in such case may be reinforced by the staff officers from the Member States .For the time being the capacity of the command and the staff established in this manner may be used for commanding operations whose strength is up to one BG (about 2000 troops).

(2) Establishing command and staff by relying on military capabilities of the EU Member States' commands and staffs is done by making voluntarily adequate commands and staffs available to EU. Practically, it means that when EU Council decides to launch an operation it also decides which state will provide command and staff of the operation on behalf of EU. For the time being, five EU Member States made available one staff of the national military forces capable of establishing operation command and staff at this level. These are (the staff of the operations command in Mont Valerien, Paris), Germany (staff in Potsdam, Berlin), Great Britain (staff in Northwood), Greece (staff in Larissa) and Italy (staff in Roma). In this case EU MS maintains permanent communication with the operation's staff via Operations Centre, monitors the course of operation and provides permanent support to its command and staff during the entire operation.

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38   More details on the role and tasks of the EU MS: http://www.consilium.europa.eu/showPage.
aspx?id=1039&lang=en

(3) In case operations command and staff are established relying on NATO capabilities, the operation commander is appointed in consultations with NATO pursuant to the mechanisms and procedures of Berlin Plus Agreement. In principle that is an officer from the European NATO Member State, occupying high position in the Allied Operations Command and it is possible that a Deputy Commander, Allied Operations Command can be appointed this duty for he is always European. Operations headquarter in this case is set within the Supreme Headquarters of the Allied Powers Europe (SHAPE, Mons, Belgium) or in any of the NATO Joint Regional Commands – Naples (Italy) or Brunssum (Netherlands). The structure of such headquarter is a mixed one and it consists of the personnel of the corresponding NATO command, EU MS (including the personnel from EU MS Cell in NATO) and for that purpose allocated officers from EU and NATO Member States. EU Military Staff, in a similar manner as in the previous case, maintains permanent communication with the operation's staff, monitors its course and provides continual support.

European Union does not have established permanent commands of the forces nor it has operations' staffs (either general or for in advance defined areas, theatres of operations). The Force Commander – FCdr and the Force Headquarter – FHQ on the ground – in the theatre of operations are appointed and established on a case by case base in accordance with the nature, tasks and scope of the planned operation i.e. variant of its implementation (autonomous operation of the EU or relying on NATO capabilities). In principle, the force commander is from the EU Member State (when NATO capabilities are used it should be also NATO Member State) which in the concrete operation provides the majority of forces (operation leading nation). The force headquarter (on the ground, theatre of operations) is established on a case by case base as well in a manner similar to that of establishing operation's staff. In case when it relies on the military headquarters of EU Member State only four Member States notified their contribution for establishing the force headquarters on the ground: France, Germany, Great Britain and Italy.

Tactical Level

Tactical commanding is implemented by the commanders and commands of the forces included in operations. Based on the force catalogue, EU can count on the commands' components of the following Member States and multinational structures for this level of operations' commanding: (a) Land Component Command (LCC) – France, Italy, Spain, Euro Corps, German-Netherlands Corps and Allied Rapid Reaction Corps; (b) Air Component Command (ACC) – France Germany, Italy and Great Britain; (c) Maritime

Component Command (MCC) – France, Germany, Italy, Spain, Great Britain and Netherlands. Tactical commands of other forces included in EU operations, such as special forces, logistics and other support elements are also organized and established on a case by case base though national contributions of Member States and the commands of these forces are usually attached to forces command on the ground or commanding component of the leading nation.

Military Forces

European Union, as mentioned before, does not have its own permanent military forces. However, based on numerous intergovernmental treaties and agreements of the member states, coordinated and accommodated by the EU CFSP institutions, which were already mentioned, in accordance with the defined needs of EU military capabilities' development for realization of CSDP, adequate units, assets and infrastructure of the Member States forces' and part of multinational forces formed pursuant to agreements made by Member States are made available to EU. Part of the multinational forces available to EU was formed within WEU, as the force for participation in the collective defence of Alliance and implementation of Petersberg Tasks and part of them was established during past decade as response to new security threats and need for urgent response to crisis and threats to European and international peace and security. Member States individually through their contribution to the development of EU military capabilities made available to EU part of their national military forces and capabilities for EU-led military operations.

Military forces needed for the EU military operations and civilian/military missions are defined by Requirements Catalogue and Forces Catalogue available to EU. Due to the gap between necessary military forces and capabilities on one hand and available forces and capabilities on which EU can count in reality on the other, identification of shortfalls is made. Member States, individually or through common EU institutions and agencies try as efficiently as possible to overcome qualitative and quantitative shortfalls of the military capabilities available to EU through centralization, modernization and in other ways, avoiding their duplication, which is optimized and directed through Progress Catalogue of EU military capabilities. All these catalogues including evaluation of the military forces capabilities available to EU are kept by EU MS, Concept and Capabilities Directorate which consists of three sections: concepts, forces capacities and exercises, training, analysis and evaluation.

All military forces available to EU[39] may be classified into two categories:

- European Rapid Reaction Forces and
- EU Battle Groups

European Rapid Reaction Forces

European Rapid Reaction Forces consists of the units, assets and installations of all three components of the military forces, which EU Member States made available to EU individually or as multinational units (group of states) for carrying out tasks defined by Petersberg Declaration, European Security Strategy, Headline Goal 2010 and Lisbon Treaty.

Land Component

Eurocorps (EUROCORPS)[40] was formed in 1992 as permanent WEU multinational forces for carrying out tasks regarding collective NATO defence and WEU tasks relative to European security. Its operations capability was proclaimed in 1995. As off 2000, after WEU military capacities and capabilities were transferred under EU responsibility Eurocorps has become basic multinational unit available to EU for carrying out Petersberg tasks. The Corps seat is in Strasbourg (France).

The countries contributing to Corps are Belgium, France, Germany, Luxemburg and Spain. Another seven EU and NATO Member States (Austria, Greece, Italy, Poland, Turkey and USA) notified part of their units as contribution to Eurocorps. At present they have only liaison officers in Corps Headquarters.

Eurocorps structure

- Command (Strasbourg) consisting of: command group, staff, logistics command support battalion, four national support detachments and staff of the multinational command support brigade. Command permanent personnel consists of about 900 soldiers and officers and 70 civilians,
- Combat units,
- Units for direct combat support

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39 Classification of the military forces available for EU, especially when speaking about the forces declared as ERRF is rather disputable. First, due to the unclear definition of this category of forces in EU and then because they are not permanent forces established for the EU needs, such as Allied Rapid Reaction Corps (ARRC) in NATO. Also, part of the national forces of the EU member states and multinational forces which are reported as contribution to ERRF is also within NATO forces as high readiness forces HRF or response forces NRF. In making decisions on the use of such dual purpose forces NATO has priority.

40 More on European Corps can be found at: http://www.eurocorps.org. For particular military formation with descriptive long name their English abbreviations, which are already well known, will be used further in the text to recognize them easier.

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- Combat support services.

Fully manned the Corps has 56.000 troops.

Apart from bilateral French-German brigade, other corps' forces are: French forces (one division strong), German forces (one division strong), Belgium forces (two brigades), Spanish forces (two brigades) and Luxemburg forces (reconnaissance company) integrated in Belgian unit.

Political-military leadership of the Corps is performed by the Common Committee consisting of chiefs of the general staffs of the participating states and political directors (rank of state secretary) from the ministries of foreign affairs of the Member States.

Multinational forces of the group of EU Member States named as European Forces (EUROFOR)[41]were established by France, Italy, Spain and Portugal by joint declaration dated 15 May, 1995, as the forces aimed at accomplishing Petersberg tasks. EUROFOR has its permanent multinational command core (its seat is in Via Arentina, Florence, Italy) with each of the participating states' armed forces contributing 5000 soldiers for its structure.

Apart from the Eurocorps and EUROFOR, according to the Forces Catalogue, and based on the individual notifications of the EU Member States[42] or groups of states, agreement EU-NATO and bilateral agreements of EU with individual European member and non-member states (but NATO members) EU may have on its disposal for the operations it leads the following forces: Stand by High Readiness Brigade (SHIBRIG), South-Eastern Europe Brigade (SEEBRIG), part of the German-Netherlands corps (one brigade) and number of units (of battalion strength) for special operations, combat support, military-police and protective tasks, transport, logistics and other missions from almost all EU member states.

In simultaneous full mobility land forces available to EU count about 100.000 troops.

Air Component

The air forces necessary for EU-led operations were made available by Belgium, Netherlands, France, Germany, Italy, Spain and Great Britain. In regard to the necessary forces as to the "headline goal"

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41   http://www.eurofor.it
42   For example, as its contribution to Headline Goal military forces available to EU, Great Britain made available depending upon needs (on case by case basis) military forces whose total strength is up to 12 500 troops of all three services (up to 3 army brigades, one ariborne brigade, one amphibious brigade, 18 war ships and 72 combat airplanes). See http://www.armedforces.co.uk/mod/listing/lo23.html

of EU military capabilities' development, the Union is made available planned number of 300 combat planes and 10 airplanes for early warning (AWACS) with adequate equipment and assets. But all those forces are predominantly under national military commands and they are made available to EU if needed (on case by case basis).

EU formed centres for coordination and joint use of combat air forces and auxiliary forces:

- European Air Group (EAG) consisting of Belgium, France, Germany, Italy, Netherlands, Spain and Great Britain. The EAG seat is in Great Britain. Main goal of EAG is increase of interoperability of the AF of Member States, development of AD capabilities, providing air lift and air refueling, common preparation of the officers on duty in multinational commands and operations centres, etc.
- European Airlift Centre (EAC) is formed by the same EU Member States as part of EAG with its seat in Eindhoven (Netherlands). EAC Main task is rationalization, coordination and planning use of available airlift capabilities and air-refueling.

Maritime Component

Main maritime component forces available to EU are:

- European Maritime Forces (EUROMOAFOR) formed by the same Euro -Mediterranean states and EU Member States (France, Italy, Spain and Portugal) by the same declaration of 15 May, 1995. As off 2001 the participation was offered to Turkey and Greece which have their representatives, with observer status, in the headquarters of these forces. The EUROMARFOR number about 15 000 troops (including national amphibious forces) and about 70 ships for different purposes as well as adequate support forces.
- Spanish-Italian amphibious forces (SIAF) – one amphibious-landing brigade and
- British-Netherlands amphibious forces (BNAF) of the same strength.

Apart from these forces a Sealift Coordination Centre (SCC) is established for coordination and planning maritime transport for the needs of EU forces with its seat in Eindhoven (Netherlands)

EU Battle Groups

Decision on establishing BG for the needs of EU CFSP/ESDP was made by the Council of Europe addressing contribution to military capabilities in Brussels on 24 November, 2004.[43]According to it, it was planned that EU Member States, individually or based on the sub regional cooperation, would establish 13 BG available to EU by the end of 2007. Each BG should number 1500 troops of all services (army, navy, RF) equipped and capable of rapid deployment and carrying out medium hard operations for crisis management. BG should be capable of being deployed in the respective area within 15 days and perform operations independently for up to 30 days with rotation at 120 days. The purpose of BG rapid deployment was to eliminate consequences of impossibility to deploy ERRF quickly. Forming BG should be realized in two stages. In the first one, in the period from 2005 to 2006 BG with initial operational capability would be formed while in the second stage, by the end of 2007, all BG should reach full operational capability.

Implementation of this decision led to the establishment of 13 BG by November 2007. By January 2007 another BG was formed and majority of already established ones reached operational capability to be engaged as to the BG Concept. At EU level duty was introduced that involved two by two BG "in state of six-month preparedness for operational deployment". By 2009 operative capability was reached by 14 BG in total and it was announced that 3 new BG would be formed.

Battle Groups Available to EU that Reached Operational Capability:

(a) national: French, Italian, Spanish and British;
(b) multinational: French-German, French-Belgium, German-Netherlands, German-Czech-Austrian, Italian-Hungarian-Slovenian, Spanish-Italian amphibian BG, multinational BG led by Poland (Poland, Germany, Slovak Republic, Lithuania and Latvia), Nordic (Sweden, Norway, Finland, Estonia and Ireland), British-Netherlands, Balkan BG led by Greece (Bulgaria, Romania and Cyprus), multinational BG headed by Spain (Spain, Germany, France and Portugal)

The formation of Czech-Slovak BG and Italian-Romanian-Turkish and Swedish BG has been announced.

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43   Battle groups in strengthening EU for crisis management, European security, ISS EU, Paris, 22 April 2005, Internet under the title EU Battlegroups, http://www.concilium.europa.eu/esdp

European Defence Agency

European Defence Agency (EDA) was formed on 12 July, 2004 with its seat in Brussels. Its main task is to provide support for Council and EU Member States in improving EU capabilities in crisis management and realization of ESDP.

The four basic functions of the Agency are:

(1) development of the defence capabilities in crisis management;
(2) enlargement and improvement of cooperation regarding armament
(3) strengthening of the European defence technological and industrial base (DTIB) and forming of competitive European market of military equipment.
(4) development of European research and technology

The Agency is subordinated directly to Council of Europe and Board of Directors is chaired by the EU High Representative. EDA has four directorates, in accordance with four basic functions: Capabilities, Armaments, Defence Industry and Market and Research and Technology.

Shortfalls of the Military Forces and Capabilities Available to EU and Development Prospects

Although, as seen from the above mentioned, EU has respective military capabilities at its disposal for crisis management there are still evident quantitative and qualitative shortfalls. According to the identified shortfalls catalogue these are following:

- combat and non-combat helicopters,
- NBC protection;
- drones;
- medical teams;
- special operations forces;
- airplanes carriers;
- AD;
- air refueling;
- combat reconnoitring and rescue;
- cruising missiles and high precision ammunition;
- ballistic defence missiles;
- staffs;
- reconnoitring the terrain from the land and air;
- early warning and detection at long ranges;
- strategic air mobility
- fast assault boats.

Shortfalls and problems of the EU BG are

- insufficient joint training, especially training of joint services;
- still unstable and untested command system for BG in the EU operations as a whole and particularly in regard to parallel and single managing of military and civilian part of EU operations;
- inexistence of adequate mechanisms for assessment of BG Concept implementation i.e. readiness of the BG for deployment (NATO standards for rapid reaction forces are used);
- decreased possibilities for providing force rotation (BG replacements) due to the obligations of the part of Member States in regard to NATO operations, which is reflected particularly on the speed of initial BG deployment in EU operations and
- problems in regard to joining land component with other ones (AF and Navy)

EU Military Forces and Capabilities Development Prospects

Increase of challenges and threats to European and worldwide security, especially global ones, impose to EU need to continue strengthening its military capabilities, both for independent missions of wider spectrum and high intensity then extended Petersberg tasks and for operations carried out together with its partners. This is the topic of political-security (military and civilian) debates within numerous expert circles in EU and Member States which produce guidelines for the future development of EU security capabilities. The predominant view is that in the next period EU should acquire capabilities for realization of the following missions:

(1) humanitarian interventions of high intensity
(2) regional operations for defence of European strategic interests
(3) attack prevention including weapons for massive destruction and
(4) defence in own territory – internal defence.

Conclusion

After failure in building up European security identity and defence through WEU, the EU Member States decided in 1999 to develop and build common European Security and Defence Policy within Common Foreign and Security Policy of the EU.

As to the concept ESDP is one wide concept of preserving European security and defence, based on close cooperation of the EU Member States and other European states that accept the conditions and obligations of ESDP aimed at establishing common military and civilian capabilities by means of which EU would acquire wide spectrum of capabilities for crisis management.

During the past decade, the intensive efforts of the EU Member States and institutions, led to establishing respective military capabilities available to it (institutions, instruments and forces) for implementation of ESDP i.e. the Union became one of the key actors regarding European security and defence and important factor of global peace and security.

From the military point of view, as off 2007 EU became capable for autonomous conducting of two medium intensive military peace-keeping and peace supporting operations in Europe and worldwide.

No doubt, there is need because of which EU will continue in future as well to develop military-security capabilities for successful response to existing and to new challenges and threats to European security and defence and stronger influence and contribution to international peace and security. This will require, from all Member States, greater mutual unity, common and individual engagement, greater contributions, strengthening cooperation and building of transparent partner relations between EU and all relevant factors of international peace and security in its environment and worldwide.

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EU Intelligence Network: ENFOPOL

Abstract

ENFOPOL (Enforcement Police) is a European electronic intelligence network, which is able to fully track and monitor all types of electronic communications. Police have connected the EU states and it is organized after the ECHELON (Electronic Surveillance Operation) – the U.S. intelligence network, which includes: Australia, New Zealand, Canada and Great Britain. European police cooperation on this basis has been established in the form of working groups – the police-squad experts, gathered from all EU countries, primarily in the field of the fight against cyber-crime. These experts have determined the legal way to promote, attain and improve the fight against contemporary forms of security threats, terrorism, organized crime, and the like.

Key words: ENFOPOL, cyber crime, organized crime, terrorism, intelligence network, the European Union.

Introduction

Modern electronic devices have not only become a matter of prestige, but also a pressing need, for both state and non-state organizations. Some experts and scholars view them as a product of a "complex interdependence", while others deem that they have been created as a result of electronic revolution and therefore have to be an integral part of life.

Notwithstanding the above, many criminal and terrorist organizations see the inventions related to electronics as an opportune tool for their activities and as a way to get rich. All potential terrorists and criminals use modern means of communication to perform tasks for their criminal hubs[1]. The share of electronic crime in the "gross criminal product" generated through activities of, one could say, global organized crime, has reached hundreds of billions of U.S. dollars at the end of the previous century, which is considerably more than the gross domestic product of 90% of the countries in the world.[2]

Joseph Nye sees the reasons for this trend in relation to people, material goods and the advancement of electronic means in: the growing economic interdependence of countries (the need for more effective relations between them), the process of modernization and urbanization, as well as the development of communication in the developing countries (encouraging the transfer of power from the state government to the private sector), the spreading of military technology, which increases the power of the less economically developed countries and changes the order in which current issues get solved in world politics.[3]

In this multitude of new technologies, especially the Internet, there have been numerous attempts at fraud and secret correspondence between the headquarters and the cells of terrorist and criminal organizations

After 11 September, distraught with panic and wishing to cut off all possible access routes to its electronic means, the U.S. began to push the issue of ECHELON, the U.S. electronic network. ECHELON was originally conceived as an intelligence surveillance system for monitoring the Soviet Union and its allies, but in time it developed into a spy network for monitoring terrorist organizations and detection of international drug cartels. The ECHELON system is simple in its structure. All its members belong to the English-speaking countries: Australia, New Zealand, Canada, the USA and the UK.

1   Internet, 02/06/10, http://mail.sarai.net/pipermail/reader-list/2001-June/000163.html.
2   Dragan R. Simic, *Nauka o bezbednosti – savremeni pristupi bezbednosti*, Official Gazette of FRY, Faculty of Political Sciences, Belgrade, 2002, p. 40.
3   R. Keohane & J. Nye Jr, (1989), Power and Interdependence (2nd ed.), Little, Brown, p. 12.

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All these countries are part of the intelligence alliance UKUSA (UK–USA Security Agreement), which was established for the purpose of intelligence-sharing.[4]

Inception of ENFOPOL

The idea of the ENFOPOL appeared first towards the end of the last century, put forward behind the scenes the International Law Enforcement Telecommunications Seminar – ILETS. ILETS was a co-operation between the EU countries in the planning of a surveillance system for lawful interception of telecommunication. Certain European parliamentary bodies, as well as law enforcement officials from many EU countries, met in separate meetings, fora and sessions of the European Parliament to discuss the requirements of individual representatives for intercepting communications. The staff met under the auspices of the ILETS. The FBI initiated the establishment of the ILETS. Three years later the EU citizens were advised of these events.[5]

The ENFOPOL is a product of secret cooperation within the ILETS. The extent of this group's influence on the EU policy is well confirmed by the following statement: "Following the second ILETS meeting in Bonn, IUR (International User Requirements) 1.0 was presented to the Council of Ministers. It was accepted, without any objection, on 17 January 1995". While the FBI was active in the ILETS, the representatives of the law enforcement and intelligence services from the U.S., Canada and several European countries established the ENFOPOL in an FBI base in the USA. In addition, several ILETS meetings were held in the USA. Common standards for telecommunications equipment for easier surveillance of telecommunication traffic were discussed in the course of those meetings. The ENFOPOL started as an ILETS project.

Council Resolution on the lawful interception of telecommunications was published in the "Official Journal of the EU" on 4 November 1996, almost two years later. In support to the idea of establishing ENFOPOL, the draft of the Convention on the European Information System (EIS), the system that was to replace the Schengen Information System), was prepared in November 1993.[6]

In 1995, under strict confidentiality, the European Council tasked the ENFOPOL working group under the Council's K.4 Committee with making a draft of the Resolution and Law on European Police

4   Internet, 05/06/10, http://www.economypoint.org/e/echelon.html.
5   Dalibor Kekic, "Evropska obavestajna mreza (ENFOPOL)", *Evropsko zakonodavstvo,* no. 13/05, Institute for International Politics and Economics, Belgrade, 2005, p. 93.
6   *Interception capabilities 2000: The Abolition of Privacy?*, Internet, 30/05/10, http://www.fecl.org/circular/5803.htm.

Forces' Cooperation in Matters Related to Telecommunications Interception, in order to ensure the transparency of communication for the needs of national security agencies of the EU Member States. In February 1997, the EU took a secret decision in relation to the ENFOPOL, to create an international network through a clandestine network of offices in all the EU Member States. Politicians agreed that this network should be established in line with the "third pillar of the EU", and pursuant to the Maastricht Treaty. The key points of the plan were included in the Memorandum of Understanding, signed by all the representatives of EU Member States in 1995.

After several failed attempts to adopt a valid ENFOPOL document, the European parliamentarians adopted a Resolution on the ENFOPOL on 7 May 1999 (Council Resolution on Lawful Interception of Communications). The Internet providers and users were severely affected by this Resolution. In parallel with the Resolution, the Scientific and Technical Options Assessment Unit of the European Parliament (STOA) published a report on the history, scope, manner, political and technical capabilities of Communications Intelligence (Comint) with regards to communication interception capacities (the report code number *IC* 2000). The conclusion of the report was that the issue of electronic communication interception required an open debate between all representatives of user services and the users themselves.

In many EU countries, the authorities have taken steps towards successful and legitimate interception of electronic communications. In Great Britain, the courts authorize about 8,000 eavesdropping operations per year, and the NSA (the U.S. National Security Agency) intercepts communications of up to 40,000 users per year – and the British authorities are fully aware of that. The ENFOPOL does similar things with American citizens by using the system of reciprocity. At the same time, a group of police experts in the Netherlands were to draft a law under which all providers would be obliged to ensure free access to information. In Germany, legal structures and possibilities for interception of electronic communications were presented to the public on 4 May 1995. The Telecommunications Act was drafted in July 1996, and it went even further than the request presented by the ENFOPOL. This Act sought great freedom of access to user services for the intelligence services. The Act envisaged setting up the "competent management" which would have total access to all user services and thus not even the providers themselves would know the time and manner of interception.

ENFOPOL Status

Many people view the ENFOPOL as nothing more than a product of an accord between a small number of bureaucrats from Europe and America, who have agreed on a monitoring system of global and local communications networks. The problem the public has had with regards to the creation of the ENFOPOL is due to the fact that decisions and laws in the field of public communications have been adopted away from the public eye – non-transparently, behind the scenes. None of the commercial operators have voluntarily agreed that the police may search their network and intercept user data and information at will, the main reason being the violation of the EU citizens' rights to private conversation and correspondence. The providers often advocate the rights of their users in public, not because they care about the users but because of the costs that are imposed on them by the authorities. The state requires from the local providers to pay the cost of cyberspace for the operation of ENFOPOL.[7]

Thanks to the German local user service Telepolis, a secret text from 1998, agreed between the European police delegations, the EU countries' representatives meeting in Vienna and Madrid, was revealed. It is a document called ENFOPOL 98. The text was distributed over many sites on the Internet 10 days after its adoption. In the meantime, a new text titled ENFOPOL 19, on the manner of cooperation and ENFOPOL's operation, was adopted. ENFOPOL 19 was signed at a meeting of police officials in Brussels, chaired by a German representative, on 15 March 1999. The document confirmed that the police would not require special permission for tapping providers and users.[8]

Many experts such as Marc Rotenberg, Director of the Electronic Privacy Information Centre in Bonn, think that the ENFOPOL is a classic case of import of the "American legal waste", which threatens fundamental human rights and freedoms. EU politicians have varied opinions on the issue of creating a joint intelligence service. They range from the opinion that the common political and security services stems from the natural sequence of events, to those who believe that the common foreign and security policy is quite enough.

The ENFOPOL is more or less like the ECHELON system, and yet in some segments it is something completely new. The ENFOPOL is integrated into the European legal system. It is not just one system, but rather the cooperation between different systems, such as the cooperation with the Internet service providers. The ENFOPOL

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7   Medoch Armin, The European Secret Service Union, Internet, 30/05/10, http://www.euronet.
     nl/~rembert/echelon/moech11.html.
8   Kris Millegan, CTRL The ENFOPOL 98 Affair, Internet, 11/07/10, http://www.mail-archive.com/ctrl@
     listserv.aol.com/msg12071.html

does not work outside the EU, and it is a unit that works within the legal framework, with the ability to operate within the entire European Union (as does the FBI in the USA). It is expected that an ENFOPOL police unit will be established in the near future. There is a possibility for the ENFOPOL to continue to cooperate closely with police structures across the EU, mostly through the ISP (Internet Service Providers).

Each piece of information is now stored in a safe place, and if a police unit or an intelligence service requires certain information, the ISP immediately forwards it to that particular service. The question is how long will the information be stored? As in America, the police must obtain a court order, before a certain piece of information is stored in a place which is under ENFOPOL's control, and everything must be documented. ENFOPOL controls the flow of information through satellites, mobile phones, credit cards, communication paths, the Internet, the new Iridium telecommunications system (based in Italy), and standardized telecommunications systems, etc.

By accepting the ENFOPOL the European Parliament has authorized the police and intelligence services to take the necessary steps towards the interception of telecommunications. In order to have total access to user data, the ENFOPOL requires the user services (service providers) to provide a "space" (the interface, a backdoor) in the network for accessing all traffic. The service is required to provide an open telephone line for the purpose of tapping and recording at the expense of the provider.

The customer service has to provide the ENFOPOL with the geographic location of potential users which would be of interest to it. Intelligence services have recently seen increasing opportunities and huge advances in telecommunications, which implies the likelihood of more effective ways and options for interception and monitoring the traffic. Every previous police attempt to eavesdrop on telecommunications traffic, before the inception of the ENFOPOL was in most cases hindered or prevented by the legislature, interest groups (especially in industry), public interest organizations, and individuals themselves – the users.

Protection of privacy is of paramount importance to the EU citizens. We can imagine what could happen if the ENFOPOL got out of control, or worse, if it were controlled by large corporations. It sounds funny now, but the ENFOPOL has to rely on the help of corporations, such as the ISP for example, to come up with relevant data. Can the ISP use some of the data for their own needs – it is clear that they can. One can only conclude that with the system such as the ENFOPOL, it is legal to spy on innocent people too.

Areas of cooperation between the European Union and the ENFOPOL in its field of action may be classified in two groups:

- cooperation in the areas of operations under the Schengen Agreement, and
- cooperation in general criminal matters.

The following is particularly covered under the Schengen Agreement:

- police cooperation for the purpose of preventing crime,
- cross-border surveillance,
- cross-border hot pursuit,
- communication and forwarding information in special cases for the purpose of combating crime and preventing offences or in the event of threat to public security or policy,
- exchange of information for effective border checks and surveillance,
- exchange of low ranking liaison officers,
- enhanced police cooperation in cross-border areas via bilateral arrangements and agreements, and
- surveillance of the EU common information system.

   Mutual assistance in criminal matters:

- crime prevention,
- exchange of information on hooliganism at football stadiums and other sport events,
- genocide,
- crimes against humanity and war crimes,
- missing persons,
- police staff training,
- personal security, and
- protection of public persons.

Special manner of cooperation within the ENFOPOL includes fight against terrorism and various extremist and religious zealot organizations.

Future Expectations Regarding The ENFOPOL

If, for example, the United Kingdom, which is part of the ECHELON, accepts the ENFOPOL as its own organization, we may speak of a complete system of surveillance of communications in this country. This is contrary to many laws, but, of course, there is plenty of room to change the laws. The ENFOPOL, according to many experts, has not yet fully demonstrated its strength but that does not mean that

it shall not do so soon. The only thing the EU citizens can hope for is the protection of their own privacy.

Life in Europe is based on a high level of democracy, and it is inconceivable that the establishment and growth of an institution such the ENFOPOL would be allowed without consulting the public. In this sense, there are more and more individuals who are against this form of the invasion of privacy.

However, if we look at the history of organized crime and terrorism, it is clear that it is these organizations that most extensively use the benefits of modern communication systems. In this sense, the existence of institutions such as the ENFOPOL, is justified to some extent. Even though ordinary citizens are being tapped in over 90% of cases, it is necessary to protect their rights to privacy, and the entity that holds that information must keep it highly confidential.

Despite the criticism it has been subject to, the ENFOPOL still has a future because more and more telecommunications systems are available to people and it is necessary to bring order in the whole chaotic environment. On the other hand, the number of EU Member States is increasing and the individual police organizations and intelligence services do not have sufficient capacity to meet the current challenges, risks and threats to security, especially in the field of communications. Joint surveillance of the wealth of information flowing through various electronic systems is required.

Serbia And The ENFOPOL

When the Republic of Serbia became a sovereign state in 2006, it had to regulate its security intelligence system. Instead of that, the Republic of Serbia adopted the Law on the Basic Structure of Security Services in 2007, which essentially regulated only the National Security Council, the security services of the Republic of Serbia were only listed, and the manner of management and coordination of security intelligence, along with the ways of directing and coordinating the work of security intelligence services and mechanisms to control them, was established. Two years later, the Ministry of Defense forwarded the text of the Draft Law on the Military Security Agency and Military Intelligence Agency to a small circle of selected NGOs for discussion.[9] It is positive that the adoption of the Law on Military Security and Intelligence Agencies filled one of the gaps in the security and intelligence system of the Republic of Serbia.

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9   Nacrt zakona o VBA i VOA u funkciji status quo, Internet, 24/06/10, http://institutparalaks.blogspot.com/2009/10/nacrt-yakona-o-vba-i-voa-u-funkciji.htm.

dr Dalibor Kekic

In addition to all these events, in May and June 2010 the Government of the Republic of Serbia proposed the Law on Electronic Communications, which in the opinion of numerous experts in electronic communications and security violated the Constitution of the Republic of Serbia. After a set of laws that were adopted within a year in the National Assembly of the Republic of Serbia, such as the Law on Secrecy of Data, the Law on Defense, the Law on the Army, of the Law on the Military Security Agency, the Law on the Military Intelligence Agency and the Electronic Communications Bill, the current government is, in the opinion of many, on its way not only to fully control the security and intelligence sector in Serbia, but the citizens as well. What upsets the public is that this legislation provides the national security structures with the ability to access the so-called retained data, and abruptness with which the law entered the parliamentary procedure.

In addition, a court decision is not mentioned as the basis, and such data on the communication sometime say at least as much as the very content of a phone call or an e-mail. These are the data that state who, when, how, for how long and where one interacted with someone over the Internet.[10] This is a question of retained data relating to: monitoring and identification of the source of communication; determining the destination of communication; establishing the beginning, duration and completion of communication; determining the type of communication; identification of the user's terminal equipment; and identification of the location of mobile terminal equipment.[11]

The Republic Commissioner for Information, commenting the Law, has said that "this systemic law requires a public discussion and public attention, especially within the professional community, and that some solutions of the said law are unclear, controversial and may result in violation of the Constitution and human rights guaranteed under the law. The European standards and procedures, presented in the decisions of the European Court of Human Rights favor the idea that the retained data are an integral part of communication, and that they are as important as its content. Even the Constitutional Court has deemed the provisions of Article 55 of the applicable Law on Telecommunications unconstitutional because, pursuant to the Article, the ban of activities which violate the privacy of telecommunications may be lifted, not only via a court decision, but even without it if it is envisaged under a law.

In her parliamentary exposé on the draft Law, the Minister of Telecommunications of the Republic of Serbia has stated that the

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10   Ugljesa Mrdic, Prisluskivanje "Veliki brat" u skladu sa zakonom, Internet, 19/06/10, http://www.pecat.co.rs/2010/06/prisluskivanje-veliki-brat-u-skladu-sa-zakonom/.
11   Article 129, the Electronic Communications Bill, Internet 22/06/10, http://www.parlament.gov.rs/content/cir/akta/akta_detalji.asp?Id=1214&t=P#

Republic of Serbia is facing the challenges of opening the market for new operators, the transition from the analogue to the digital broadcasting of television programs, the acceleration of the process of EU accession, the sale of the state share in the company "Telekom Serbia", the harmonization of regulations with the standards of the European Union (harmonization with the EU aquis in line with the ENFOPOL requirements), and that the adoption of the Law will contribute to implementation of the above challenges. The national authorities do not agree on the adoption of this Law one hundred per cent. Representatives of the opposition parties have expressed their opinion that the Government of the Republic of Serbia is in a rush to adopt the Bill in order to "prepare the ground for the privatization of the company "Telekom Serbia".

Government representatives have voiced their regret over the National Assembly's rejection to expedite the adoption of the Law, since that would compromise the process of transition from the analogue to the digital television programs and prevent further implementation of the process of market liberalization and of attracting new investments in the infrastructure development, which implementation would be challenged by the absence of an adequate legal framework and the global economic crisis. The adoption of the Law on Electronic Communications should provide a modern, efficient and unified legal framework that would allow further development of electronic communications, which would directly contribute to increased competitiveness and provide a greater choice of quality services to the Serbian citizens, thus inproving the quality of everyday life. However, it seems that thanks to the Government, the opposite is happening in Serbia.

Therefore, the Security Information Agency shall, upon the adoption of the new Law on Telecommunications, have the right to tap into e-mails of the citizens of the Republic of Serbia without a court order, just upon the order of the Director of the SIA. There have been no significant expert discussions, which is the basis for the adoption of an adequate law. Another paradox is the focus of the enactment of this Law – the control over monitoring and the monitored data shall be in the hands of those who monitor them, that is, the SIA. Even though the Law was under public scrutiny in the months preceding its adoption, the MPs did not have many objections to its adoption.

All this, of course, brings to mind the preparations for the entry of the Republic of Serbia into the ENFOPOL system. In this sense, the manner of the adoption and the provisions of the future Law on Telecommunications bear an uncanny resemblance to the inception of the ENFOPOL. In this aspect, the Republic of Serbia is undisputedly making big steps towards the accession to the EU. It is clear that

it will enter the ENFOPOL system and become an integral part of the network very soon after the accession to the EU. If there were any opposition, it would not mean anything, because for such a conglomerate as the EU, an arrangement such as this one is necessary to control and combat organized crime and terrorism, whereas unauthorized monitoring of the citizens' electronic communication traffic represents a secondary side effect.

Concluding Remarks

In the modern world, power is moving away from those who are "capital rich" to those who are "information rich".[12] So, wealth eventually loses its original meaning. Moving towards this, the state still wishes to remain a reference object in the international security system which is being shaped and to keep power in its possession. The ENFOPOL is a product of that desire, even though there are outcries against this method of controlling the population. The state is able to control a three-dimensional space: territory, population, geographic area, etc. This time the state – a supranational entity of the EU – is trying to control the cyber-space, not allowing other non-state – criminal and terrorist organizations – to control it.

The ENFOPOL was modeled after a similar organization – the USA's ECHELON, and in this sense, it is not a novelty, but due to the number of people and countries that it includes, it presents a challenge in the field of police and intelligence activities. Inception of more and more similar institutions is to be expected in the future, because there are more and more new forms of communication which transcend state borders.

Thus, under the new Law on Telecommunications of the Republic of Serbia the Director of the Security and Information Agency shall be authorized to order tracking and monitoring of certain electronic traffic independently, without the approval of a court. The Republic of Serbia is expected to easily fit into the ENFOPOL system upon its accession to the European Union. Therefore, at least in this sphere the Republic of Serbia is within an inch of entering the Union.

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12   Joseph J. Nye, "Soft Power", Foreign Policy, Fall. 1990, p. 152-4.

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