

INTERNATIONAL ORGANIZATIONS: SERBIA AND CONTEMPORARY WORLD

Duško Dimitrijević
Toni Mileski (Eds.)





International Organizations: Serbia and Contemporary World

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Duško DIMITRIJEVIĆ
Toni MILESKI (Eds.)

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FOREWORD

INTERNATIONAL ORGANIZATIONS - SERBIA AND THE CONTEMPORARY WORLD

The thematic proceedings, *International Organizations – Serbia and the Contemporary World*, which we offer to the public, was prepared with a lot of diligence and refined research zeal, in a methodologically and scientifically acceptable manner, with the aim of shedding light on numerous questions about international organizations as one of the most dynamic social phenomena that marked the 20th and early 21st centuries. The collection contains very concise intellectual debates and reflections based on epistemological procedures and planning predictions of eminent scientists, diplomats, and researchers from Serbia and the world.

Taking into account that the issue of cooperation with international organizations is an important factor in the positioning of states in international relations, the strengthening of this cooperation seems very important today since the modern world is full of challenges and risks that require the institutional linking of states to solve all serious international problems. A re-examination of the legal and political status of the most important international organizations, their structural and functional organization, their competencies, powers, and responsibilities, as well as their *modus operandi*, in this sense, is an important prerequisite for a realistic assessment of the place and role of states in contemporary international relations.

From historical experience, it can be argued that in international relations, the general principle of association has always been valid, not only for individuals but also for states. States connect on the basis of the same motives as individuals – achieving common benefit, eliminating common danger, and regulating mutual relations. Just as there is considerable variety in the associations of individuals, there is undoubted variety in the associations of states. Linking means limiting the power to the extent that

enables the coordination of mutual activities. The laws of integration and the merging of states into one higher political unit are the creation of opportunities, historical necessities, and political needs. Hence, there is no international relationship that cannot be the subject of cooperation and integration into an international organization. After all, this is evidenced by the huge number of international governmental and non-governmental organizations in the world since the beginning of the 21st century. International organizations have become important subjects of international relations and the basic form of their institutionalization. Although international organizations had their spiritual supporters back in the Middle Ages (starting with Pierre Dubois, the Czech King Poděbrady, Emeric Crucé, William Penn, Jacques-Henri Bernardin de Saint-Pierre, Jean-Jacques Rousseau, Jeremy Bentham, Immanuel Kant, and others), the process of evolution of international organizations became visible on the international level only with the holding of large international congresses and peace conferences (such as the congress that took place after the thirty-year religious war in Münster and Osnabrück, which led to the conclusion of the Peace of Westphalia, then the Congress of Vienna from 1814-1815, the Berlin Congress of 1878, and the Hague Peace Conferences of 1899 and 1907). On the other hand, the historical course of connecting states did not depend exclusively on political circumstances but also on the specifics of the development of international economic relations, which, due to the intertwining of interstate and private interests, indirectly or directly influenced the complexity of international forms of cooperation and the emergence of specialized organizations with limited and practical goals (such as river commissions on the Rhine, Danube, Elbe, etc.), or on the creation of the so-called *administrative unions* that functionally united and placed under the control of a central international body various areas of interstate cooperation (for example, provision of telegraphic and postal services, standardization of measures and weights, protection of industrial property and copyright, health, agriculture, etc.). International organizations that had the features of modern international organizations (e.g., the League of Nations as a true universal international organization or the International Labor Organization) were created after the First World War. Modern international organizations, on the other hand, were formed only after the end of the Second World War, with the establishment of the universal organization of the United Nations. This organization encouraged the establishment of new international organizations and the revival and strengthening of existing ones. Many such organizations today are connected to the so-called *United Nations system*.

From the above, it follows that the objective process of development of international relations after the Second World War is moving towards global social integration, which does not prevent the existence of wider or narrower forms of cooperation and connection of states at the intercontinental, regional, and sub-regional level. This association moves through various forms of institutional cooperation with the aim of solving common problems and achieving common interests. Considering the great diversity of international organizations, as well as the diversity of their activities in the modern period of the development of international relations (from politics, science, and culture, to the economy, trade, and transport, as well as other important social areas), one could also speak of “the century of the international organization”. Their importance goes beyond the narrow framework that associations and communities of states had in the past. The expansion of international organizations shows most visibly the tendency for the continuous development of institutionalized international cooperation. Given that they are created on the basis of international treaties, international organizations are regulated by a relatively young branch of international public law – the law of international organizations. This branch of international law regulates the internal organizational and legal structure of international organizations, their legal capacity in international relations, their legal relations with states and other international organizations, as well as with other subjects of international law (jurisdiction, ability to conclude contracts, right of delegation, privileges and immunities, international responsibility, financing, etc.), acquisition and loss of membership, the process of decision-making and executing decisions, and changes in the structure and disappearance of international organizations (succession).

Starting from the fact that the rules on the basis of which a single concept of international organizations would be built do not exist, a comparative overview of the main characteristics of some of the existing international organizations is briefly presented in the introductory part of the thematic compendium that deals with general issues. In this part, the problem of the legal subjectivity of international organizations, their role in the creation of international law, up to the application of diplomatic law to the officials of international organizations, through specific questions related to the place and role of non-governmental organizations in contemporary international relations and international law, has been studiously investigated.

In order to make the most authoritative conclusions regarding some of the most current issues of international organizations that could contribute to the optimal positioning of states in contemporary international relations

(first of all, I mean Serbia), the thematic collection of papers is methodologically systematized in such a way as to include the most diverse analyses of global and regional international organizations and bodies.

Given that global international organizations serve in the realization of common human interests and values, such as the preservation of international peace and security and the promotion of international cooperation between states (primarily through the system of the universal organization of the United Nations and its specialized agencies, and related international organizations and contracting bodies), a special chapter of the proceedings is dedicated to the place and role of these organizations in the current international order. In this regard, care was taken not only about the volume of the material but also about the practical needs of the readers, which is why the editors of the collection carried out a certain rationalization of several important thematic areas to provide easier access to the most important information about global international organizations, their position and role, as well as the need for their further reform and transformation in view of the dynamics of the development of international relations. At the same time, it was taken into account that in the existing constellation of international relations, international law is conditioned by a complex system of interactions between various subjects and actors of international relations; i.e., in contemporary international relations, in addition to classical (*inter-states or intergovernmental*) organizations, various organizations and associations of civil society play an increasingly important role, whose founders and members are not states (which is why they are often called *international non-governmental organizations*). Therefore, certain works dedicated to non-governmental organizations and bodies (primarily those that exercise specific public powers in the pursuit of broader humanitarian goals, such as the International Committee of the Red Cross) found a well-deserved place in this part of the proceedings.

In the continuation of the thematic collection, issues related to the status and functioning of important regional international organizations and their place in the system of contemporary international relations are also discussed. Thus, *inter alia*, regional organizations such as the European Union, the Council of Europe, the Eurasian Economic Union, the Association of Southeast Asian Nations, the Asia-Pacific Economic Cooperation, the African Union, the League of Arab States, the Organization of Islamic Cooperation, the Organization of American States, etc. For didactic reasons, regional international organizations are analyzed within special chapters under the names: *European, Eurasian, Afro-Asian, and American international*

organizations. In the aforementioned chapters, a synthesis of the thematically close theoretical studies of the authors covering various issues and problems of regional integration, as well as the creation and application of international law, was made. Individual analyses of Serbia's status in certain international organizations, as well as analytical studies on the process of European integration, i.e., assessments of its further improvement in the Western Balkans, give special weight to this part of the proceedings.

In the last part of the thematic proceedings, the very current issues of the positioning of international organizations in contemporary international relations are dealt with. This is done through an evolutionary approach in research and with reference to political, legal, economic, and security points of view about changes in the existing institutional system of international relations. The change in the security paradigm in the modern world has led to the need for the emergence of new organizational forms of strategic partnerships in the world. In this regard, this part of the proceedings analyzes the security architecture in Europe through a synthesis of discussions on the role and place of the EU, NATO, and the OSCE. At the same time, through individual analyses, projections of Serbia's positioning towards these international organizations (as well as some others, including international police organizations) are presented. In this context, the questions of the emergence and recognition of new states in the United Nations system, the role of small states with regard to the problem of NATO expansion, and the foreign policy and legal position of Serbia in the UN regarding the problem of regulating the status of Kosovo and Metohija and the continued presence of NATO in this area are analyzed. Very important studies in this part of the collection are also devoted to the issues of the emergence of multipolarity in the modern world, which is projected through the relations of great powers and international organizations (e.g., through the relationship between NATO and China), but also through the strengthening of the position of some regional security pacts (such as the AUKS), and transnational forms of international security and economic organization (such as the CSTO and the BRICS).

Taking into account all of the above, it should be pointed out that international organizations in contemporary circumstances, along with states, represent the most important subjects in the creation of a new international order whose goals are generally related to the democratization of contemporary international relations and the globalization of the world economy. Their continuous expansion indicates their increased importance for the further development of international relations. Today, international

organizations represent irreplaceable forums for the exchange of different views and experiences of importance for the preservation of international peace and security, more balanced social development, political cooperation, and overall economic progress.

In conclusion, I would like to thank all the authors of this thematic proceedings for the diligence they invested in writing articles and analyses dedicated to the topic: *International Organizations – Serbia and the Contemporary World*. Also, I would like to express my sincere gratitude to my colleague and Co-Editor of this collection, *Toni Mileški*, a Full Professor at the Faculty of Philosophy of the University of St. Cyril and Methodius in Skopje, as well as to the Faculty itself, which is the co-publisher of this edition with the IIPE. I thank, with deep respect, the esteemed members of the international Editorial Board. Finally, I would like to express my heartfelt gratitude to Professor *Branislav Đorđević*, Director of the IIPE, for his trust in me during the preparation of this internationally important scientific publication.

Duško Dimitrijević
Editor in Chief

EUROASIAN ORGANIZATIONS

EURASIAN INTERNATIONAL ORGANISATIONS: STATUS AND CURRENT ACTIVITIES

Alexander VYLEGZHANIN, Alena SOLOVEVA*

Abstract: Among Eurasian international organizations, the Eurasian Economic Union and the Commonwealth of Independent States are usually analyzed in the legal teachings published in English. This paper assesses the contemporary role of these and other Eurasian international organizations. In discussing the relevant legal framework, the authors show that these regional organizations tend to share common traits and, at the same time, possess distinctive features. Eurasian economic integration has become a complex and competitive process. This resulted in a spate of new regional organizations and regional legal systems, including the law of the EAEU. In the context of new world challenges, including the *coups d'état* orchestrated by the US, Eurasian international organizations focus on the national economic and defense interests of the states in the region, though not always successfully.

Keywords: Eurasian international organizations, legal status, EAEU, CIS, EDB, EFSU, CSTO, SCO, EAPO.

INTRODUCTION

As noted, in the coming decades “we will not witness the emergence of anything resembling a world government” and at the same time “we will see major changes in the constitutive features of international society treated as a society of states,” which means that a realistic goal “is to develop a well-stocked toolkit that includes a range of mechanisms for addressing needs for governance” (Young, 2021, p. 7). Such “a range of mechanisms” certainly includes intergovernmental organizations, with Eurasian international organizations being among them.

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While the terms “Europe” and “European” are commonplace in law dictionaries and legal literature, that is not the case with the terms “Eurasia” and “Eurasian.” Hence, it seems justifiable to put the reader in a geographical context first. The geographical entity of “Eurasia” is essentially a combination of Europe and Asia. It usually serves as a tool to denote the territories of states in Europe and Asia, with many of such states being overloaded with cultural, historical, political, and ideological peculiarities rather than similarities. The usage of “Eurasia” as a concept of a single space (a single mainland) remains on “the perceptual margins,” while the term itself appears “exotic and vague” (Bassin, 2017, p. 210). For the purposes of this paper, the notion of “Eurasia” is used to draw political and geographical contours for interstate cooperation from Lisbon to Vladivostok and Shanghai, including former Soviet Union states and the so-called Eurasian pole. The Eurasian intergovernmental organizations created in this vast space can be grouped based on different criteria (without, however, drawing a critical taxonomic distinction). The first group of international and Asian organizations consists of organizations in which Russia is at the center of attention (CIS, EAEU, and CSTO). The activities of these organizations are directed first and foremost at cooperation in economic, social, military, and political areas. For example, China and Russia are actively developing military cooperation within the CSTO or economic relationships within the EAEU. The second group of Eurasian organizations are organizations in which Russia shares leadership with other countries, for example, the SCO. Other organizations, albeit not covered in this paper, are: the Organization of the Black Sea Economic Cooperation (OBSEC), the Summit of the Caspian States; the summits – the Council for interaction and measures of trust in Asia (SVMMA), the BRICS and RIK (Russia-India-China), and RMC (Russia-Mongolia-China). The third group of international regional organizations (without the participation of Russia) consists of organizations oriented towards Euro-Atlantic integration, dominated by EU member states and the US. These include the Commonwealth of a Democratic Choice (CDC) and the Organization for Democracy and Economic Development (GUAM). The fourth group are organizations with a prevailing Turkic and Persian-speaking population, such as the Economic Cooperation Organization (ECO), the Council of Cooperation of the Turkic States (SSTG), and the Union of the Persian Language States (UPS). Three Persian-speaking states (Iran, Tajikistan, and Afghanistan) cooperate within the UPS, and Kyrgyzstan, Azerbaijan, Kazakhstan, and Turkey are part of the Turkic Council. Trawling through the particulars of each organization, however, would require a substantial volume. The authors of this article, therefore, focused on the following seven entities: the Commonwealth of Independent States (CIS), the Eurasian Economic Union (EAEU), the Collective

Security Treaty Organization (CSTO), the Shanghai Cooperation Organization (SCO), the Eurasian Development Bank (EDB), the Eurasian Fund for Stabilization and Development (EFSD), and the Eurasian Patent Organization (EAPO). The interests of Eurasian states in such organizations are prevailing as well as the roles of such states. What these international organizations have all in common is that a) they are not universal; b) they reflect a will of their own (*volonté distincte*) – “mixed” political regimes of states of Eurasia; c) their “dates of birth” are after 1991 – all were launched after the collapse of the USSR. This article is organized into four parts. After this introduction, Part 2 explores the panorama of theoretical and organizational issues at the heart of constructing regional integration in Eurasia. It is considered, in particular, whether the constitutional documents of the Eurasian intergovernmental organizations are “regional arrangements” under Article 52 of the UN Charter. The central Part 3 focuses on the labyrinth of specific legal features of Eurasian integration, concentrating on the current status and activities of the selected Eurasian intergovernmental organizations listed above, reviewing their current state, agenda, real and perceived mandate, and respective achievements and constraints. And, finally, in Part 4, concluding reflections are suggested.

LEGAL FEATURES OF THE EURASIAN INTERGOVERNMENTAL ORGANISATIONS

The Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations of 1986 notes that “international organizations possess the capacity to conclude treaties, which is necessary for the exercise of their functions and the fulfillment of their purposes.” Also, the 1986 Convention applies only to intergovernmental organizations (Article 2). Eurasian intergovernmental organizations are not universal organizations. The difference between regional and universal intergovernmental organizations is usually noted in legal teachings because the membership and jurisdiction of the former “are limited to a particular group of States, such as those situated in a particular region” (Orakhelashvili, 2019, p. 114). Whether mainland Eurasia is legally a “region” is not an easy question. The Commentary to Chapter VIII of the UN Charter (*Regional Arrangements*) stipulates that the Charter “refrains from defining what is to be understood by the term regional” (The Charter of the United Nations, 2012, p. 1446). According to the authors arguing in favor of the geographical determination of the term “regional organization,” the common usage of the term “implies a geographic proximity of the Member States” (*Ibid.*, p. 1447). However, the prevailing view “today seems to be a pragmatic one, in the sense that some geographical

element is required. The precise extent, however, is left to a case-by-case assessment” (*Ibid.*, p. 1448). It is also important to note that the constituent instruments of Eurasian intergovernmental organizations are in full accordance with general international law. In the event of a conflict between the rules of the constituent instruments of Eurasian intergovernmental organizations and the provisions of the Charter, the obligations of member states of such regional organizations under the UN Charter shall prevail (Article 103 of the UN Charter). The international treaties concluded between member states of Eurasian intergovernmental organizations and the agreements of such organizations are opposable to their parties only. It is also not obvious what is meant by “Eurasian regional integration.” Generally, some authors focus on this notion by arguing that the term “regional integration” denotes a process of “complex social transformations characterized by the intensification of relations between independent sovereign states” (De Lombaerde, 2006, p. 9).

Incidentally, the phenomenon of regional integration crystallized after World War II and revolved mostly around trade and economics. Since the 1980s, however, next to economic cooperation, regional integration has evolved to bring under its roof dimensions of politics, diplomacy, security, culture, etc. The number of regional organizations is gradually ballooning. These organizations vary in functions, institutional set-up, size of membership, and impact. While the integration legal schemes are different, they also have enough common traits to be comparable (Vylegzhanin & Magomedova, 2021). Basically, they endeavor to create a favorable economic environment among member states (free trade, free movement of goods and services, investment and customs preferences, etc.) or to cooperate on security issues. Today, Eurasian regional intergovernmental organizations are a dynamic reality. To get the ball rolling, member states adopt more and more legal acts, which in turn trigger the activities of such organizations, including the perfection of international economic and legal standards. Moreover, such regional legal standards might penetrate the national legislative systems, thereby substantially modifying the national laws. Legal integration in Eurasia is characterized by a dual legal pattern: the adoption of acts by regional organizations at the international level; and the incorporation of these norms into the domestic legal system at the national level. The relevant interstate cooperation is aimed at legal fixing of integration processes in various spheres of their interaction “by means of reception, harmonization, unification, and standardization or the creation of uniform legal space” (Kurbanov, 2016, p. 103). The goals of Eurasian intergovernmental organizations are achieved through the compliance with specific obligations assumed by their member states (Anufrieva, 2016, p. 50). The participants of this international legal regime essentially agree to employ

special methods for the performance of their international obligations with the view to embracing a unified and harmonized system of national laws of the participating states – sensitive to its sovereignty implications. New relations stimulate the articulation of a regulatory framework for solving new challenges. Today, there is a trend towards the formation of regional legal systems, especially in Western Europe; a similar process is taking place in Eurasia. European Union (EU) law is often described in legal teachings as an illustration of a consolidated branch of legislation, where EU law enjoys supremacy over the laws of its member states. The institutional design of the EAEU resembles that of the EU to some extent, but the constitutive documents of the Eurasian intergovernmental organizations do not contain provisions to build supra-national institutions; on the contrary, they are “intergovernmental” coordinators of sovereign wills (Pimenova, 2019, p. 83).

The collapse of the USSR in 1991 was a shocking political event with far-reaching consequences for the economy in the post-Soviet territories, leading also to the formation of 15 independent states instead of the 15 former republics of the USSR. Many new sovereign states required new mechanisms of interaction for various spheres of public life that would address the geopolitical realities of that historical stage. The new national political elites in the former Soviet republics came up with initiatives to establish regional organizations. The unified political, social, and economic mechanisms that once operated in the USSR put enormous pressure on the formation of such ties. Overwhelmed with new economic problems and other demands, the newly formed states had to determine their place in the world community. On December 8, 1991, the former Soviet republics signed the Agreement of the Commonwealth of Independent States (CIS), which paved the way for further integration processes in Eurasia while preserving the economic ties between the newly formed states.

STATUS AND CURRENT ACTIVITIES OF THE CIS AND OTHER EURASIAN INTERNATIONAL ORGANISATIONS

Integration processes within the territory of the former Soviet Union were spurred by a series of special factors that encouraged the countries to partner up in the search for solutions to their geopolitical problems. After the dissolution of the USSR in 1991, a number of new organizations mushroomed in Eurasia. Those organizations primarily have multi-vector functioning. Moreover, a member of one regional organization might participate in another regional organization with similar functions. Eurasian integration has been a

complex and sometimes contradictory process. Nonetheless, a number of regional organizations have been established and remain operational to date, including the CIS, the SCO, the EAEU, and the CSTO. Despite the natural centrifugal drift after the collapse of the Soviet Union, they continued to manifest various forms of cooperation. Furthermore, despite their initial proclamations, certainly not all the ambitious goals of these organizations were achieved. Nonetheless, public demand for restoring or creating a new integrated entity has remained strong in many post-Soviet republics. Despite criticism levied in legal teachings against the effectiveness of the existing Eurasian structures, these days they serve as important political institutions. In the early 1990s, public attention was drawn predominantly to the CIS. Today, legal scholars research the status and activities of such Eurasian intergovernmental organizations as the EAEU, the SCO, and the CSTO. Less attention is devoted to the legal dimension of other Eurasian organizations, which will be addressed further.

The Commonwealth of Independent States (CIS)

The CIS was born out of the USSR's President Gorbachev's initial attempts to somehow regenerate the Soviet Union. At the point of the formation of the CIS, its founding documents did acknowledge the need for cooperation and policy coordination in several spheres. The initial three founding members of the CIS (Belarus, Russia, and Ukraine) signed a document on December 8, 1991, outlining a comprehensive program of economic cooperation. Article 7 of the *Agreement on the Creation of the Commonwealth of Independent States* referred to joint activities in the spheres of foreign policy, the creation of a "common economic space," transport and communications systems, environmental protection, migration policy, and the suppression of organized crime (Vylegzhanin et. al., 2022). These provisions were subsequently accepted by the CIS's other founding members. After Georgia joined the CIS in 1993, all 11 states that were former Soviet republics – excluding the three Baltic former Soviet republics – are now members of the CIS. The CIS constitutional documents provide for the respect of the sovereignty of participating states. In this regard, the *coup d'état* in Kiev in 2014 (after which Ukraine ceased to be a sovereign state and is often regarded as "governed from Washington") is qualified in Russian legal literature as a *rebus sic stantibus* fact (Narishkin, 2015, pp. 5-10; Voronin, Kulebyakin, Nikolaev, 2015, pp.18-19). As noted, Western scholars "typically relied on Western news reports and statements by Western states and organizations to develop their understanding of the facts". Whereas Russian scholars, for instance, "detailed the deep connections between ethnic

Russians in Ukraine and Russia based on their history, language, and culture". Scholars from Russia assert that the "US and the EU mass media" ignore these facts, but eventually "this fraud will be revealed" [Roberts, 2017, p. 236]. In the 1990s, the mere existence of the CIS helped almost all post-Soviet states to build relations with Russia and promote bilateral relations among themselves in their status as independent international actors. However, the CIS was hardly a very influential international organization. The evolution of a conflict-free interstate entity in the 1990s was largely due to the CIS conveniently inheriting and effectively conserving the elements of the past cohabitation, including shared linguistic culture and value orientations, educational and professional spirit, common statehood, and the positive memories of the USSR population about the common struggle against Nazi Germany in 1941-1945, etc. Strange as it may seem, it was not Russian President Eltsin who took the lead in the process of the development of the CIS. It was Kazakhstan's President Nazarbayev who stood out for his especially positive activism in this respect. A range of factors pointed to the objective necessity for regional cooperation, ranging from aspects of mutual transport and resource interdependence to the limited economic viability of a majority of the former republics (Sakwa and Webber, 1999, p. 386). These factors, however, translated over time to the problems of uncoordinated fiscal, customs, and investment policies. Even President Nazarbaev eventually acknowledged that economic integration was impossible among economies experiencing different rates of growth and reform. The CIS's main contemporary problem is that its space has become loose and non-homogenous, and consequently it is losing its original values. The rectification of this space within its new value-related boundaries, without ignoring the common past and introducing positive development elements into the new fields of cooperation, might be the principal vector of the current CIS activity.

The Eurasian Economic Union (EAEU)

The EAEU is arguably the latest legal attempt to reintegrate the post-USSR republics, at least some of them. What became clear in analyzing the history of economic integration after the collapse of the USSR is that the EAEU inherited the legacy of previous positive waves of reintegration, both in terms of the legal consciousness of the peoples of the former USSR and relevant institutional frameworks. Back in 1995, the idea of a regional Customs Union (intended to "shield" Eurasian markets against foreign economic expansion) was expressed within the CIS platforms. The EAEU project was founded by Russia, Belarus, and Kazakhstan. Taking into account that some Asian states were working to transfer their production to Kazakhstan and Belarus, Russia insisted on

integration into its Single Economic Space in order to establish a Union. Since then, more sophisticated economic integration, this time within the framework of the Eurasian Economic Community, has been pursued, albeit in the form of the Eurasian Customs Union and the Single Economic Space (SES). Thereafter, Russia came up with its own integration initiative, which evolved into a proposal to set up the Eurasian Economic Union in 2011. It is now almost axiomatic that the EAEU has incorporated these previous efforts both legally and institutionally. The concept of the “Law of the EAEU,” as described in the Treaty on the EAEU, employs a normative approach by using an obvious dichotomy (Anufrieva, 2016, p. 55). Article 6 operates with such types of international legal acts as international treaties and acts of the EAEU bodies (decisions and orders of the Supreme Eurasian Economic Council, the Eurasian Intergovernmental Council, and the Eurasian Economic Commission). International treaties concluded within the EAEU are the main relevant sources of the law of the EAEU. What is also important is that national governments of the EAEU states are not passive participants in the relevant meetings; they play a major role in the EAEU decision-making, while the EAEU institutions are to provide an intellectual capital for informed decision-making and competent national governments’ interaction (Strezhneva, 2016, p. 6). The signing of the *Agreement on the Common Customs Tariff* (CU) was an important event, as was the pace of establishing relevant integrated mechanisms. From January to December 17, 2010, basic international agreements were elaborated. By November 2011, the *Declaration on Eurasian Economic Integration* was signed and the decision to set up a Eurasian Economic Commission institutionally formalized the establishment of the organization. In December 2011, the presidents of Belarus, Kazakhstan, and Russia issued a “*Decision on enacting international treaties establishing the SES*” dated January 1, 2012. This, in turn, smoothed the path for the *Treaty on the Eurasian Economic Union*, which was signed on May 29, 2014, and entered into force on January 1, 2015. One of the rationales offered to justify the creation of the EAEU was described as “Moscow was seeking to create an integration instrument that was superior to all previous competing projects” (Turarbekova, 2020, p. 9).

European integration was taken as a model, but by that time, the European Union had already struggled with its own challenges. Moreover, the EU adopted a new “Eastern partnership” initiative as part of its ambitious European Neighborhood Policy. There may be some ground for frustration: this initiative attracted countries that were also involved in the EAEU, such as Belarus and Armenia. Having suffered a setback (though not an irrevocable one), Moscow decided to accelerate the EAEU project. In the meantime, Eurasian institutions had clear weaknesses and represented decidedly unstable structures. One of

the often-cited reasons for this was the fact that neither the states nor their societies had enough time to recognize and formulate their interests and strategies in the project. Incidentally, Minsk and Astana insisted that the nature of the Union remain purely economic. Hence, the EAEU agenda is exclusively economic. At the same time, the EAEU and its adjacent institutions do not have an agenda dealing with security risks. But even if one puts aside any debate over the security concerns, the lack of an environmental agenda in the EAEU has been also occasionally subject to criticism (Vinokurov and Libman, 2017, p. 10). According to a Chinese proverb, life in times of change is a curse. The institutionalization of the EAEU as a single economic entity took place in extremely difficult and contradictory conditions. By setting up quasi-supranational bodies like the Eurasian Commission and the Eurasian Court (which, according to the relevant constitutional documents, do not have supranational powers), the project is effectively being challenged. One illuminating example concerns Belarus's attempt in 2020 to improve their functionality by amending the Treaty. The attempt was blocked by its Kazakh partners for "practical" reasons. In an attempt to portray the EAEU as a limited and declarative entity, foreign science and professions deliberately focus on "multiple internal and external crises, which will prevent this organization from achieving its main goal — the development of the economies of its member states" (Poita, 2020, p. 21). However, by 2015, the EAEU had evolved into a regional powerhouse with substantial competencies. Of particular significance are its customs union and common customs tariff. However, a common labor market is, by all means, the pinnacle of its efforts to harmonize and strengthen the legal regime which helps labor migrants enjoy national treatment. True to its core values, the EAEU's current agenda includes the common financial market, common transport policies, unification/removal of non-tariff barriers, creation of free trade areas, etc.

The Eurasian Development Bank (EDB) and the Eurasian Fund for Stabilization and Development (EFSD)

Apart from the EAEU itself, there are two institutions which are basically part of the EAEU's "ecosystem". The first institution is the EDB, with six member states and a paid-up capital of \$1.5 billion and an investment portfolio of \$4.3 billion as of 2019. The EDB's strategy for 2022-2026 envisages investing at least \$500 million in projects in Armenia, Kyrgyzstan, and Tajikistan, on top of the money that the ESDF could provide. Another institution is the ESDF, with a capital of 8.5 billion dollars and the same six member states. The ESDF has grown to be a key source of sovereign financing and a significant source of

development financing in the region. The projects range from a highway in Armenia to a hydropower station in Kyrgyzstan. Essentially, the EFSD was designed to provide budget and crisis-fighting support to its member states. In some respects, the functions of this regional organization might be considered similar to those of the International Monetary Fund, i.e., a universal international organization and a UN specialized agency. Evaluated in this light, the EAEU institutions make a visible contribution to the economic cooperation between the post-Soviet states, which has a direct consequence of enhanced predictability and stability. This is found by a preponderance of the data evidence. For instance, in 2015, mutual trade imports amounted to 18% of the total EAEU imports versus 15.6% in 2014. Echoing these developments, the EAEU's mutual foreign direct investment (FDI) demonstrated remarkable resilience to the economic crisis. To illustrate, in 2012, total mutual FDI in the CIS countries reached \$57.2 billion. Thereafter, FDI fell by 26%, or \$15 billion in the CIS countries, and only 14%, or \$4 billion in the five EAEU countries over the same period (Vinokurov and Libman, 2017, p. 9). Some mention should be made of smaller nations participating in this project, such as Armenia and Kyrgyzstan. A crucial benefit for these labor-exporting states is, by all means, the highly sought-after access to the common labor market with unrestricted migration traffic. While the migration regime in Eurasia remains relatively open, with Russia and Kazakhstan attracting migrants from other Central Asian states, Moldova, and Armenia, the legal status of migrants outside the EAEU is much more restricted. It is even more troubling when migration flows are at risk because of political frictions between countries. The inescapable conclusion is that the EAEU common market is particularly helpful to the Union's smaller economies. The magic of the EAEU common market lies in the ability to assist its constituents at the bilateral level, which is exhibited by reference, for instance, to the establishment of a \$1 billion Kyrgyz-Russian Development Fund as part of the Kyrgyz accession package. By the same token, the Armenian accession package provided for a reduction in Russian export duties on natural gas and rough diamonds. Together with EFSD budget support loans in the amount of \$3 billion, Belarus benefits from consistent bilateral loans and favorable oil and gas prices (Vinokurov and Libman, 2017, p. 10).

The Collective Security Treaty Organization (CSTO)

The CSTO is firmly rooted in the 1992 *Collective Security Treaty*, signed by Russia, Armenia, Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan, though the past is not always a guide to the future. Over the years, membership has shifted significantly. In 2002, the members agreed to institutionalize the CSTO

as a military alliance. Since 2012, the organization has comprised Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia, and Tajikistan. There has been a growing awareness that the military alliance's membership fully coincides with the membership of financial institutions EDB and EFSD. This is actually propitious for a "leaner and meaner" organization with clearer and more efficient modes of operation (Hough, 2015, p. 326). Articles 3 and 7 of the CSTO Charter provide that the CSTO's main purpose is to ensure the collective security of its member states in the event of a threat to their security, stability, territorial integrity, and sovereignty. To achieve this, the CSTO has temporary and permanent command and control bodies, as well as military forces and means to eliminate any imminent military threat. To ensure a timely response to threats, the CSTO has developed an action mechanism in line with Article 2 of the *Collective Security Treaty* whereby member states are expected to immediately launch the mechanism of joint consultations to coordinate their positions and develop and take measures to provide assistance, including military assistance. The CSTO's additional and auxiliary tasks include arms trade at domestic prices, training personnel for the armed forces, special services, and law enforcement agencies. The CSTO has received little critical coverage in the academic literature, which renders any further research more difficult. When considering the current activities of the CSTO, the residual sense of unease comes from the gap between the mandate and the actual capacity of the organization. A traditional issue that has never been resolved entirely relates to the limited actual use of the CSTO in cases of conflict. By far the most intensive discussion on the CSTO's actual capacity has taken place in the context of Nagorno-Karabakh events, where the CSTO consultation mechanism and other means have not been put into action. The reason is that, according to the position of Azerbaijan, it is the principle of "territorial integrity" that applies according to Article 2 of the UN Charter. Thus, Nagorno-Karabakh has always been part of Azerbaijan. According to the position of Armenia, it is the principle of self-determination of peoples which is applicable under Article 1 of the UN Charter. Thus, Nagorno-Karabakh has become part of Armenia. This does not mean that the CSTO is not an effective Eurasian international organization. The 2021 attempts at a *coup d'état* in Kazakhstan were effectively addressed by the CSTO. The CSTO is sometimes compared to NATO. While this comparison is understandable, it does not do justice. The legal reputation of NATO has deteriorated with a number of military interventions in a state against the will of a territorial sovereign. The military intervention of the US in Iraq (supported by other NATO members) brought the deaths of more than 600,000 Iraqis (Yee and Morin, 2009; Torkunov and Malgin, 2012), and NATO bombardments of civilian objects in Belgrade are recognized tragedies. Such military

interventions were never a part of the CSTO's history. Another focal point of difference between the two is fairly obvious: the CSTO has nothing comparable to NATO's Article 5, which prescribes collective defense obligations. On the contrary, Article 3 of the CSTO Charter states: "The goals of the Organization shall be the strengthening of peace, international and regional security and stability, and the protection of collective independence, territorial integrity, and sovereignty of the Member States, which the Member States shall prefer political means to achieve". This somewhat generally worded provision is significant because it equates military protection with the possibility of military cooperation between the member states. Currently, the CSTO holds yearly military exercises between all the member states. Member nations can purchase Russian military arms at favorable prices, which encourages cooperation. In turn, Russia trains some 2,500 military personnel from the CSTO member states free of charge in its military academies (Bystrenko, 2015, p. 12). One final point worth considering is that the organization addresses issues such as environmental security, drug trafficking, human trafficking, and organized crime (Vylegzhanin et al., 2022). The year 2016 saw the arrival of the CSTO Crisis Response Center, which is entrusted with research and technical tasks, including real-time information exchange and anti-terrorism measures.

The Shanghai Cooperation Organization (SCO)

The origins of the SCO can be traced back to 1996, when the Shanghai Five (the informal grouping of China, Kazakhstan, Kyrgyzstan, Russia, and Tajikistan) was established. In 2001, it was transformed into the SCO. China has been actively involved in Eurasia's development since the early 2000s. What made SCO distinctive as a regional organization is that it was essentially China's first integration initiative in Eurasia. There is an irony in the way in which the SCO has developed with no ideological framework and no distinct integration objective. Initially, China showed its intention to ensure more security through the new integration. The original informal grouping had a singular security focus: its aim was to resolve border disputes between post-Soviet countries and China. These disputes were inherited from unresolved border issues that in the 1960s led to military incidents at the Soviet-Chinese and Mongolian-Chinese borders. However, plans to maintain the Russian-Chinese order in Central Asia were challenged following the events of September 11, 2001, which led to the establishment of US military bases in Central Asia. The SCO's growth as a security organization was halted for five years. From 2001–2008, Beijing reconsidered its priorities and aspirations with regard to the SCO framework. China became more focused on economic cooperation, whereas Russia

continued to push for cooperation in security. Shaken but not stirred, the relationship between China and Russia developed. Institutionally, the member states put sweat and tears into the adoption of the founding documents. The Charter of the SCO was adopted in 2002. However, even when finally adopted, it was still missing a number of important provisions (Turarbekova, 2020, pp. 8-9). According to the SCO Charter of 7 June 2002, one of the most important goals pursued by the organization is to strengthen mutual trust, friendship, and good neighbor relations, and to promote effective cooperation in the political, economic, scientific, technical, cultural, educational, energy, transport, and environmental spheres. Taken as a whole, the SCO strictly complies with the purposes and principles of the UN Charter; stands for the equal rights of SCO members, and resolves all issues through negotiation. It is indeed committed to the principles of mutual trust, mutual benefit, coordination, respect for the diversity of civilizations, and common development. The SCO's core tasks are associated with "hard security." However, unlike the CSTO, which focuses on very traditional security domains, SCO covers a broader set of security issues, including trafficking. It is beyond doubt that, in the security domain, the SCO's cooperation is real and tangible. Since 2003, numerous military exercises have been conducted in the SCO states. Some exercises have a clear anti-terror focus with simulations of terrorist attacks (e.g., the Volgograd exercise in 2008 against an oil tanker; or the Vostok exercise in 2006 against Uzbekistan's Institute of Nuclear Physics). In 2011, Russian President Vladimir Putin wrote an article titled "The New Integration Project for Eurasia — the Future Which Is Born Today" in which he declared a further move towards the development of Eurasian integration. This appears doubly critical in light of the current political, legal, and economic challenges and the emergence of new threats. Experts argue that some Eurasian intergovernmental organizations largely play "a window-dressing role, sometimes even pursuing the interests of some members to the detriment of others" (Poita, 2020, p. 18). Besides security cooperation, the SCO has increasingly devoted its attention to economic and social issues. According to its Charter, the organization wants to "promote balanced economic growth, social and cultural development for the purpose of raising living standards and conditions." In 2005, the SCO adopted an action plan on multilateral trade and cooperation and agreed to realize the free flow of goods, services, capital, and technology within 20 years. According to the *Joint Communiqué* from 2009, the SCO member states agreed to intensify economic cooperation in order to overcome the consequences of the global economic crisis and ensure further development. Trade and economic relations between the six SCO member states have a long history and span through various projects, including communications and telecommunications, the

construction of a terminal complex for the export of liquefied petroleum gas (LPG) and general cargo in Azov, the Technopark “Konstantinovo”, the SCO industrial and logistics infrastructure, investment projects in Uzbekistan, and the University of the SCO. In the first decade after its inception, the SCO has shown significant achievements in politics, security, economic and humanitarian issues. As if to prove the point, Russia professes its faith in the SCO and its potential. According to the National Security Doctrine of 2009, it will be “especially important to strengthen the political potential of the SCO and to stimulate its practical steps (...), to boost mutual confidence and partnership in the Central Asian region”. At the SCO summit in June 2012, President Vladimir Putin stated that the organization had achieved sound success and had become a visible player in international politics (President of Russia, 2012, June 7). Incidentally, in 2015, India and Pakistan joined the SCO (after several years of being observers). The current four observer states include Afghanistan, Belarus, Iran, and Mongolia. There are also six “Dialogue Partners”, including Armenia, Azerbaijan, Cambodia, Nepal, Sri Lanka, and Turkey. Iran has repeatedly expressed its willingness to become a full-fledged member of the SCO, and finally, in 2021, the decision was made to start the accession process of Iran to the SCO as a full member. Most recently, Egypt, Qatar, and Saudi Arabia have become dialogue partners.

The Eurasian Patent Organization (EAPO)

After the breakup of the Soviet Union, there was and still is an active exchange of goods among the states. However, individual Intellectual Property (IP) regulations were a major obstacle on the way towards smooth cooperation between the Eurasian countries. When the situation reached its pitiful nadir, the countries decided to develop an instrument of specific regional cooperation. Following a series of international meetings (and even with the involvement of the World Intellectual Property Organization), the desired association was finally found. The *EAPO's constitutional document* was signed in 1994. The accompanying *Eurasian Patent Convention* was signed by Azerbaijan, Armenia, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, the Russian Federation, Tajikistan, and Ukraine. The Convention came into force on August 12, 1995. Incidentally, not all countries ratified the Convention. Since its inception, the organization has been shaping the global IP regional landscape. Throughout the past 25 years, some 22,700 Eurasian patents have been granted at the EAPO. A Eurasian patent, unlike its European counterpart, is a unitary patent and does not require translation into national languages; the relevant application is filed and examined in the Russian language. The

countries which are parties to the Eurasian Patent Convention have similar Intellectual Property legislation, which, however, is not identical legally and institutionally. For instance, Russia has an IP court, while other Eurasian countries do not have such specialized courts and some of them do not have much experience in the settlement of IP disputes.

CONCLUSIONS

Eurasian intergovernmental organizations share a number of common patterns, and at the same time, they tend to reveal certain substantial legal peculiarities. For financial organizations, the EDB and the EFSF contribute to the already existing network of organizations (along with other regional initiatives). Slow progress is a reality for economic integration organizations like the EAEU. One of the current challenges to be addressed in this area is to harmonize the regional economic legal regime with planetary economic governance. While there is no real evidence of constraining Eurasian countries in terms of their commitments towards global economic institutions, there is also no evidence of the active and smart economic cooperation of Eurasian intergovernmental organizations or their member states at the universal level. As for security regionalism, non-interaction with the most influential western military institution, NATO, appears to be the best possible strategy for the CSTO, taking into account mistrust relating to NATO as expressed by some countries in Asia, Africa, and Latin America. Another example of regional security governance in Eurasia, the SCO, was established as an international organization with a security agenda aimed at settling cross-border disputes among Central Asian states (known back then as the Shanghai Five). Though the SCO has evolved into a more economic organization, the security concerns of China and Russia play an important role in the SCO's involvement in post-Soviet Eurasia and define its interconnection with member states and neighboring countries. The case of the SCO is especially illuminating in this context, as China used the SCO as a bridge to form a joint security agenda with Russia.

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THE EURASIAN ECONOMIC UNION (EAEU) AND ITS RELATIONS WITH SERBIA

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Abstract: The article looks at how the Eurasian Economic Union (EAEU) came to be, its fundamental ideas, and how its institutions operate. Even though the EAEU has made some progress compared to previous post-Soviet integration efforts, questions remain about whether it will achieve its objectives, and what its prospects are. By examining the main political, legal, and economic characteristics of the EAEU, the EAEU's inherent flaws and how they limit its outcomes are made clear. Despite its proclaimed goal of being primarily an economic integration project, the EAEU has failed to deliver on its promises because it is founded more on geopolitical rather than economic commitments. Internal weaknesses, such as Russian interests in the region, economic challenges within member states, economic and political strength disparities, and general mutual distrust exacerbated by the war in Ukraine, further hinder the EAEU's potential. External challenges, such as the European Union's and China's role in Russia's "near abroad" and extended Western sanctions, impede the EAEU's integration progress. The article also examines certain benefits and the constraints of Serbia's cooperation with the Eurasian Economic Union. By doing this, Serbia's policy to keep moving toward European integration while keeping strong economic and political ties with Russia, an essential member of the Eurasian Economic Union, is considered.

Keywords: Eurasian Economic Union, Russia, "near abroad" countries, Serbia.

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INTRODUCTION

This article focuses on the Eurasian Economic Union (EAEU), established in 2015 to allow Russia and its “near abroad” neighbors to deepen their economic cooperation. It examines the EAEU’s development, ideas, core principles, and recent outcomes. According to the Eurasian Economic Union Agreement, it has an international legal personality as a regional international organization. Unlike earlier attempts at integration, it has made some progress. Still, concerns remain about its effectiveness, whether it will achieve established goals and the issues it faces. The article identifies the EAEU initiative’s inherent issues whilst considering Russian interests in the region, the current status of the member states, the disparity in their economic and political power, and the overall mutual distrust exacerbated by the war in Ukraine. When considering the Eurasian Economic Union, one should be aware that the process of integration in the post-Soviet space is a complex, multi-layered phenomenon. This is, above all, the result of the fact that these countries have a common history, which is why they share challenges and open issues that can only be resolved through close cooperation. Despite their primary goal of improving economic cooperation between former Soviet republics, these integration projects are also driven by Russia’s political and geopolitical objectives, as well as other member states’ expectation of retaining some of the benefits of cooperation with Russia, such as preferable energy prices. Therefore, the integration arrangements initiated by Russia can be seen as a means of preserving and restoring the political and economic dominance of the post-Soviet space, especially in regard to foreign policy and security. Because of this, its geopolitical component must also be considered alongside its economic component. By keeping in mind the EAEU’s geopolitical background, the relations between the member states and the prospects of its further development can be better understood. It is important to remember that Russia has always been in charge of the project because of its great landmass and its historical, economic, and political importance in the region. Russia also hoped to gain more influence through the EAEU by cooperating on an equal basis with the European Union and other regional integration projects. However, Russia’s position in post-Soviet Eurasia and its efforts to strengthen integration ties with its neighbors are conditioned by the interests and policies of other important external actors, primarily the European Union (EU) and China. Relations between Russia and the EU and other Western countries have worsened since the start of the Ukrainian conflict. This raises questions about whether the EAEU will be sustainable in the long run, whether the sovereignty of its member states is adequately protected, and how this affects Russia’s ability to show itself

as a reliable power in the region in a time of conflict, instability, and competition for power and influence in the post-Soviet space. There is also the question of Serbia's position in relations with the EAEU, taking into account its perspective on a free trade agreement with the EAEU and the fact that it is a candidate for membership in the European Union.

THE ROLE OF RUSSIA IN POST-SOVIET INTEGRATION EFFORTS AND THE FORMATION OF THE EURASIAN ECONOMIC UNION

Roger Kanet (2022) notes that Moscow's view of Russia's role in the world is significant, given that this self-perception is at the core of its foreign policy. The line of thought that argues that Russia is dominant, at least in its immediate neighborhood, has been prevalent in Russia for centuries and continues to shape Russian nationalism and identity. The Soviet Union's disintegration was a significant turning point that led to far-reaching geopolitical changes and served as the impetus for various regional integration initiatives that would involve close economic, political, and security ties. Integration was also crucial for most former USSR countries because they faced many political, economic, and security problems. The first attempt to bring the former Soviet republics together began simultaneously with the dissolution of the Soviet Union. At the beginning of December 1991, the leaders of Russia, Ukraine, and Belarus signed a declaration announcing the end of the Soviet Union and an agreement forming the Commonwealth of Independent States (CIS), which was open to all newly formed states. Considering the historical unity of the people and the ties that have grown between them, it was said that the CIS should help build relationships based on mutual recognition and respect for state sovereignty. Their presidents, along with the other eight former USSR republic leaders, signed a Declaration in Alma-Ata, Kazakhstan, at the end of December that year, stating that the CIS is "neither a state nor a supranational organization." The members will work together "under the principle of equality through institutions for coordination that is set up on a parity basis" (Alma Ata Declaration, 1991). The CIS bases its work on the Charter, approved by the Council of Heads of State on January 22, 1993. The Charter describes the goals and principles of the Community and the rights and responsibilities of the member states. The CIS, however, has not proven to be a sufficiently successful integration project, and some agreements have remained unfulfilled. Regional conflicts, political and ideological tensions, and member-state disputes have all played a role. As a result, the CIS has struggled to build mutual trust and commitment among its members. Although, as Putin said in 2011, one can debate endlessly about its internal problems and unfulfilled expectations, for

Russia, the CIS remains a necessary mechanism for understanding different perspectives and developing a common position on the region's critical issues (Putin, 2011). Although the CIS has achieved limited results, the Russian Federation has continued to lead cooperation amongst the former Soviet republics through multilateral cooperation frameworks. It also tried to take the leadership position in pursuing these countries' security and economic interests. As a result, the CIS can be seen as the basis for Russia's later efforts to integrate the post-Soviet area. Some parts of the CIS's first economic agreement, signed in September 1993, were put into the 1995 Customs Union Agreement. This agreement was meant to remove barriers to free economic cooperation between the countries that signed it so that trade and competition would be fair and accessible. From the early 2000s, when Vladimir Putin became president, Moscow began to advocate for an even more proactive policy toward countries in its "near abroad." Russia has stepped up its efforts to keep its influence in the post-Soviet space, among other things, by strengthening regional integration. In 2000, the Eurasian Economic Community was established in order to further efforts to improve cooperation by unifying legal frameworks and harmonizing economic reform processes. The agreement on its establishment was signed by Russia, Kazakhstan, Belarus, Kyrgyzstan, and Tajikistan and came into effect in 2001 after all five member states ratified it. Russia, Belarus, Kazakhstan, and Ukraine signed the free trade agreement to establish the Common Economic Zone in 2003. Four years later, Russia, Belarus, and Kazakhstan signed the Agreement on the Creation of Common Customs Territory and established Customs Union. These countries abolished internal border controls on the movement of goods in 2011. In January of the following year, they signed the Agreement on creating the Single Economic Space. This agreement aimed to provide a legal framework for harmonizing the economic and trade policies of the signatory states, enabling the free movement of goods, services, capital, and labor; and creating the preconditions for further development of integration. The agreement on the EAEU, which envisaged that the Customs Union would grow into the Eurasian Economic Union, was signed by Russia, Kazakhstan, and Belarus in May 2014 in Astana. When the agreement that created the Eurasian Economic Union went into effect on 1 January 2015, it was more significant than any previous steps taken toward economic integration in the region. Even the idea of the establishment of the EAEU, introduced by the President of Kazakhstan, Nursultan Nazarbayev in 1994, in a speech at the Lomonosov University in Moscow, did not become real until Russia stood behind it (Yuneman, 2020, pp. 62-69). Thus, explaining the vision and goals of the Eurasian Union, Vladimir Putin said in October 2011 that this is a project that "represents a historic turning point...for all countries in the

post-Soviet space.” In addition, he stated that its establishment would take into account the experiences of the EU and other countries’ regional associations “as well as offer a model of a strong supranational association that can become one of the poles of the modern world and at the same time play the role of an effective ‘link’ between Europe and the dynamic Asia-Pacific region” He also stressed that he believes that the Eurasian Union will cooperate “with other key players and regional structures—such as the EU, the US, China, and APEC” to “ensure the sustainability of global development” He also concludes that “an economically logical and balanced system of partnership between the Eurasian Union and the EU can create natural conditions for changing the geopolitical and geo-economics configuration of the whole continent and will have a positive global effect (Putin, 2011). Although the establishment of the EAEU was intended to alter the profoundly static regional integrations that preceded it, it did not result in the necessary supranational dynamics and the formation of the EAEU that Putin described (Sakwa, 2015). In this context, the EAEU can be seen as one of the post-Soviet integration processes used by Moscow to maintain the best possible control over the events in its neighborhood. In short, the EAEU should enhance Russia’s regional control and expand its “geopolitical space” (Kirkham, 2016; Svarin, 2016).

THE EURASIAN ECONOMIC UNION’S CORE IDEAS, AIMS, AND INSTITUTIONAL ARCHITECTURE

The Eurasian Economic Union functions as an international organization with its legal personality. Given that the EAEU is built on the foundations of the Customs Union and the Common Economic Space, the treaty establishing it is intended to systematize its legal foundation. The EAEU Treaty is a legal agreement that, as a technical document, does not include any comprehensive ideology or unique values. According to the Treaty, it should create appropriate conditions for the sustainable economic development of member states to improve the living standards of their citizens. The Eurasian Economic Union seeks to create a single internal market supported by the free movement of people, capital, goods, and services. In addition, it is stated that the EAEU aims to ensure the comprehensive modernization, cooperation, and competitiveness of national economies at the global level. Harmonizing regulations that should coordinate economic policies, remove existing non-tariff trade barriers and reduce disparities between members should contribute to realizing these ambitious goals. The Eurasian Economic Union also sets up a common tariff on imports from the outside and unifies standards for products and services (Treaty on the EAEU, 2014). The EAEU has its powers granted to it by the

Member States that signed the Treaty on the Eurasian Economic Union. The treaty is based on the principle of formal equality of all member states, which remain sovereign and equal subjects under international law. Thus, there is an apparent effort to convince current and potential member states that the Eurasian Economic Union is attractive to all members and does not serve only Russian interests. It also states that the treaty is part of EAEU law, along with all international agreements made within the EAEU, EAEU agreements with third parties, and all decisions and relations made by its bodies (Treaty on the EAEU, 2014; Jović-Lazić & Lađevac, 2019, p. 268). The EAEU institutional framework consists of permanent bodies. The member states are equally represented in the Supreme Eurasian Economic Council, the Eurasian Intergovernmental Economic Council, the Eurasian Economic Commission, and the Court of the Eurasian Economic Union. The presidencies of the Supreme Council, the Intergovernmental Council, and the Commission rotate in the order of the Russian alphabet, with one member state presiding over one calendar year. All bodies make decisions by consensus, except the Eurasian Economic Commission Committee, which may decide by a qualified majority. The Supreme Eurasian Economic Council (Supreme Council) is the essential body of the EAEU, comprising the heads of state who meet at least once a year. It considers critical issues concerning the EAEU, defines the strategy, directions, and perspectives of integration, and makes decisions on how to achieve the goals of the Union. In addition, this body approves the membership of the Commission Committee, assigns responsibilities among the members of the Commission Committee, and revokes their powers. In addition, the Supreme Council appoints the Chairman of the Committee, terminates his powers if needed, and adopts the Commission's rules of procedure. This body also appoints judges of the EAEU Court, approves the budget, budget decrees, and budget reports, and determines the percentage of the member states' share in the budget of the Eurasian Economic Union. In addition, at the initiative of the Intergovernmental Council or the Commission, the Supreme Council considers issues on which no consensus has been reached and may request the opinion of the Court of Justice. This body also decides the order in which new EAEU members join and the termination of EAEU membership (Treaty on the EAEU, 2014). The Eurasian Intergovernmental Economic Council consists of the heads of member states who meet at least twice a year and have a rotating presidency every year. This body has powers in ten areas, including implementation and supervision of implementing the EEA Treaty and approving the draft EEA budget. Member states implement resolutions of the Supreme Eurasian Economic Council and the Eurasian Intergovernmental Economic Council via national legislation. The Permanent Executive Body, the Eurasian Economic

Commission, is the only supranational regulatory forum in the EAEU. The seat of the Commission is in Moscow. It comprises the Commission Council and the Commission Committee. The Commission Council, its main body, consists of Deputy Heads of Government (Treaty on the EAEU, 2014). In contrast, the Commission Committee comprises ministers proposed by the member states who must act as non-political representatives. In addition to these three bodies that make up the legislative and executive branches of the Eurasian Economic Union, there is also the Court of the Eurasian Economic Union. Like the EAEU's permanent judicial body, the court oversees contracts and agreements concluded within the framework of the EEA, as well as respecting and implementing decisions taken at the Union level (Treaty on the EAEU, 2014; Jović-Lazić & Lađevac, 2019, p. 268). The Eurasian Economic Union is a far more ambitious project than earlier Russian integration initiatives in the post-Soviet space. Looking at its fundamental principles, goals, and institutional framework, it is an organization inspired by the EU. The EAEU, however, is not comparable to the EU, despite some similarities. Specifically, while the EAEU, like the EU, has the Eurasian Economic Commission as an executive body in Moscow, the Supreme Eurasian Economic Council as a political body in Minsk, and the Court in Minsk, decision-making within this organization reflects the administrative systems of its member states. It has strong centralization. As a result, a higher-level authority can permanently overturn a lower-level decision, and all "sensitive" and unresolved issues are left to the highest political level (Togt, Montesano, & Kozak, 2015, p. 21). Even though the Eurasian Economic Union was made with the EU model in mind, it is unlikely that it will turn into a similar organization. The histories of the EAEU and the EU are different, and the countries in the post-Soviet space have many economic and political problems. Its members, including Russia, are not ready to relinquish certain powers by leaving them to the supranational level. There are also opinions that an organization led by authoritarian states cannot achieve much in terms of integration. Removing internal barriers to trade and the movement of goods, people, and services usually requires some openness, the rule of law, and economic liberalization. These are not in the best interests of authoritarian governments (Perović, 2019, p. 52). Despite efforts to replicate supranational regulatory frameworks, some claim that the EAEU's focus on member states' primacy has hampered its ability to influence internal dynamics, allowing protectionist measures to persist (Dragneva & Hartwell, 2020). Even though making progress toward a single labor market is critical, given that remittances account for a significant portion of the GDP of its smaller member states, the EAEU has failed to meet essential trade and investment targets, with recent patterns indicating a negative trend. Natural resource exports from Russia are

the most frequent type of bilateral trade in the EAEU. In the EAEU, which doesn't have a lot of modern trade networks, foreign investment has gone more into energy and metals than manufacturing (Yarashevich, 2020). Despite this, the EAEU is also regarded as one of the most well-integrated and structured regional organizations. In that context, it is believed that even though Russia is the most powerful country in the EAEU and may not follow the rules, the EAEU's institutional structure helps smaller countries make up for their material disadvantages (Bolgova & Istomin, 2021, p. 1908).

INTERNAL LIMITATIONS OF THE EURASIAN ECONOMIC UNION AND ITS RELATIONS WITH SERBIA

Although the Eurasian Economic Union has made substantial progress in organization and institution building compared to other post-Soviet integrations, certain internal deficiencies may challenge its future development. These flaws originate primarily from the post-Soviet region's unique characteristics and Russia's hegemony, which constructed the Eurasian Economic Union mainly to improve its position in countries on its periphery and thereby strengthen regional and global influence. One of the Eurasian Economic Union's flaws is that its member states differ substantially in political and economic strength. The EAEU is based on Russia, which has much more power than other member states regarding geographical size, global impact, military force, energy sources, and finance. As a result, Russia is more powerful in all areas, showing how uneven the EAEU is and raising questions about the equality of member states and, by extension, the legitimacy of the union (Kirkham, 2016, p. 112). As a result, even though the 2015 EAEU Treaty requires member states to implement a coordinated, agreed-upon, or standard policy, Russia, which contributed more than 80% of the EAEU budget, has implemented unilateral measures that violate EAEU common law. Economic integration will have a hard time growing if the Russian Federation, which is much more powerful economically, does not care about the interests of its economic partners (Pentegova, 2021, p. 145). Future integration steps will depend a lot on Russia's political will to follow the EAEU's rules and lead the modernizing process of the member states' laws and institutions. Other member states are worried about the unwritten Russian leadership over the project and fear that, as the most powerful and dominant member, Russia will benefit most from it, create pressure or pose a threat to the other member states. In addition, negative historical events from the Soviet period could provoke rejection of a largely Russian-controlled project and deter some countries from EAEU membership (Mostafa & Mahmood, 2018, p. 170). Russia

sought to undercut Ukraine's Association Agreement with the EU by giving Ukraine cheap gas and financial assistance. However, Russia's 2014 activities led to a crisis, the annexation of Crimea, and armed confrontation. Relationships between Russia and Ukraine have been severed. Politically and geographically, Ukraine has been of considerable significance to the EEA, which has transformed its orientation and character. It hurt the EAEU's reputation, weakened the chances of economic growth, and made it less likely that Russia's post-Soviet neighbors would form stronger alliances (Sergi, 2018; Busygina & Filippov, 2021). Alongside Russia, Kazakhstan was the member with the highest enthusiasm and commitment to the EAEU. However, it strongly supported the idea of economic but not political integration while insisting on the principles of equality, sovereignty, and mutual respect of members. With the general deterioration of Russian-Western relations due to the Ukrainian crisis, almost all mentions of eventual political integration inside the EAEU have disappeared from public discourse. Kazakhstan has become even more explicit in its views that cooperation in the EAEU should be exclusively economic and not endanger the country's sovereignty (Yuneman, 2020, p. 70). Thus, Kazakhstan bases its approach on economic pragmatism and believes the EAEU can contribute to its economic growth. Other member states have reasons for joining or working with the Eurasian Economic Union. However, like Kazakhstan, they do not want to see extensive regional integration between countries. Thus, the primary interests of Belarus in joining the EAEU were getting regular delivery of Russian energy at lower prices, privileged customs treatment, preferential loans, and other financial benefits. One of the critical reasons Armenia joined the EAEU was that it relied on the help of Russia, which protects its interests in Nagorno-Karabakh and is the guarantor of its security against Turkey and Azerbaijan, with which it has historical and territorial disputes. Armenia also wanted to ensure a stable supply of Russian oil and gas at lower prices. Kyrgyzstan joined the EAEU because of internal political and socio-economic problems that made it an unstable and vulnerable state. This was because of ethnic tensions, fights between clans and regional elites, and the fast growth of radicalism and Islamic fundamentalism from inside and outside the country (Mostafa & Mahmood, 2018, pp.164-166). As a result, even though some of Russia's "near abroad" countries are now tightly integrated inside the EAEU and other regional organizations, they do not want to give up their political autonomy and want to perceive a clear advantage from cooperation with Russia. Because other member countries' motivations and aims vary from Russia's, their commitment to the Eurasian Economic Union is not visible. They often attempt to decrease EAEU Treaty duties and promote flexibility within the single system. Some argue that, for the time being, the Eurasian Economic

Union is primarily a limited customs union that has succeeded in harmonizing external customs tariffs, eliminating internal customs controls, and delegating tariff decision-making to the union level, and that higher levels of economic or political integration are unlikely to be established (Libman, 2018). Despite being a candidate for European Union membership, Serbia is keen to maintain multilateral economic and political relations with EAEU countries. Serbia began discussions on a Free Trade Agreement with the EAEU at the 2016 Astana summit because of its historical, political, and commercial ties with Russia and its energy requirements. In July 2021, Serbia and the EAEU signed a Free Trade Agreement, which entered into force in October 2021, following ratification by all EAEU member states. Before all parties' confirmation of the agreement, Serbia had bilateral free trade agreements with the Russian Federation, Belarus, and Kazakhstan, accounting for most of its trade with EAEU members. By creating the EAEU, Russia, Belarus, and Kazakhstan forfeited their ability to negotiate separate trade deals with Serbia. Hence, this agreement is mainly symbolic and technical. In addition, the agreement enlarged the preferential regime to include Armenia and Kyrgyzstan, giving Serbia access to a market of 183 million people. In addition to this, the list of goods that Serbia may export freely has been broadened, and export quotas for restricted goods have been raised. The agreement is expected to help Serbia sell more in the EAEU market and attract more investors and exporters from other countries. However, the trade volume between Serbia and EAEU member states is modest, so this agreement will not generate a notable increase in profit. Still, it should be beneficial to all parties. According to Pentegova (2021, p. 147), the Eurasian Economic Union's Free Trade Agreement with Serbia has economic and political significance, as it signifies the expansion of Eurasian integration beyond the post-Soviet space. She further noted how the increasing imposition of Western sanctions against EAEU member states, particularly Russia and Belarus, has created new economic opportunities for Serbia. It is possible that countries such as Serbia will increase exports of goods from domestic producers and suppliers due to the reduced number of Western countries involved in EAEU markets. Although part of Serbian society views cooperation with the EAEU as an alternative to the European path of development, this, in addition to certain economic benefits that this cooperation could bring, is certainly not the case. Serbia will do nothing to jeopardize its biggest foreign trading partner, the EU because it has no genuine alternative to the EU market. 65 percent of Serbia's commodities are imported and exported from EU countries. Like all other candidate countries, Serbia's entry into the EU and access to the common European market will require harmonizing all trade agreements. Harmonization will necessitate the termination of Serbia's existing

international agreements incompatible with EU membership obligations, as stated in the EU common position for the opening of Chapter 30, dedicated to economic relations with foreign countries. Consequently, the free trade agreement between Serbia and the EAEU will have to end.

CHALLENGES FROM THE OUTSIDE: THE ROLE AND INTERESTS OF THE EUROPEAN UNION AND CHINA AND IN RUSSIA'S "NEAR ABROAD"

In 2013, Putin stated that integration with its neighbors is an absolute priority for Russia and that the Eurasian Economic Union is not just a set of mutually beneficial agreements but "a project to maintain the identity of nations in the historical Eurasian space in the new century and the new world." He thought that "Eurasian integration is a chance for the post-Soviet space to become an independent global development center and not stay on Europe and Asia's periphery" ("Transcript: Putin at Meeting of the Valdai International Discussion Club," 2013). In this context, the development of the Eurasian Economic Union can be seen as Russia's effort to prevent the former Soviet republics from economically and politically connecting with the European Union and weaken China's growing economic influence in the region. So, the EAEU can be seen as a kind of alternative that Russia wants to offer to countries in the "near abroad" as a response to the EU's Eastern Partnership initiatives and China's "Belt and Road" initiative, i.e., as another way for Russia to strengthen its position in an increasingly competitive world. The Russian Federation also views the European Union as a geopolitical rival in the post-Soviet space. This became apparent as early as 2000, when Russia made it clear in its Medium-Term Strategy for the Development of Relations with the EU that it had particular interests, such as relations with the CIS that the Union should respect, refraining from anything contrary to its interests in the community and the region. Russia was also concerned about the Eastern Partnership, which the EU established as an instrument for cooperation with its neighbors in Eastern Europe and the South Caucasus (Jović-Lazić & Nikolić, 2011, pp. 45-55). This instrument calls for signing association agreements with the EU. Moscow sees it as a threat that the "near abroad" countries could eventually adopt EU norms and standards, reducing the Russian Federation's influence in those countries (Jović-Lazić, 2020, pp. 404-426). Putin proposed the establishment of a free trade area between the European Union and the Eurasian bloc dominated by Russia. However, even before the crisis in Ukraine, the Eurasian Economic Union and its predecessors were largely ignored in the West or viewed with suspicion as part of Russia's nostalgia for the USSR and

its neo-imperialist projects (Togt, Montesano, & Kozak, 2015, p. 7). Even though it is not a geopolitical project, the Eastern Partnership has geopolitical repercussions. By depending on multilateral and legal agreements to bring about regional changes, the EU has overestimated Russia's reactions to these measures in the post-Soviet region, mainly because Moscow has its own Eurasian Economic Union project. These two competing integration projects clashed in Ukraine (Jović-Lazić & Lađevac, 2021). In this context, the EAEU can be seen as a competitive initiative that should stop or limit the economic and political integration of the EU and the countries of the post-Soviet space. The EAEU becomes a means for Russia to engage in a "normative rivalry" with the EU in the "common neighborhood" (Dragneva & Wolczuk, 2012, p. 9). The EAEU was seen as a political challenge for the European Union because it was made when the Eastern Partnership was reevaluated and was sometimes criticized as a weak and naive strategy.

The rivalry is further fueled by the EU's position, which became apparent after the Ukrainian crisis that it will stand for every country's right to choose its future. The Russian Federation's request for a "sphere of privileged interests" in the post-Soviet space will be denied. The part of the EU Global Strategy that talks about Russia noted that the EU wants to "increase the resilience of its eastern neighbors and support their right to decide how they want to deal with the EU freely." Resilience is defined in the strategy as "the ability of the state and society to reform so that they can withstand and recover from internal and external crises" (European Union, 2016). There are views that Vladimir Putin's personality and his vision of redefining Russia's greatness by launching his regional integration project have contributed to shaping today's Russian-European crisis and conflict in the "common neighborhood" (Samokhvalov, 2017, p. 32). With more Chinese investment projects in Central Asia and Eastern Europe, the EAEU can also be seen as a way for Russia to limit China's influence in its "near abroad." Due to the similar objectives of the EAEU and the Belt and Road initiative aimed at economic cooperation and integration, there is some potential for their competition, especially in Central Asia. However, despite the mentioned similarities, there are opinions that they cannot be considered competitive or mutually exclusive initiatives. Furthermore, all of the Central Asian countries have a foreign policy that focuses on more than one foreign policy partner. Still, integration with Russia and China is the only option, given the current geopolitical situation (Kazantsev, Medvedeva, & Safranchuk, 2021). The goals and methods of their implementation differ, reflecting differing foreign policy aims and the security concerns on which Russia and China's national efforts and strategies in the post-Soviet space are based (Bordachev, Kazakova, & Skriba, 2016, p. 24). Russia, above all, seeks to preserve the

political order inherited from the Soviet Union by keeping the former republics politically and economically dependent on it while not hesitating to use various means to prevent these countries from developing in a direction other than its own interest. China is much less involved in the politics of other countries as long as it protects its financial interests in the area and maintains stability in its western province of Xinjiang (Schweickert, Melnykovska, & Plamper, 2012, p. 4). In addition, Russia has also “turned” to China, particularly in the aftermath of the Ukrainian crisis and Western economic sanctions (Lađevac, 2015, pp. 295-250). This trend has become inevitable because of the current war in Ukraine, which has led to the deepening and sharpening of these economic sanctions. Some scientists argue that Chinese President Xi Jinping’s characteristics allowed him to get along well with Putin and keep the two countries from getting into conflicts or other disputes (Samokhvalov, 2017, p. 32). Although Russia and China have diverse political cultures and perceive each other’s intentions differently, their foreign policy ideas are similar. They are against the United States and its allies’ position in the global system, considering them an existential threat. Both perceive international politics as a struggle between major powers and want to create alternatives to the global liberal order. These shared interests foster strong bonds between them, motivating them to increase collaboration efforts to reshape the international order (Bogusz, Jakóbowski, & Rodkiewicz, 2021, p. 13). While mutual sanctions have harmed economic relations between the West and Russia, trade between the EU and China has expanded dramatically. In addition, the US-China trade war created circumstances for greater economic cooperation and interaction in the Eurasian and Asia-Pacific regions (Jović-Lazić, 2019, pp. 149-156). In May 2015, Russian and Chinese leaders signed a Joint Statement on cooperation in linking the development of the EAEU and the Belt and Road Initiative (BRI). Soon after, the EAEU and China signed several agreements. “The Agreement on Cooperation in the Field of Economic and Trade Cooperation”, signed in May 2018, is one of the most significant. Its preamble states the long-term relations, strong financial and trade ties between the EAEU members and China, and the readiness to create an environment and conditions for developing mutual trade relations and improving economic cooperation. It further emphasizes the importance of economic integration in the Asia-Pacific and Eurasian regions and the possibility of the EAEU and the Belt and Road initiative establishing strong and stable trade links. Through these decisions, Russia and China show that, despite their rivalry, they are willing to work together in the region. Despite this, Moscow is still under pressure from China’s BRI initiative. That is why Russia is making moves to make clear that it is the driving force behind the integration process in the region. At the International Economic Forum plenary

session in St. Petersburg in June 2016, Putin proposed creating the Greater Eurasian Partnership (GEP), which would include the EAEU as well as China, India, Pakistan, Iran, other CIS members, and other interested countries and organizations (Shakhanova & Garlick, 2020). According to a joint statement issued by the parties on February 4, 2022, Russia and China proposed integrating EAEU and BRI development plans to promote practical cooperation between the EAEU and China and foster a more profound Asia-Pacific-Eurasian interconnection. It is also said that both countries are committed to building the GEP and the BRI and that regional, bilateral, and international integration will be beneficial to the people of Eurasia. Kanet noticed (2022) that the EAEU has become a critical BRI partner because it allows Russia to stop China from leaving it out of what it sees as its sphere of influence. Although China may not directly threaten the EAEU, it has already become the region's most important trade and investment partner. In time, China can challenge Russia's symbolic dominance in the post-Soviet space and make EAEU member states turn towards it to lead the integration process instead of Russia.

CONCLUSIONS

Russia has long expressed a keen interest in the region it had a profound connection with. Despite being in a challenging and complex political and economic situation following the USSR's fall, Russia pursued a proactive and pragmatic post-Soviet policy. Russia's efforts to integrate post-Soviet states finally led to the creation of the Eurasian Economic Union. Even though the EAEU was established to create a common economic space and implement a shared common policy, it is hard to determine its potential economic effects because of economic inequality and problems amongst member states. However, this integration is highly intriguing from the perspective of the member states, particularly Russia. According to Putin, Russia's goal was to establish a Eurasian Economic Union capable of becoming one of the main actor's in future multipolar world orders. Even though Russia is no longer a global superpower, its size, location, overall capacity, military, and potential make it an essential factor in the stability and security of the region that links Europe and Asia. However, although they have a common Soviet history and great opportunities for integration in various fields, relations between the "near abroad" countries have always been accompanied by mutual mistrust. The basis of this mistrust is that, because of the enormous political, economic, and military asymmetry between Russia and other EAEU member countries, Russia still has significant opportunities to achieve its foreign policy goals and interests in the post-Soviet space. However, after the EAEU's strong start and success

during the early stages of the integration process, it became clear that Russia was not committed enough to ensure the organization operated smoothly. This is because the Russian Federation has had to address domestic economic and political issues, especially since relations with the West have deteriorated dramatically. As the most crucial member of the Eurasian Economic Union, Russia's economic weakness will undoubtedly hurt the further development of the organization, preventing it from reaching the global status it hoped for. Due to the lack of commitment from Russia and other member states, the Eurasian Economic Union will never achieve its stated objectives. This will eventually make the organization ineffective. However, the Eurasian Economic Union cannot be easily written off because it reflects Russia's apparent interest in its survival because of its importance to its regional and global agendas. Even though the EAEU already faces severe challenges, no other post-Soviet multilateral organization has achieved a greater degree of integration. Despite Moscow's decades-long strategy of ensuring its dominance over the post-Soviet integration process, the EU's Eastern Partnership initiative and China's Belt and Road initiative have recently forced it to compete. In contrast to the EU initiative, which Russia regards as hostile, China's Belt and Road initiative has not been condemned by the Russian government. Furthermore, since the West has put Russia under many sanctions, Russia sees working with China as its only way to keep its economy and regional power going, at least for now. Serbia's agreement with the EAEU replaced the existing bilateral trade agreements that the country already had with Russia, Kazakhstan, and Belarus and included the markets of Armenia and Kyrgyzstan. For Serbia to join the EU and participate in the single market, all other trade agreements, including the Free Trade Agreement with the Eurasian Union, must be ended, as is the case for all other candidate countries. Currently, Serbia is trying to use all possibilities for economic cooperation with numerous foreign partners. However, given how complicated things are between Russia and the West, it is hard to say how long Serbia's current policy will last.

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THE COLLECTIVE SECURITY TREATY ORGANIZATION (CSTO)

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Abstract: This article is devoted to the activities of the Collective Security Treaty Organization (CSTO) at the present stage of international relations. The authors refer to the history and genesis of the CSTO's creation since the signing of the Collective Security Treaty. By using the CSTO official documents, they describe the purpose and objectives of this international organization. The paper clarifies the organizational structure and characterizes the various instances of the CSTO. Special attention is also paid to decisions coming from the Collective Security Council (CSC), which plays a leading role in the CSTO system. The emphasis is on the essence of the CSTO as a military-political block of modern post-Soviet countries with a decisive Russian influence. The article examines the role of the CSTO in Russian and other member countries' foreign policies. Particular attention focuses on the activities of the Collective Rapid Reaction Force CSTO in the Central Asian region, taking into account the decisive role of Russian Special Forces in this structure. The paper examines various forms and aspects of the organization's activity in the military-political sphere, including, first of all, joint military exercises and actions aimed at ensuring collective security in various post-Soviet regions. The authors show certain features that characterize the activities of the CSTO as an international organization of modern post-Soviet states. They also try to clarify the special role and place of the CSTO in modern world politics.

Keywords: CSTO, CSC, CST, CIS, international relations, military-political cooperation, Russia.

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INTRODUCTION

In December 1991, the Union of Soviet Socialist Republics (USSR) ceased to exist, bringing the Cold War to an end. This event had a huge impact on the geopolitical balance of power in international relations in the post-Soviet space, the role and place of the Russian Federation (RF) and other post-Soviet states in the system of international relations. The collapse of the USSR was the result of centrifugal tendencies that actively manifested themselves at the final stage of the Soviet Union's history. However, the demise of the USSR did not call into question the objectively leading position and ambitions of Russia in the post-Soviet space. This leading position was manifested, in particular, from the first days of the registration of the Commonwealth of Independent States (CIS) by the majority of the former Soviet republics in December 1991. We agree with the point of view of the Russian researcher, Valery Nikolaenko, who believes that "the creation of the Commonwealth of Independent States (...), pursued the goal of, on the one hand, ensuring a "civilized divorce" of the former Soviet republics, and on the other hand, maintaining a certain community and interaction of participants in various fields, including military-political" (Nikolaenko, 2004, p. 24). It should be borne in mind that immediately after the USSR collapsed, the Russian leadership set the goal of maintaining its dominant position in the military-political sphere in the post-Soviet space and, in order to achieve this goal, to form a common military-political framework in which Russia would be assigned a central role.

ON THE QUESTION OF THE CSCO CREATION HISTORY

Taking into account the nervous and difficult atmosphere in which the legal transition from the USSR to the CIS as a community of sovereign and independent countries took place, it should be understood that initially, the issue of ensuring security was a priority both for the Russian leadership and for those post-Soviet countries that still in the 1990s positioned themselves as Moscow's allies in the international arena. Since the beginning of the CIS functioning, Russia and these countries have taken a course towards the development and strengthening of diplomatic cooperation. In the Charter of the CIS adopted in January 1993, the most important goals of the Commonwealth were indicated as "cooperation between member states in ensuring international peace and security, implementing effective measures to reduce armaments and military spending, eliminating nuclear and other types of mass destruction weapons, achieving universal and complete disarmament" (Commonwealth. Information issue, 1993, p. 18). Not all former republics of

the USSR were ready to develop priority foreign policy relations with Moscow, but in the early 1990s, most of the independent states that joined the CIS opted for close relations and military-political cooperation with Russia. However, the most important event in the military-political cooperation of the post-Soviet states in the first half of the 1990s was the signing of the Collective Security Treaty (CST) on May 15, 1992, in Tashkent (Uzbekistan). The Treaty was signed by the Presidents of Armenia, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, and Uzbekistan. In 1993, Azerbaijan, Belarus, and Georgia also joined the agreement. The CST officially entered into force on April 20, 1994. Until now, the CST can be regarded as an unprecedented pact for the post-Soviet space in terms of the level of obligations undertaken by countries in the military-political integration field. In particular, the states that signed this Treaty reaffirmed their obligations to refrain from the use of force or the threat of force and also assumed obligations “not to enter into military alliances or take part in any groupings of states, as well as in actions directed against other states-participants” (Collective Security Treaty, 1992, p. 592). In general, the text of the CST on the obligations assumed by the countries resembles the military-political alliances already existing in the history of international relations. Thus, the Treaty provided for the obligation to immediately activate the mechanism of joint consultations in the event of any threat to the security, territorial integrity, or sovereignty of any country that signed the CST. In addition, the states that signed the Treaty decided to form a Collective Security Council (CSC) consisting of the heads of the participating states and the Commander-in-Chief of the CIS Joint Armed Forces. It was the CSC that took upon itself the coordination and provision of joint activities of the participating states. A very important provision of the 1992 Treaty, directly emphasizing the nature of the military-political union being created, was Article 4 of the Treaty: “If one of the participating states is subjected to aggression by any state or group of states, then this will be considered as aggression against all states-participants of this Agreement” (*Ibid.*, p. 323). The decision to use armed forces to repel aggression was given to the heads of the participating states. At the same time, the CST also stipulated the possibility of using armed forces outside the territory of the participating states, but it was noted that such an option was possible in strict accordance with the Charter of the United Nations (UN) and solely in the interests of international security. The CST was originally signed for five years, renewable at a later date. The Treaty also stipulated the right of individual countries to withdraw from the agreement by placing other participating countries at least six months before this demarche. Countries such as Azerbaijan, Georgia, and Uzbekistan eventually took advantage of this right. The treaty was signed in 1992, at a time when the Cold War had just ended and

the failure of the Soviet Union to implement it was obvious. In turn, the collapse of the USSR, which can be assessed as the largest geopolitical catastrophe of the 20th century, led to serious and long-term international changes for all ex-Soviet republics. The signing of the CST gave an appropriate impetus to the development of these integration processes. In February 1995, an Agreement was signed on the creation of a Joint Air Defense System, which became the first collective military system in the Commonwealth to protect air borders, control the use of airspace, provide mutual notification of the aerospace situation, and train personnel for air defense CST troops (Nikolaenko, 2004, p. 31). In 1996, the Council of Heads of State of the CIS adopted the Concept for Preventing the Settlement of Conflicts on the Territory of the Commonwealth Member States. In the same year, the Regulations on the Secretariat of the Collective Security Council were adopted.

GOALS AND OBJECTIVES OF THE CSTO

Throughout the 1990s, consistent work was carried out aimed at transforming the CST into a full-fledged international organization. In 1999, the member countries signed the Protocol on the Extension of the CST. However, by that time, Azerbaijan, Georgia, and Uzbekistan had refused to participate in the Treaty system for various reasons. "At the session of the CST participants in Moscow on May 14, 2002, the Heads of State of the Treaty Members decided to transform the CST into a full-fledged international Collective Security Treaty Organization (CSTO) headquartered in Moscow" (Kokoshina, 2019, p. 8). A little later, at the CSC session in October 2002, the Charter of the Organization was adopted. This founding document is quite clear about the goals and main tasks of the organization. In particular, it proclaims that "the goals of the Organization are to strengthen peace, international and regional security and stability, and to protect on a collective basis the independence, territorial integrity, and sovereignty of the Member States, in achieving of which the Member States give priority to political means" (Charter of the Collective Security Treaty Organization, 2002, p. 326). In our opinion, it is worth mentioning specifically Article 4 of the CSTO Charter, which states: "In its activities, the Organization cooperates with states that are not members of the Organization and maintains relations with international intergovernmental organizations operating in the field of security. In this regard, the Organization also contributes to the formation of a just, democratic world order based on universally recognized principles of international law" (Charter of the Collective Security Treaty Organization, 2002, p. 326). The Charter of the Organization stipulates that in order to achieve their goals, the Member States take joint measures to form an

effective system of collective security within the framework of the CSTO, create coalition (regional) groupings of troops or forces and their command and control bodies, train military personnel and specialists for the armed forces, and ensure their necessary weapons and military equipment. An important task of the CSTO activity was the provision fixed in the Charter and other political documents of the Organization on coordination and pooling of efforts “in the fight against international terrorism and extremism, illicit trafficking in drugs and psychotropic substances, weapons, organized transnational crime, illegal migration and other threats to the security of state members” (Nikolaenko, 2004, p. 91). The transformation of the Treaty into an international Organization put forward the tasks of improving the international legal framework of the collective security system and military-political integration within the framework of the CSTO. This led to the implementation of more detailed legal regulation of the military component, including the use of armed forces in various circumstances and situations, legally ensuring the use of the armed forces in anti-terrorist activities, the nature of their interaction with law enforcement forces and special services, etc. Of course, all this was already required in the 2000s and 2010s, achieving a deeper and more sophisticated level of cooperation among the CSTO Member States.

STRUCTURE AND ORGANIZATIONAL ASPECTS OF THE CSTO FUNCTIONING

It was the transition from the CST to the CSTO that predetermined a clearer allocation of organizational bodies within the Organization. Chapter IV of the CSTO Statutes opens as follows: “The Organs of the Organization are: a) the Collective Security Council (CSC); b) the Council of Foreign Ministers (CFM); c) the Council of Ministers of Defense (CMD); d) the Committee of Secretaries of Security Councils (CSSC)” (Charter of the Collective Security Treaty Organization, 2002, p. 327). Still adopted in 1992, the CST provided that “coordination and provision of joint activities of the participating states in accordance with this Treaty is undertaken by the Collective Security Council of the participating states and the bodies created by it” (Collective Security Treaty, 1992, p. 323). Thus, as in the case of the CST, for the CSTO, the central and most important authority is the CSC, the highest body of the Organization. The Charter of the CSTO postulates that “the Council considers the fundamental issues of the Organization’s activities and makes decisions aimed at realizing its goals and objectives and also ensures coordination and joint activities of the Member States to achieve these goals” (Charter of the Collective Security Treaty Organization, 2002, p. 328). The tasks of the CSC seem to be quite diverse. These

include, in particular, the definition of a strategy, key areas and prospects for the development of military-political integration within the framework of the CSTO system; coordination and deepening of interaction between states in the foreign policy field; development of cooperation with various international organizations, individual countries or groups of countries, determination of the positions of the Organization on important international and regional issues; development and improvement of the collective security system and its regional structures, etc. The CSC considers issues that determine the activities of the Organization; conducts consultations in order to coordinate the positions of nation-states in the event of a threat to the national security, territorial integrity, and sovereignty of one or more participating States, or a threat to peace and international security; resolves issues of providing the necessary assistance to member countries; establishes and takes measures to maintain or restore peace and security, etc. It also should be remembered that, in principle, "the decisions of the Collective Security Council and the decisions of the Council of Foreign Ministers, the Council of Ministers of Defense, and the Committee of Secretaries of Security Councils adopted in their execution are binding on the member states" (Nikolaenko, 2004, p. 91). It is very important to keep in mind that these decisions, with the exception of procedural ones, are taken by consensus, while any Member State of the Organization has one vote when voting. Thus, in essence, it can be said that in the CSTO system, the member countries have a right of veto in making political decisions at the level of the Organization. Other bodies of the CSTO – councils of the ministers of defense, foreign affairs, etc. – have both executive and advisory status. They play an important coordinating role in the life of the Organization but, at the same time, remain subordinate to the CSC. The status of an international organization within the CSTO is complemented by the presence of the position of the Secretary General of the Organization, who is the highest administrative officer of the CSTO. The powers of the Secretary General are quite diverse: "he manages the Secretariat; organizes consultations on the implementation of the Collective Security Treaty... coordinates the development and approval of relevant draft decisions (...)" (Shamakhov, Kirilenko, Kovalev, 2019, p. 99-100). In turn, the CSTO Secretariat provides organizational, informational, political, and advisory support for the activities of all organs of the Organization. It is the Secretariat, in cooperation with the Permanent Council, that prepares draft decisions and other documents of the CSTO bodies. Another political institution of the Organization is the Parliamentary Assembly (PA) of the CSTO. This institution was founded on the basis of the CIS Inter-Parliamentary Assembly. The main forms of work of the CIS Inter-Parliamentary Assembly in the CST format were regular meetings of the members of the CIS Inter-Parliamentary Assembly

(members of the CST and the Permanent Commission of the CIS Inter-Parliamentary Assembly on Defense and Security) (Kokoshina, 2019, p. 23). *De jure*, the PA CSTO was founded in 2006. It consists of parliamentary delegations of states participating in the Organization's activities. Within the framework of the Parliamentary Assembly, there are several permanent commissions: on political issues and international cooperation; on defense and security issues; and on socio-economic and legal issues, in which legislators from the CSTO member countries take part. Plenary meetings of the PA CSTO are held, as a rule, twice a year. As in other political instances of the CSTO, the role of Russia in the regular activities of the PA seems to be dominant.

THE CSTO AS A MODERN MILITARY-POLITICAL BLOC

Throughout the Cold War, the USSR acted as the country that actually "led" the "communist" pole of international relations. The main military-political dimension of this Soviet dominance was the Warsaw Treaty Organization, which consisted of the Eastern European "socialist" countries. The end of the Cold War marked dramatic changes in the system of international relations, in particular, the self-dissolution of the Warsaw Pact and a clear reorientation of almost all of Moscow's Eastern European allies towards Washington and Western Europe. Taking into account the new geopolitical realities, which implied a decrease in Russian influence on the western flanks of the former USSR and in the South Caucasus, such a configuration has developed when most of Moscow's military and political allies in the post-Soviet space are represented by countries belonging to Central Asia. The formation of CST/CSTO as a military-political subject of modern international relations was helped by the work on the development of the Concept of Collective Security of the Treaty, which was approved back in 1995. The Concept proclaimed that the CST countries were ready to carry out consultations in order to coordinate positions and pursue a coordinated security policy (The concept of collective security, 1995, p. 335). The territorial and geographical framework for the implementation of the CSTO Collective Security Concept will extend primarily to the Central Asian Organization's member states. They also affect the zones of Eastern Europe (Belarus) or the South Caucasus (Armenia). In general, the collective security of the CSTO member states is based on the principles of the indivisibility of security; the equal responsibility of the member states for ensuring security; respect for territorial integrity and respect for sovereignty; and collectivity of defense created on a regional basis. Taking into account these political obligations of the CSTO member countries, we must also take into account the realities of modern international relations, which show the fragility

of the foreign policy and military-political partnership of the participating countries. Various specific cases (for example, regular tension on the Tajik-Kyrgyz border; non-recognition of the inclusion of Crimea into the Russian Federation by other partners in the Organization; non-recognition of the state independence of Abkhazia and South Ossetia by them; the absence of any real assistance to Yerevan during the open Azerbaijani-Armenian conflict over Nagorno-Karabakh in 2020) show that the CSTO military-political alliance has its own internal weaknesses.

THE ROLE OF THE CSTO IN THE FOREIGN POLICY OF THE RUSSIAN FEDERATION AND OTHER MEMBER STATES

As we have already noted, the CSTO dimension complements for Russia and the partner countries in the post-Soviet space other forms of international interaction, in particular, the Union State of Russia and Belarus or the Eurasian Economic Union, where Russia plays a system-forming role. For Russia, relations with the Organization's member countries are of the utmost priority. With almost all other states participating in the CSTO system, Russia has bilateral military-political agreements. In the Russian Military Doctrine, adopted in 2011, the main tasks of Russia to deter and prevent military conflicts are "...strengthening the collective security system within the framework of the Collective Security Treaty Organization and building up its potential (...)" (Military Doctrine of the Russian Federation, 2010). In general, other Organization's member countries also emphasize the fundamental importance of the CSTO for ensuring their own national security. The main military-political Russia's ally, the Republic of Belarus, actively contributed to the transformation of the CST into the CSTO, based on the fact that the formation of an international regional organization corresponds to the national interests of the Belarusian state and the security policy of Belarus. The creation of the Unified Regional Missile Defense System of the Union State of Russia and Belarus is a specific example of Belarusian military-political activity in the post-Soviet space. In the Caucasus strategic direction, Russia's key partner is the Republic of Armenia, adjacent to the southern flank of NATO represented by Turkey. Armenia is actively cooperating with other CSTO member countries in the field of air defense. There is also a Russian military base and Russian border guards on the territory of Armenia. "The Armenian leadership gives priority to its participation in the CST (CSTO) in terms of ensuring its security in a broad sense — political, transport (...)" (Nikolaenko, 2004, p. 73). Strong military-political and strategic relations have developed between the Russian Federation and the countries of Central Asia – Kyrgyzstan and Tajikistan. Russian aid played a

crucial role in the outcome of the civil war in Tajikistan in favor of the secular regime. Russia essentially acts as the main external guarantor of the security of the Republic of Tajikistan, playing a leading role in arming and training the Tajik army. The 201st Russian military base operates on the territory of Tajikistan. In turn, Kyrgyzstan, taking into account the multi-vector foreign policy of this Central Asian state, also receives Russian weapons on a regular basis. A Russian air base has been located on the territory of Kyrgyzstan since the early 2000s.

Since the end of the existence of a single Soviet state, relations with the Republic of Kazakhstan have been of great importance for Russia. Under the first President of Kazakhstan, Nursultan Nazarbayev, this state actively initiated various political and economic integration projects in the post-Soviet space. Diverse relationships with the Republic of Kazakhstan have been important to the Russian leadership since the 1990s. Political stability in Kazakhstan and Kazakhstan's predictable foreign policy loyal to Moscow were seen by Russia as a constant and given. That is why popular unrest, which turned into riots and coordinated attacks on authorities in certain regions of Kazakhstan in early January 2022, caused deep unrest in Moscow. On January 5, 2022, the President of the Republic of Kazakhstan, Kassym-Jomart Tokayev, asked the CSTO countries to provide assistance to his country due to the "attack of terrorist gangs" on Kazakhstan, interpreting internal events in the country as an "act of aggression" (Tokayev asked the CSTO countries, 2022). Obviously, the intervention of the CSTO countries played a major role in stabilizing the political situation in Kazakhstan and in maintaining the power of K.J. Tokayev. Taking into account the fact that the CSTO contingent was deployed in Kazakhstan within a matter of hours, that the military personnel of all other member countries of the Organization (with the decisive role of Russia) took part in the operation, and that the mission itself was carried out for 10 days and turned out to be very effective, we can conclude that the "Kazakhstani" operation not only demonstrated a high level of foreign policy unity within the CSTO but also showed the international community how effective the CSTO itself is today. The CSTO operation in January 2022 clearly showed that the level of foreign policy and military-political understanding between the Russian Federation and other CSTO member countries is quite high. However, it would not be correct to say that there are no "pitfalls" in the matter of military-political integration in the Organization. This moment was most clearly manifested during the next aggravation of the Armenian-Azerbaijani conflict for control over Nagorno-Karabakh, when in the fall of 2020, other countries of the Organization did not provide any real and tangible assistance to Yerevan.

COLLECTIVE SECURITY COUNCIL SUMMITS AS EXAMPLES OF THE ORGANIZATION LEADERSHIP FUNCTIONING

As we have already noted, the highest collegial political instance of the CSTO is the CSC summits. Their decisions are worked out in the bowels of the Organization and adopted by consensus. Accordingly, they reflect the unified collective position of the Organization on a variety of issues. The Regulations on the Collective Security Council as the supreme body were approved at the CSC meeting in Dushanbe in 2003. At the same time, regulations on the functioning of other Organization's advisory bodies were also approved. In fact, the establishment of the Organization was finalized at the summit in Dushanbe, and the decision on the formation of the Joint Staff of the CSTO was made at the CSB session in Dushanbe on January 1, 2004 (Nikolaenko, 2004, p. 103). Much attention during the Council meetings was and is being paid to specific forms of military-technical interaction between the allied states. It can be said that the actual military dimension of the CSTO's activities takes place under constant and close control by the Council. This trend took place both at an early stage of the Organization's functioning and will manifest in the future. "Given the important role of the Joint Staff in the Organization's collective security system, the heads of member states in October 2016, at the Yerevan summit, gave a new impetus to the improvement of the Joint Staff's activities by adopting some important documents. On January 1, 2018, its new structure was approved, corresponding to the tasks actually assigned to it, which makes it possible to give a new impetus to the development of the military component of the Organization" (Shamakhov, Kirilenko, Kovalev, 2019, p. 109). At the summit meetings of the CSTO member states in the 2000s and 2010s, the issues of strengthening the effectiveness of interaction in the foreign policy and defense spheres were repeatedly raised. The CSC meetings regularly link the expansion of interaction at the level of the Organization with the need to strengthen international security. For example, the CSTO leaders' statement at the June 2004 Astana meeting stated: "The CSTO member states will strive to use the potential of their coordinated foreign policy, security, and defense activities in the interests of strengthening world and regional stability" (Statement of Heads of the Member States of the Organization, 2004, p. 367). The senior leaders also attach a certain importance to the development of the representative dimension of the Organization. Thus, in June 2006, "the Minsk session of the Collective Security Council identified the need to develop the parliamentary dimension of the CSTO within the framework of the CIS Inter-Parliamentary Assembly" (Kokoshina, 2019, p. 23). As a result of these decisions, the PA CSTO was formed in November 2006.

ROLE OF THE CSTO's COLLECTIVE RAPID REACTION FORCE

The factor of the existence and functioning of the Collective Rapid Reaction Force (CRRF), which exists within the framework of the CSTO, is also an important point that speaks of the high level of interstate military-political and military-technical cooperation. It should be noted that in the early 2000s, real work began in this direction. At a meeting of the CSC in Yerevan in 2001, a decision was made on the collective rapid deployment forces of the Central Asian region for collective security. After the Dushanbe session of the CSC in 2007, a document was signed on the further formation of the collective security system and the creation of a system for managing the forces and means of the collective security system. The process of moving towards the CRRF went much faster. The CRRF was formed based on a decision taken at the CSC summit in December 2009 and is designed to quickly respond to challenges and threats to the security of CSTO members. The Organization's collective security forces and means include: the Collective Rapid Reaction Forces; the peacekeeping forces; and the Collective Air Force. The CRRF also "represents military contingents and formations of special forces allocated by the CSTO states to jointly solve the tasks assigned to them to ensure collective security" (Shamakhov, Kirilenko, Kovalev, 2019, p. 114). The main tasks of the CRRF today are as follows: "deployment on the territory of any of the CSTO states in order to demonstrate readiness for the use of military force; participation in the prevention and repulse of armed attacks, including aggression; localization of armed conflicts; and participation in measures to combat international terrorism, illicit trafficking in drugs, psychotropic substances...weapons and ammunition (...)" (Shamakhov, Kirilenko, Kovalev, 2019, pp. 114-115). To manage the CRRF contingents during the preparation and conduct of the operation and organize the interaction with the interested structures of the CSTO participating countries, the Command of the Collective Forces, headed by the Commander, was created. The core of the CRRF grouping is the 98th division of the Armed Forces of the Russian Federation and the 37th air assault brigade of the airborne troops of Kazakhstan (Kokoshina, 2019, p. 44). Given that the main operational tasks of functioning are directly related to the Central Asian region, it should be noted that the actions of the CRRF units in Kazakhstan in January 2022 were quite effective.

MILITARY MANEUVERS AND OTHER FORMS OF THE ORGANIZATION'S ACTIVITY

Given the military-political nature of the CSTO, it seems completely logical that the organization and conduct of military maneuvers is one of the most important aspects of its specific activities. Undoubtedly, this form of military-

political and military-technical cooperation of the post-Soviet states was present from the moment the Organization was proclaimed. However, in the last few years, it has noticeably changed, becoming more versatile and effective. "The member states of the CSTO regularly conduct military exercises "Interaction" and "Indestructible Brotherhood". In 2016, the "Interaction" exercise was held in the Pskov region, where training tasks were practiced for the use of the CRRF military contingents in the context of the unleashing of armed border conflicts in the collective security region with the participation of more than 6,000 military personnel" (Kokoshina, 2019, p. 40). Also in 2016-2018, joint military exercises included operations related to countering drug trafficking, extremism and terrorism. The exercise "Indestructible Brotherhood-2019" took place in difficult conditions in the southern part of Tajikistan, near the border with Afghanistan; accordingly, the exercise was a peacekeeping operation. At the "Indestructible Brotherhood-2020" exercise held in Belarus, the CSTO's peacekeepers worked out the first stage of preparing for a peacekeeping operation: "The units are practicing escorting convoys with humanitarian cargo, occupying their areas of responsibility by peacekeeping contingents, guarding and countering an attack" (CSTO peacekeepers at the exercise, 2020). It can be concluded that the factor of conducting regular military exercises and maneuvers contributes to the strengthening of the armed forces and the maintenance of national security, primarily of the states located in the Central Asian zone. These events also strengthen military-technical relations between Russia and other countries involved in the life of the CSTO.

Of course, the forms of the CSTO's activities at the present stage are not limited to military exercises alone. As we have already emphasized, the most important task of the Organization is to counter the various threats arising from international terrorism. In particular, these challenges are relevant to the Central Asian region of the CIS. "Coordination of the joint fight against terrorism and related drug aggression, illegal migration, and illegal arms trade is carried out by the CSTO in direct connection, primarily in connection with the Afghan situation..." (Nikolaenko, 2004, p. 114). In the specific conditions of the Central Asian states, the CSTO was particularly concerned about the activities of such structures as the Islamic Movement of Uzbekistan, the Hizb-ut-Tahrir party, and local cells of Al-Qaeda. Constant attention was paid to the ties of the Afghan Taliban movement with extremist organizations operating illegally in the countries of Central Asia. The triumphant return of the Afghan Taliban to power in 2021 once again confronted the CSTO with the question of deepening cooperation between the relevant anti-terrorist services and strengthening joint collective security in the face of new potential challenges from Afghanistan. The structures of the CSTO provided expert assistance in the adoption of

common documents on countering terrorism for the member countries of the Organization, as well as for the entire CIS. In particular, in this way, in the depths of the CIS Inter-Parliamentary Assembly, a Model Law "On the Fight against Terrorism" was developed, which characterized international terrorism and terrorist activities. Considering the various forms and activities of the CSTO, attention should be paid to the Organization's potential for unifying the training of personnel and specialists in the higher educational institutions of the member countries. "Joint training of personnel and specialists is carried out free of charge or on preferential terms, which are based on allied obligations and the formation of a unified educational policy and standards in the CSTO format" (Shamakhov, Kirilenko, Kovalev, 2019, p. 120). Thus, in the interests of the CSTO, the training of military personnel for the armed forces of the member countries of the Organization is carried out in about fifty educational institutions in six countries. Military personnel are trained in a wide range of areas and specialties; there are more than a hundred varieties in total.

ON THE DISTINCTIVE FEATURES OF THE CSTO AS AN INTERNATIONAL ORGANIZATION IN THE POST-SOVIET SPACE

As we can see, the CSTO is not only one of the interstate organizations uniting the countries of the former USSR but also, objectively, one of the most effective international associations in the post-Soviet space. This is the opinion of many Russian experts on military-political issues. The very process of launching the CST, and then transforming it into the CSTO, is indicative. This process was not problem-free and very fast, but it proceeded consistently with increasing dynamics. As V.D. Nikolaenko, one of the researchers of the CSTO genesis process and its activities, notes, "the creation of the CSTO as an international regional organization is not only the culmination of many years of efforts to form a collective security system in the post-Soviet space, but also means the entry into the international arena of a new political organism with a good potential – if there is the due will of its members – in the field of peacekeeping, influencing, together with other similar organizations, the international and especially regional situation in the interests of peace and stability, and, of course, primarily in defending the interests of the member states themselves" (Nikolaenko, 2004, p. 196-197). The CSTO phenomenon is also interesting due to the fact that at the present stage in the world system of international relations there are separate organizations that are publicly alternative to the paradigm of the hegemony of the "collective West" led by the United States (in particular, the Bolivarian Alliance for the Peoples of our America – ALBA – in Latin Caribbean America), but only the CSTO could today

be considered as a structure that could potentially be an alternative to the NATO bloc in the military-political sense. Not only from the point of view of researchers from the post-Soviet space but also according to the position of the CSTO members' highest statesmen, the format of this Organization has justified itself. Thus, the President of the Russian Federation, Vladimir Putin, at the beginning of 2022 stated that "... the long-term painstaking work carried out within the framework of the CSTO to form an integrated security system of the participating states, including, of course, the Collective Peacekeeping Forces of the CSTO, is yielding results" (Session of the Collective Security Council, 2022). A similar point of view is shared by the presidents of other states participating in the Organization.

ON THE ROLE AND PLACE OF THE CSTO IN WORLD POLITICS

Today, the ranks of the CSTO include countries located in various zones of the post-Soviet space. These are states that have an unequal political culture and political structure, various external partners, and their own national-state interests. Despite the fact that it was Russia that played and is playing a primary role in the functioning of the CSTO, it should be remembered that "when pursuing a multi-vector policy, the CSTO member states do not oppose this organization to NATO or anyone else, although the interests of allies in the CSTO do not always coincide with the interests of their partners in other associations of a military-political nature" (Nikolaenko, 2004, p. 187). Speaking about the role of the CSTO in the system of modern international relations, one should remember the peacekeeping potential of this Organization. The CSTO peacekeeping agreement was signed in 2007 (it entered into force in 2009). This act proclaimed the creation on a permanent basis of the Collective Peacekeeping Forces, which can carry out peacekeeping operations on the territory of countries that are members of the CSTO structure and those that are not (if there is an appropriate UN mandate) (Karnaukhova, 2022). For example, we can cite an excerpt from the statement of the Ministers of Foreign Affairs of the Organization's member countries, dedicated to the future of the UN (2005): "We believe that reforming the structure and mechanisms of the UN should lead to an increase in the efficiency of its work, primarily on such priority areas as peacekeeping and maintaining global peace, non-proliferation of mass destruction weapons, combating terrorism, xenophobia and religious extremism, illicit trafficking in narcotic drugs, psychotropic substances and their precursors, organized crime, illegal migration and human trafficking" (Statement of the Ministers of Foreign Affairs., 2005, p. 369). In 2010, a joint declaration on cooperation between the secretariats of the UN and CSTO was

signed. Relations between the CSTO and the Shanghai Cooperation Organization (SCO), which includes most of the countries that are simultaneously members of the CSTO (namely Kazakhstan, Kyrgyzstan, Russia, and Tajikistan), are also at a fairly high level. Back in 2007, the CSTO and the SCO signed a Memorandum of Understanding. It stated that the secretariats of both organizations would support cooperation in the following areas: “ensuring regional and international stability; countering terrorism; combating drug trafficking; suppression of illicit arms trafficking; combating organized transnational crime (...)” (Memorandum of Understanding, 2007).

CONCLUSIONS

The history and evolution of the CST/CSTO show that this international organization in the first two decades of the 21st century gradually strengthened its integration processes and combat capability. The operation in January 2022 in Kazakhstan demonstrated in practice that the CSTO can have the appropriate potential necessary to maintain regional security in the Organization’s area of responsibility. There is a deepening of cooperation not only in the purely military sphere but also in the areas of foreign policy, peacekeeping, inter-parliamentary activities, etc. However, we cannot talk about the total unity of the CSTO member countries in international life. For example, none of Russia’s CSTO allies recognized the Donetsk and Lugansk People’s Republics following Russia, just as they did not recognize the joining of Crimea to Russia in 2014. We emphasize once again that the CSTO’s tasks are aimed at the future. First of all, this applies specifically to the issue of security. The Collective Security Strategy for the period up to 2025, adopted in 2016, states that “the strategic goal of the CSTO is to ensure collective security by consolidating the efforts and resources of the CSTO member states on the basis of strategic partnership and generally recognized norms and principles of international law” (Strategy of Collective Security, 2016, p. 204).

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THE ROLE, ACHIEVEMENTS AND CHALLENGES OF THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN)

Duan HAOSHENG, Liang CANYU*

Abstract: The establishment of the Association of Southeast Asian Nations (ASEAN) is a miracle of diversity. This article discussed three current ASEAN Studies hot topics: the ASEAN Community, the ASEAN Way, and the ASEAN Identity, which comprise the ASEAN as an important regional intergovernmental organization in Southeast Asia. Based on numerous reviews of ASEAN institutional development and Southeast Asian international relations (IR), this article was written from the institutional top-level design and case studies in an effort to articulate the ASEAN Community's establishment, challenges, and resolutions. This article is devoted to demonstrating a real impression of ASEAN's role and place in contemporary international relations.

Keywords: ASEAN Community, ASEAN Way, ASEAN Identity, Institution

INTRODUCTION

The Overview of the ASEAN Establishing Community under Globalization

After the Cold War, the ASEAN changed the role of the anti-communist alliance. In 2015, the ASEAN established the ASEAN Community, which aims to achieve harmonious and peaceful regional development, thereby

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promoting the economic, political-security, and socio-cultural development of the member states. The construction of the ASEAN Community actually consists of the construction of three parts: the ASEAN Economic Community (AEC), the ASEAN Socio-Cultural Community (ASCC), and the ASEAN Political-Security Community (APSC), respectively (Our Communities, 2022). The ASEAN expects that the construction and interaction of these three communities could achieve the harmonious and peaceful development of each member state and the region. In the late 1990s, the financial crisis seriously influenced the globe, and Southeast Asian countries suffered tremendous losses. Subsequently, Southeast Asian countries realized that individuals could not be safe alone in a community filled with globalization (Wang, 2000). In the 21st century, terrorism and extremism spread worldwide, and the ASEAN members were some of the victims (Hamzani, 2020; Haosheng, January 2022). However, the rise of regional emerging economies and China's fast rejuvenation with high-speed economic growth simultaneously bring opportunities and challenges to Southeast Asia (Ting, 2017). The occurrence of the series of events makes Southeast Asian countries realize that their influences on the global stage are minimal. In order to cope with this situation in a long-term strategy, Southeast Asian countries wish to build an alliance, strengthen unity to improve their international influence and discourse power, and adopt a consistent consensus on external issues to support each member's development while protecting regional security. This is the original intention of constructing the ASEAN Community.

The Status Quo of the Construction of the ASEAN Community

Three ASEAN communities were not formed at the same time. The ASEAN initially proposed the construction of the ASEAN Community in 2003, and the project should have been completed by 2020. Soon afterward, at the ASEAN Summit 2007, the date of completing the ASEAN Community was moved up to 2015 (Kuala Lumpur Declaration on The Establishment of the ASEAN Community, 2015). In fact, only the AEC was hastily formed in 2015. The formation of the ASCC and the ASPC is a long-term and arduous task because some challenges and constraints exist within the ASEAN Community. In addition, in order to guarantee the regional and members' common interests in building a community, the ASEAN needs an independent sense of integrity, that is, the ASEAN Identity. Secondly, the ASEAN Way is a concrete manifestation of the ASEAN Identity's "diversity in unity" and the collective construction of the ASEAN Community.

The ASEAN Identity

“One Vision, One Identity, One Community” is the common sense of all ASEAN members, which has been deepened and substantialized following the formation of the ASEAN Community in 2015 (ASEAN Community Progress Monitoring System (ACPMS) 2017, 2017). Based on the comprehensive understanding of the ASEAN Socio-Cultural Community Blueprint 2025, the primary goal of the ASCC is to contribute to achieving a people-oriented, dynamic, and harmonious ASEAN Community that is aware and proud of its identity, culture, and heritage with the strengthened ability to innovate and proactively contribute to the global community (ASEAN Socio-Cultural Community, 2020). Furthermore, the building of the ASEAN identity is a participatory ASEAN community-constructing process for all government officials, students, children, youths, and all stakeholders among the ASEAN members. Rodolfo C. Severino (2007) has studied the socio-cultural communities of Europe, Latin America, and the ASEAN. He affirmed that the ASCC is the key to building the ASEAN identity and spillover to the sustainability of the ASEAN Political-Security Community (APSC) and the ASEAN Economic Community (AEC). Therefore, the development of the ASEAN Community requires coordination among the three pillars.

The ASEAN Way

The ASEAN has experienced many years of turmoil and war and has expressed its desire to maintain regional peace. In fact, since 1967, the ASEAN has been successful in maintaining regional peace and stability. It proposed the ASEAN Way to conduct decision-making through a lengthy discussion and consultation process to achieve a shared understanding of the common development agenda. Scholars believe that the principles of the ASEAN Way have contributed to the region’s efforts to maintain peace. However, recently, the ASEAN Way has been criticized for incurring institutional challenges in building the ASEAN Community. Firstly, scholars agreed that the informality and looseness formed the principle of flexibility of the ASEAN Way that corresponds to the ASEAN Community’s inclusiveness (Acharya, 2014). However, the principle of flexibility does not imply efficiency and effectiveness in dealing with public affairs. Secondly, the ASEAN Way’s principles of decision-making through consensus and non-interference force the organization to adopt only those policies that satisfy the lowest common denominator. Decision-making by consultation-

consensus requires members to reach an agreement before the ASEAN can move forward on an issue. The ASEAN countries have their own method of integrating the national economy, which they refer to as the ASEAN Way economically. This method is used in the development of the unified regional market under the AEC development agenda, which includes the freedom of goods, financial capital, and skilled labor to flow freely between the ASEAN countries. For example, the CLMV countries (Cambodia, Laos, Myanmar, and Vietnam) have huge socio-economic disparities with the other six ASEAN members, and the principle of flexibility can counterbalance their gaps and allow cooperation at an appropriate speed. Nevertheless, the Asian financial crisis in 1997 has confirmed that it lacks effectiveness and cohesion in dealing with public crises (Aminuddin & Purnomo, 2017). Thirdly, the ASEAN Way's principle of inter-governmental cooperation has conspicuous elitism and nationalism. The Eminent Persons Group (EPG) is the most representative one (Moon & You, 2017). Therefore, many policies and practices of the ASEAN are top-down and non-participatory, which means they will encounter difficulties in improving the participation of civil society in building the ASEAN Community. Moreover, the ASEAN Way seeks to establish a consensus on issues and follows a principle of non-interference in the domestic affairs of the ASEAN members. Under the non-interference principle of the ASEAN Way, human rights violations are considered local issues within a country and are not open to involvement from other ASEAN states. The ASEAN Way principle shields each member country from external involvement in its internal issues while encouraging collaboration and good ties among members. Nationalism, the basic norms of sovereignty and non-interference, are mutually interdependent in coping with transnational issues. This principle condition is one of the components of the challenges. In the case of Myanmar, the 2021 Myanmar *coup d'état* created a prominent number of refugees migrating to neighboring countries, such as Thailand, Laos, and China's Yunnan Province. Due to the high nationalism, sovereignty, and the principle of non-interference, Myanmar's *coup d'état* could not be resolved by the ASEAN Community framework hitherto. (Sullivan, 2021) In addition, the increased number of refugees exacerbated the difficulty of the COVID-19 pandemic control, thereby causing dissatisfaction and the crisis of non-traditional security within the ASEAN members. As for the economic recovery in the post-pandemic period, the ASEAN Community's role will be a primary impetus for promoting regionalization and cooperation. Hence, this condition will be a conspicuous barrier.

THE CHALLENGES IN EACH ASEAN COMMUNITY

The ASEAN Economic Community

In terms of constructing the AEC, the ASEAN members face two main challenges. First of all, there are huge development gaps among the ASEAN members. Based on each member state's development situation, different countries have different economic foundations and developing rhythms (for example, the economic gaps between the CLMV and Singapore or Thailand) (Giang & Thanh, 2007) Therefore, the ASEAN cannot let economically advanced members stop developing while waiting for the economically laggard ones to catch up. Moreover, the economic laggard members are not able to develop in the short term. Secondly, the ASEAN has a severe trade deficit, and the amount of trade among the member states is far from enough. More trade is happening with non-ASEAN countries.

The ASEAN Socio-Cultural Community

Southeast Asia is a multicultural and multiethnic region with a complex history (Haosheng, 2020). Briefly speaking, the challenge of constructing the ASCC originated from its diversity. The ASEAN members have a diversity of cultures, ethnic groups, religions, and ideologies. Diversity is a rapier; one side represents regional inclusiveness, and the other is an obstacle to building the ASCC. For example, ethnic conflict is an interminable issue in Myanmar, such as the tense conflict between the Islamic Rohingya people and Buddhist majorities. Moreover, the ASEAN contains multifarious forms of regimes. The diversity of political structures incurs political distrust that can impede the development of the ASCC and even influence the development of the APSC.

The ASEAN Political-Security Community

With the deeper step toward the ASEAN political-Security regional integration, the ASEAN has developed and expanded important regulations, including the Treaty of Amity and Cooperation in Southeast Asia. However, there are some challenges in the APSC construction process that can be briefly summarized into three parts: different social systems and regimes; historical territorial issues; and non-traditional security issues. Therefore, the first uncertain factors are those brought by the accession of new members. Several

ASEAN member states have historically experienced colonial experiences. As such, the social systems formed after gaining independence are different. In the early stages, all the ASEAN members took the capitalist road. However, with the accession of the CLMV, the original organizational structure has changed and brought new challenges to the ASEAN (Severino, 2007). Furthermore, there are uncertain factors among the ASEAN members themselves. These member states have not only different social systems but also different regimes. Almost all the political systems in the world can be found in these ten member states. The degree of democratization in these countries is uneven, and some members are in the primary stage of democratization, which will inevitably lead to a conflict between domestic conservatives and radicals (such as in the case of Myanmar). Naturally, these uncertainties can affect the development of the APSC.

Table1 – The Forms of Regimes of the ASEAN Member Countries

Countries	Forms of Regimes
Brunei	Absolute Monarchy
Cambodia	Parliamentary Constitutional Monarchy
Indonesia	Presidential Republic
Laos	The System of People’s Congresses
Malaysia	Parliamentary Constitutional Monarchy
Myanmar	Presidential Republic
Singapore	Parliamentary Republic
Thailand	Dual System of Constitutional Monarchy
The Philippines	Presidential Republic
Vietnam	The System of People’s Congresses Note: The Table is made by the author

Second, there are potential security risks due to historical issues among the member states. Such issues are mainly manifested in bilateral or multilateral boundary line issues, territorial issues or territorial sea issues, island ownership issues, historical and cultural relics’ ownership issues, etc.

Territorial sovereignty is an irreconcilable issue among the member states. The aftermath of Western colonization, ambiguous maritime sovereignty demarcation, and maritime resource competition in the South China Sea resulted in fierce territorial and maritime disputes. These disputes seriously harm the building of the ASEAN Community. For instance, on July 22, 2008, Thailand rejected the assistance of the ASEAN in resolving the Khmer-Thai border dispute about the ownership of the Preah Vihear Temple (UN help sought over temple row, 2008). The continental shelf disputes in the Gulf of Siam and territorial disputes in the South China Sea are critical regional conflicts involving some ASEAN countries and China. Although the ASEAN and China also reached a framework for the Code of Conduct in the South China Sea in 2017, which is of great significance to maintaining regional peace, the official Code of Conduct has not been finalized yet. At the same time, some Southeast Asia scholars questioned the ASEAN's internal unity. From an ASEAN perspective, Sino-Cambodia rapport is an influential factor in ASEAN's handling of regional disputes and ASEAN solidarity. In the case of the South China Sea issue, Cambodia unilaterally halted issuing a joint statement after the meeting in Phnom Penh in 2012 (Asian nations fail to reach an agreement on the South China Sea, 2012). At the China-ASEAN Kunming Meeting in 2015, scholar Parameswaran (2021) thought that Laos and Cambodia had impeded other ASEAN countries from reaching an agreement on how to deal with China's claims on disputed territory in the South China Sea again. Under the influence of territorial disputes, it is difficult for ASEAN members to maintain solidarity and construct political mutual trust. In fact, the ASEAN has already adopted some conventions to promote regional political-security cooperation, such as the ASEAN Convention on Counter Terrorism and the ASEAN Convention against Trafficking in Persons. In order to enable disaster response, maritime security, and peacekeeping, the ASEAN has also established the ASEAN Defense Ministers Meeting (ADMM) and the ADMM-plus for military cooperation with its partners (ASEAN Secretariat, 2018). However, both cooperation and competitive relationships among ASEAN member states are also the third point that poses the ASEAN political-security challenge. At present, this complex relationship hinders cooperation in the field of traditional security. At the same time, the complex ethnic, religious, cultural, and other aspects of Southeast Asia also pose challenges to cooperation in the fields of traditional and non-traditional security. (Wang, 2018) The most obvious is the relationship between Singapore and Malaysia in the industrial chain, or Laos and Thailand in cultural tourist resources.

THE RESOLUTIONS AND FUTURE STRATEGIES

The ASEAN Economic Community

If the ASEAN wants to build a thriving economic community, it needs to balance trade between the member countries and non-member countries while ensuring economic and trade cooperation among the member countries. Furthermore, while encouraging the introduction of advanced technology to improve efficiency and skills, it should promote the export of more products rather than self-sufficiency to ensure the balance of economic development among the member countries and avoid increasing economic polarization.

The ASEAN Socio-Cultural Community

First, we should clarify the purpose of building the ASCC. The ASEAN Socio-Cultural Community (ASCC) Plan of Action points out the goal of building the ASCC, and its core content mainly includes four front-line points: establishing a community of mutual trust and mutual assistance; forming collective identity and enhancing the cohesion among member states through gradually developing cultural exchanges and cooperation; expanding the field of the social and cultural community and advocating the harmonious development between man and nature; and establishing a corresponding security system to prevent the harm caused by the crisis. Therefore, in order to meet the challenges of building the ASCC, the ASEAN should earnestly implement the countermeasures emphasized by the ASEAN Socio-Cultural Community (ASCC) Plan of Action and Asian Charter: everyone should enjoy the same rights and development opportunities and should not be treated differently because of nationality, ethnicity, religion, gender, language, and cultural background; explore everyone's potential and let everyone participate in social development and competition in different ways; give fair treatment and care to vulnerable groups that have been neglected for a long time to avoid possible bullying; when dealing with environmental problems, we should not only consider the present but also pay attention to the harmonious coexistence and sustainable development between man and nature. Finally, the ASEAN must face up to the fact of complex ethnic diversity and the problems arising from cultural diversity; provide a broader range of means of livelihood and employment opportunities by constantly narrowing the educational gap of

people in various regions to make people more inclusive; ensure that every nation can enjoy equal rights and status; and strive to eliminate the differentiation and opposition between different ethnic groups.

The ASEAN Political-Security Community

As for coping with the challenges of building the APSC, the following suggestions are put forward. First, to carry out bilateral and multilateral security cooperation and move the center to a higher level in the security field. Second, to carry out security cooperation between the member states and non-member states on the basis of the Treaty of Amity and Cooperation in Southeast Asia. Third, to give full play to the role of United Nations laws and regulations and carry out practical work in the field of security. In addition, it is added that the sovereignty of other countries should be respected in the process of building the APSC, but if necessary, the “non-interference” principle of the ASEAN Way can also be explained to realize the maximum interests of the member states. Finally, in terms of extra-regional cooperation, in addition to cooperating as much as possible, it is more critical to follow the ASEAN Centrality to avoid losing the main control in the competition among big countries (US-China). In addition, the ASEAN countries can have a deeper understanding among the ASEAN member states through non-traditional security cooperation, which will help member states get rid of the long-term constraints caused by traditional security to improve political mutual trust and collective identity.

Future Strategy

From the process and intention of the ASEAN Community construction, the economy and culture move ahead to carry out security cooperation. The success of security cooperation will also maintain more economic and cultural cooperation, promote each other and continuously improve the level of cooperation. It can also be seen from the documents formulated and the cooperation carried out at present that the focus in the early stage is on the economy, and the focus in the latter stage is on social culture and political security, because the economy and social culture are the foundation. In turn, institutionalized political behavior can promote regional economic and cultural exchanges. In short, the relationship between the three communities is complimentary.

CONCLUSIONS

Based on the previous analysis, the authors conclude that to build the ASEAN community, the following is needed:

The ASEAN should enhance the coordinated development of the ASCC, the APSC, and the AEC to improve the capability of collaborative cooperation. Consolidate regionalism with inclusiveness and allow for the open construction of regionalization. For example, the ASEAN established a joint working group and set up a humanitarian fund to effectively relieve the refugee crisis of the Rohingya people among the ASEAN members in 2015.

Build trust, collective identity, and regional identity among the member states based on the development of the AEC and the ASCC. Adopt comprehensive and people-centered strategies like education, participatory decision-making and institution building, cultural transmission, and others to improve inter-ASEAN people-to-people communication and boost people's pride and confidence in the ASEAN. For example, education and cultural transmission ought to emphasize the cultural and historical coherence amongst the ASEAN countries based on the broader SEA background.

Improve the "self-building" or self-developing capacity of Southeast Asian countries and rationally narrow the development gap. The ASEAN should actively use the Regional Comprehensive Economic Partnership (RCEP) platform to balance power rivalry. Before signing the RCEP, the ASEAN already had many ASEAB 10+1 FTAs with China, Japan, South Korea, etc. And there are many pairs of dialogue or trading partnerships among China, Japan, South Korea, Australia, and New Zealand. By comparison, the RCEP has better service trade and more open investment conditions than the ASEAN 10+1 agreement. Hence, the RCEP will play the role of the economic and trading integrator in the region for reconciling and resolving the Spaghetti Bowl Effect, caused by complicated inter-regional bilateral trade agreements and various laws of different agreements. The formation of a unified law by the RCEP will reduce operating costs, precarity, and uncertainty. It differs from the ambitious EAFTA and CEPEA sweeping along the great powers' games. The ASEAN-led RCEP is the reconfirmation of the ASEAN Centrality. The RCEP is a benign platform for internal and external ASEAN. The RCEP implements regionalism with inclusiveness, but the Indo-Pacific Strategy regards China as a rival and excludes it from Indo-Pacific-related cooperation. Because the Indo-Pacific Strategy is essentially a strategy of the US and its allies, it is not good at getting rid of the zero-sum mentality and cold-war thinking. Therefore, it is

deprived of the opportunity to propose any novel and innovative institutional mechanism for promoting regional prosperity. The 2019 ASEAN Outlook on the Indo-Pacific is proof of this (no innovative institutional mechanism to support the ASEAN Centrality in the Indo-Pacific) (Mueller, 2019). However, with the signing of the RCEP, the US allies such as Japan, South Korea, Australia, and others chose open multilateralism rather than protectionism. They chose regionalism rather than nationalism. In terms of the antagonism with China, they prefer to cooperate and conduct solidarity rather than skepticism. These countries illustrated a clear signal to the world that economic regionalization and multilateral cooperation are the trends of globalization and recovery in the era of the COVID-19 pandemic. Overall, on the one hand, the US is notably absent from the RCEP and the CPTPP, which over time are likely to strengthen intra-Asian integration around China (RCEP) and Japan (CPTPP) (Wu, 2019). On the other hand, unlike the anti-China Indo-Pacific, the RCEP does not exclude the US and insists on the concept of liberal economy and trade as well as multilateral cooperation to explore new development points for the depressed economic globalization.

Redefine the scope of the ASEAN Way's principle of "non-intervention" and conduct appropriate mediation if necessary. Carry out more multilateral cooperation based on the original bilateral cooperation. The ASEAN has an inherent dual function. First, the ASEAN exerts its leadership in coping with internal affairs and conflicts resolved in the ASEAN Way, intensifying the cooperation of the interregional states. Second, the ASEAN exerts its directing function in dealing with extra-regional international affairs by persisting in the ASEAN Centrality to face geopolitical and global economic reforms and pursue multilateral cooperation methods to resolve international disputes. For example, the ASEAN Centrality's influence would balance the powers' rivalry from the perspective of ASEAN's interests. The ASEAN's rational and inclusive attitude to the Indo-Pacific and China's Belt and Road Initiative is an excellent case.

When cooperating with big powers or jointly dealing with traditional and non-traditional issues, the ASEAN should maintain its independence and autonomy, abide by the ASEAN Centrality, and avoid losing initiative. In the case of Mekong regional issues, the ASEAN can actively participate in multilateral cooperation mechanisms, such as actively cooperating with the China-led Lancang-Mekong Cooperation (LMC), the US-led Mekong-US Partnership (MUSP), the ADB-invested Greater Mekong Subregion (GMS) economic cooperation program, and so on.

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FIFTY-FIVE YEARS OF THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN) AND THE NEED FOR A FUTURE BLUEPRINT

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Abstract: Just like in the past, when in 2007, the ASEAN celebrated four decades of existence, it is now faced with the question of whether the organization needs to revisit its core fundamentals, particularly related to non-interference in internal matters of member countries and decision-making through consensus building. A few new questions have been raised related to the functioning of the ASEAN, given the fact that it is celebrating its five and a half decades of existence and it is seen as one of the examples where an organization that was built on ideological lines has transcended to become an all-encompassing regional organization. New countries such as Timor Leste are waiting for membership in the organization, and there is acknowledgement that this organization has the potential to resolve issues related to the region. There have been concerns raised with regard to the functioning of associate organizations of the ASEAN. These organizations need to revisit their agendas and mandates instead of duplicating efforts. These ASEAN-centered organizations germinated out of the sheer necessity to address specific challenges such as defense, maritime security, and preventive diplomacy. Over a period of time, new formal and informal institutions such as the East Asia Summit and the Asia-Pacific Economic Cooperation have also dominated the strategic space. This paper highlights the core concerns related to the regional challenges and how the organization is looking for a future blueprint to stay relevant while accommodating intrinsic fault lines between old and new members.

Keywords: ASEAN Centrality, ASEAN Way, consensus, Communiqué, Summit, East Asia, APEC

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INTRODUCTION

The ASEAN as an organization, which started as an ideological front in 1967, is now looking for a future road map based on the three pillars, which include politico-security, economic, and socio-cultural aspects. The organization has been seen as one of the successful regional organizations which has brought about a regional identity and developed camaraderie based on consensus among the member countries. The ASEAN was a successor to the Southeast Asia Treaty Organization (SEATO), formed in 1954, and the Association of Southeast Asia (ASA), instituted in 1961, as an early initiative for regional dialogue. Subsequently, the ASEAN was created and was seen as a forum for the anti-communist bloc. More than three decades later, by the year 2000, it had brought about ten Southeast Asian nations together and also wiped the ideological fault lines that were the foundation for the initial genesis of this organization. The evolution of the ASEAN has been seen as an effort of regional unity, pooling of resources, consensus building, and “addressing issues related to security” (Buzan, 1988, pp. 15-16) with dialogue and discussion within a regional setup. Over a period of time, the ASEAN as an organization has also developed dialogue partnerships and engaged major powers for discussion related to economics, political aspects, and developing better synergies with the global community. In fact, it is interesting to note that the relationship among the ten Southeast Asian countries has also progressed under the flag of the ASEAN in the last two decades (Sixth Sapru House Lecture, 2013). The organization’s regular summit meetings, which are followed by a joint communiqué, have aided in the development of a better understanding of issues such as terrorism, trade and investment, connectivity, regional security mechanisms, and timelines for the realization of special economic projects such as growth triangles and investment areas. However, there are apprehensions with regard to the organization’s handling of critical challenges such as the return of military rule in Myanmar; the refugee crisis; China’s aggressive posture in the South China Sea (Pan, 2014, p. 153; Jha, 2013); problems in the river water sharing of the Mekong River (Ministry of External Affairs, India, 2016); and developing regional economic synergies while protecting domestic industry. The aspects related to the development of regional value chains, the movement of skilled labor, and physical and digital connectivity are other aspects that the regional organizations need to address as a priority. It has been stated that the ASEAN needs to get over this consensus building method and work on deliverables rather than being branded as a “talk shop” in the future. There have also been issues related to the ASEAN centrality while addressing the core regional security architecture. The ASEAN also undertook community

building exercises to bring it closer to the European Union. The issue of ASEAN centrality has recently received a lot of attention because it was thought that a construct like the Indo-Pacific would subsume the Southeast Asian organization. The ASEAN Outlook on the Indo-Pacific was addressed to the international community to show that it is still a relevant organization despite many flaws. The ASEAN is undergoing a revamp, and it has acknowledged that there is a need for a political, economic, social, and cultural community, which will enhance the understanding between the member nations and also bring it closer to the regional community that the other stakeholders, such as dialogue partners and observers in this organization, need to fulfill.

THE THREE PILLARS OF THE ASEAN COMMUNITY BUILDING

The three core pillars of the ASEAN community building include a political security community that tries to address building synergies between various member states through political development, prevention of conflict and resolution of conflicts, peace-building, and establishing norms along with the implementation of various mechanisms. It has been stated that the development of the politico-security community will be the most challenging endeavor of this organization, given the fact that the political processes in different member countries are quite different. However, there is a willingness among the heads of states and governments that undertook this initiative in December 1997 under the aegis of the ASEAN. The core element of this thinking came from the idea of the “ASEAN consensus” and the “ASEAN way”, which clearly showed that these countries can develop synergies for political development and address processes that can bring about harmonization and understanding, reinforcing ASEAN centrality and thereby developing regional architecture. On a number of issues, the ASEAN has done relatively well, particularly with reference to legal matters and the treaty on mutual legal assistance, respect for human rights in accordance with the ASEAN Charter, addressing issues related to women, peace, and security, and developing a peaceful, secure, and stable region (ASEAN, 2022b). Although peace and security are seen as an enigma with major powers vying for strategic influence, in the non-traditional security domain it has been successful in developing national and regional capacities in countering arms smuggling, human trafficking, counter-terrorism, economic fraud and crime, money laundering, addressing border management issues, immigration and consular matters, illicit drugs, and cyber security. The institutional mechanisms that were created in accordance with the ASEAN Charter and the principles of international law show a growing trend of cooperation in the field of defense (Jha, 2008, p. 1089)

between the various member countries of the ASEAN and also the collaboration with the dialogue partners accordingly. However, ideas such as the ASEAN defense industry still need to enter the planning phase. While the political community has been seen as a major starting point, much of the work has been done with regard to the second pillar – the ASEAN Economic Community. Primarily, the majority of countries are export-oriented economies. Under the provisions of the ASEAN Economic Community, it is expected to emerge as a product-based single market that can fully integrate into the global value chains. In the initial stages, when the ASEAN Economic Community was in its nascent stages in 1992, the provision was primarily for developing the ASEAN Free Trade Area (Ken, 2003, p. 1). One of the trickle-down effects of this idea was the genesis of the Regional Comprehensive Economic Partnership (RCEP), a regional economic grouping of ten ASEAN nations and five dialogue partners, excluding India, the US (Hagel, 2014), and Russia. Under the Hanoi Plan of Action, which set out the blueprint for economic integration so as to realize the ASEAN Vision of 2020, the ASEAN Economic Community blueprint was adopted in 2007 (Ravenhill, 1998, p. 270). It was seen as the framework under which economic integration could progress. The ASEAN Vision 2020 has brought about better connectivity, unimpeded flow of goods and trade in services, promoting investments and developing capital and equitable economic development. A highly integrated and cohesive regional economy, capable of being internationally competitive, innovative, and adhering to a futuristic vision, served as the foundation for developing this region as one of the most integrated economic regions in the world (Indo-Pacific Economic Corridor (IPEC) Phase I). The vision was also to create a global ASEAN framework which could bring about more trade and investment to the region and also provide greater inflows of Foreign Direct Investment (FDI) and outflows of investment from this region to the world.

The third pillar of the framework, known as the ASEAN Socio-Cultural Community (ASCC), brings together ASEAN citizens under the rubric that was envisaged during the ASEAN summit held in Kuala Lumpur in 2015. The ASCC Plan 2025 has been adopted and basically aims to create a committed, participatory, and accountable community that can work together for the benefit of the people of the region. This inclusive community should enable optimal protection of human rights and respect for international legal principles and norms. In fact, the ASCC also addresses issues related to climate change, natural disasters, and new kinds of threats. The socio-cultural community also envisions a wide range of cooperation in areas such as youth, sports, poverty eradication, labor empowerment, training of civil servants, environmental health, human health issues, and humanitarian assistance. In all these security

communities and political and cultural communities, the involvement of the senior officials in meetings and various committees brings expertise, which is seen as a prerequisite for developing capacities and implementing cross-sectional provisions of these three pillars. A few of the changes that have been brought about within the ASEAN framework have been related to issues such as the ASEAN Charter on human rights and democratic fundamentals. The ASEAN Charter, which was adopted in December 2008, was the harbinger of political commitment, a new legal framework, an empowered role of the Secretary General of the ASEAN, and a work towards “one vision, one identity, and one community” (ASEAN, 2022a). The Charter also looked into the role the people of the region can play and has been very instrumental in promoting people-oriented organizations under which all sections of society are encouraged to participate and also bring about new thought processes for ASEAN integration and community building. The ASEAN Charter has also laid the groundwork with regard to the peaceful settlement of disputes through dialogue and consultations and promoting regional peace and identity. However, there have been apprehensions related to Chinese aggressive moves in the South China Sea (SCS), and it has been stated that consensus building is not enough to address core security concerns.

THE TREATY OF AMITY AND COOPERATION: NEED TO REVISIT CORE PROVISIONS

The Treaty of Amity and Cooperation (TAC), which has been signed by most of the dialogue partners, is one of the areas that brings about a sense of responsibility among the associated dialogue partners. The member countries are also committed to strictly adhering to the TAC, which talks about the renunciation of aggression (ASEAN, 2022c). It also addresses the core issue of aggression among the member states because, in the past, there have been certain skirmishes between Thailand and Cambodia and a few other countries of the ASEAN. The Treaty of Amity and Cooperation in Southeast Asia under the rubric of the ASEAN was initiated in 1976, and it buttresses the universal principles of peaceful existence and cooperation among the member states of the organization. This legally binding code for intra-regional cooperation has been amended three times in the past and has provision for the accession of states outside Southeast Asia. Till January 2021, nearly 43 countries have accepted the TAC (ASEAN website, 2022) and have signed on the dotted lines. However, the TAC does have its flaws in terms of implementation and provisions for penalty if any of the signatories infringes on the core provisions of the TAC in Southeast Asia. There have been increasing instances where tensions

between China and the claimant states of the South China Sea have come to a military confrontation, and as per the provisions of the Treaty, it should be completely avoided. However, this did not happen and it was questioned whether the TAC had been unsuccessful in restraining the ASEAN members and signatories to control these intimidating and aggressive tactics. Under the Treaty, the core provisions have been related to mutual respect for sovereignty, equality, territorial integrity, and independence among all the member nations. It also provides for non-interference in internal affairs and the settlement of disputes by peaceful means. The core provision of Article IV which is being challenged increasingly is the renunciation of threats or use of force because of increased military manoeuvres by China which contravene the legal maritime territorial rights of many of the ASEAN member states. One of the areas where the regional organization has done a commendable job is related to the ASEAN Convention on Counter Terrorism, which provides the framework for cooperation to counter, prevent, and suppress terrorism in all its forms and manifestations. This Convention on Counter Terrorism has strictly adhered to the UN Charter and made provisions for extradition treaties. Addressing transnational crime and joint action to counter terrorism following the 9/11 terrorist attacks in the US, the ASEAN declaration on joint action to counter terrorism (November 2001) has clearly articulated that the organization will be working on strengthening counterterrorism mechanisms across the region. The ASEAN asked all member countries to adhere to the universal instruments against religion which have been provisioned under Security Council Resolution number 1373 and work towards countering terrorism in a more coordinated fashion. From 2014 onwards, the organization has been working to address threats posed by foreign fighters and also conduct cooperative joint efforts against those people who have joined the Islamic State to fight in Iraq and Syria. In 2014, the ASEAN undertook serious deliberations to address the rise of radicalization and violent extremism. In order to address this comprehensive ecosystem of terrorism, radicalization, and extremism, the organization adopted the Manila Declaration, which is primarily aimed at addressing the root causes of terrorism. It established the Southeast Asia Regional Centre for Counter Terrorism in Malaysia in 2002. The active instruments adopted by the ASEAN have brought about uniformity across the region to address issues such as transnational crime, counterterrorism, and violent extremism. It also adopted a comprehensive plan of action to counter terrorism under the UN Charter way back in 2017. In order to be more human in its approach, the ASEAN also adopted the human rights declaration in 2012, accepted the responsibility for developing regional human rights standards, and inserted an article under the ASEAN Charter which explains the role the ASEAN

Intergovernmental Commission on Human Rights should play to protect illegal confinement and attention by the government authorities. Under the common institutional framework, the organization has been very instrumental in addressing challenges such as border management, arms smuggling, cyber security, defense cooperation, human rights, illicit drugs, and addressing challenges related to human trafficking, money laundering, and cooperation on legal matters, particularly related to judicial assistance and non-proliferation and disarmament, along with maritime security and cooperation within awesome on maritime issues (ASEAN, 2022, February 16). In fact, one of those challenges that the organization has faced is related to preventive diplomacy, and it is stated that the organization's lofty ideas have failed to meet the standards required, given the fact that there are a number of issues still lingering. This includes "localized disputes and conflicts between the ASEAN member nations, the maritime disputes related to the South China Sea and river water sharing related to the Mekong"(Goh, 2008, pp.17-18), and the peaceful settlement of disputes, particularly related to sovereignty on certain islands and islets.

ASSOCIATED INSTITUTIONS UNDER THE ASEAN

The ASEAN has over time created new institutions that work in various fields, such as the ASEAN Regional Forum, the ASEAN Defense Ministers' Meeting (ADMM), the ASEAN Expanded Maritime Forum, and informal meetings such as the East Asia Summit. The ASEAN Plus meetings with dialogue partners were seen as a major achievement that brought the ASEAN member states and dialogue partners closer together. The ASEAN has evolved over time by holding meetings of senior officials and summit meetings to address key challenges in the region. However, the ASEAN has also come across a number of challenges related to issues such as the Rohingya refugee crisis, the coup in Myanmar (2021), intra-regional tensions and conflict resolution in critical areas such as the South China Sea. The ASEAN has also been chastised for being a talk shop, owing to the ineffectiveness of institutions such as the ASEAN Regional Forum in bringing together a large number of countries to address issues such as preventive diplomacy, crisis resolution, and conflict management. Invariably, the organization has tried to work on building communications through enhancing channels of information sharing, facilitating dialogue, and involving various members for dispute resolution. However, the non-binding principle and the consensus on diplomatic and political action have at times undermined any initiative undertaken by the ASEAN Regional Forum. A few other initiatives which have been undertaken under the flag of the ASEAN have been related to

the ASEAN summit meetings, which started in Indonesia in February 1976, and thereafter, each summit has led to the release of the Communiqué. But some of those summit meetings have exposed differences between nations, and the joint communiqué was not released, particularly in the context of the 2012 meeting, which was held in Cambodia, clearly exposing the weakness of the ASEAN. There were differences in criticizing China on the issue of the South China Sea, as the SCS claimant states such as Vietnam and the Philippines differed from the host country, Cambodia, as a result of which the Joint Communiqué was not released. Other instances when there were skirmishes between China and other ASEAN claimant states, particularly in reference to Vietnam and the Philippines, have also put pressure on the ASEAN formation and it was felt that ASEAN could not take effective actions against a formidable and strong dialogue partner. Because of this, the ASEAN Charter and agenda have been repeatedly challenged, leading to the perception that the consensus option is incompatible with future challenges. The ASEAN defense ministerial meetings under the ADMM have also brought the defense ministers of all the member states together to address core security concerns.

ADDRESSING STRUCTURAL AND INSTITUTIONAL CONSTRAINTS

Many commentators and strategic analysts have pointed to the fact that many organizations working within the ambition of the ASEAN have been replicating efforts, and therefore there is no dearth of resolutions and outcomes. They have failed in terms of implementing those outcomes and incorporating them into the policy decisions. One of the primary concerns has been the fact that the ASEAN Regional Forum is increasingly being talked about as a talk shop with no tangible benefits coming in the form of resolutions or effective implementation of the decisions made in these meetings. When the ASEAN Regional Forum (ARF) was established in 1994, its major purpose was to develop preventive diplomacy and work on maritime security. At the last ARF ministerial meeting, which was held in August 2021, the major agenda was to promote youth, peace, and security. The ARF has also released a statement related to enhancing cooperation for the prevention of infectious diseases and the rehabilitation of children recruited by several terrorist groups. The senior officials meeting within the ARF tried to discuss institutional aspects and share views on regional security. The ARF has also developed institutional affiliations across the spectrum, which includes the Council for Security Cooperation in the Asia Pacific (CSCAP), the Institute for Peace and Reconciliation, and institutes of Strategic and International Studies located in different ASEAN capitals. The ARF

is mentioned as a central pillar of the regional security architecture and reconciliation of differences to reduce threats in the Hanoi Plan of Action 2020-2025. The ARF follows the UN Charter for confidence building and preventive diplomacy so as to work towards peace, stability, and prosperity. One of the major flaws in the ARF process is that it talks about realizing and implementing processes at a leisurely pace and primarily on a voluntary basis. Related to the ASEAN Community Region 2025, the ARF also acknowledges that the evolving regional security architecture requires an action-oriented forum and also works in sync with other ASEAN-led mechanisms for greater concentration and effective implementation. The Hanoi Plan of Action acknowledges that in areas such as disaster relief, counterterrorism, transnational crime, maritime security, non-proliferation and disarmament, the ICT, defense cooperation, and peacekeeping operations have helped in developing dialogue, but then in terms of review and implementation, it is still lackluster. Within the ARF, a discussion has been held related to defense cooperation and maritime security. The question arises that if the forum was effective enough, then why was there a need for the ADMM plus and the Expanded ASEAN Maritime Forum given the fact that both these aspects have been addressed in the ARF? During the last meeting, which was held on November 17, 2021, there were discussions with regard to the rule of law at sea, the United Nations Convention on the Law of the Sea (UNCLOS), the South China Sea, the blue economy, and protecting maritime resources. It also acknowledges the need to address marine plastic debris and other aspects related to maritime cooperation. Interestingly, more than a decade ago, in November 2011, Japan tried to propose a forum to discuss maritime issues among the East Asian Summit member countries. The East Asian Maritime Forum, which took place in October 2012, as well as the Expanded ASEAN Maritime Forum, have been trying to converge on issues of mutual interest. However, there is a need to acknowledge the fact that too many institutional mechanisms have made progress on critical security issues very slow as well as voluntary. The ADMM Plus Initiative undertaken by the ASEAN has brought together the member countries as well as its dialogue partners, including "China, Australia, India, Japan, South Korea, New Zealand, Russia, and the United States" (Sarma, 2017, p. 27). The ADMM Plus and the ASEAN defense ministers meeting are seen as the most concentrated and cooperative dialogue forums, which bring together multiple interests and concerns of the dialogue partner countries as well. Since the ADMM Plus's Inaugural Summit in Hanoi in October 2010, the ADMM Plus has recognized the need for building capacity for addressing security challenges and developing trust and confidence among member countries' defense establishments as well as dialogue partner nations. This was seen as a viable alternative and a contributor to the larger mechanism,

which is known as the ASEAN Security Community, and it aspires to build stability, democracy, and prosperity. One thing which is very challenging within Southeast Asia is that democracy and history have seen a number of coups and military dictatorships, which include Thailand and Myanmar. The ASEAN member countries, despite knowing the fact that a similar agenda has been discussed in the ASEAN Regional Forum, proposed that the seven areas of discussion and dialogue within the institution, namely counterterrorism, maritime security, HADR, peacekeeping operations, military medicine, cyber security, and humanitarian mine action, be discussed in other forums. However, in terms of bringing countries together through field training exercises and the HADR exercises, it has been successful as regular tabletop exercises and other field exercises have been held under its aegis. Many dialogue partner countries and their defense ministers have been attending these meetings to develop synergies and look at their respective roles in promoting maritime security and counterterrorism initiatives in this region. Interestingly, military medicine, which looks into biomedical areas, has also been listed in it while very much acknowledging the fact that military medicine is a sensitive area and not shared by many countries. Cyber security is another area where the countries can cooperate, but the dialogue partners, including China and the US, have been working against each other in infiltrating cyber security frameworks. As a result, many of the discussions within the ASEAN Defense Ministers Plus Meetings have been farcical and showcase that, in terms of actual groundwork, there is nothing more than speeches and regular rhetoric made by the defense ministers.

CHALLENGES AHEAD

The ASEAN has to make certain corrections given the fact that the Cold War fault lines are getting more prominent with the differences emerging between the founding members of the ASEAN and the new members. It has also been seen that in the case of the bilateral free trade agreements, major countries, namely Thailand, Malaysia, Singapore, and Indonesia, have dictated terms during negotiations and also reaped the dividends given their effective production facilities and better management of resources. This has been a major bone of contention within the ASEAN. There is no denying the fact that in terms of free trade agreements or regional trading agreements, the CLMV countries, given their underdeveloped and developing status, become ancillary industries to the major four countries. Importantly, in the early 1990s, there was more rhetoric with regard to the ASEAN way and consensus building as the major achievements of the ASEAN as an organization. Consequently, the ASEAN way did not find much resonance in the ASEAN deliberations. The member countries,

however, have adhered to the consensus-building processes but have different stances on a number of issues, such as the case of maritime boundary disputes between individual member countries or protecting their interests while negotiating with China in demarcating the South China Sea territories. The differences within the ASEAN have become more profound when China proposed bilateral negotiations with each of the claimant states in the South China Sea rather than entering into a multilateral negotiation process. The negotiation process, which was undertaken under the Code of Conduct, is still in the negotiation phase even though the voluminous initial draft has been accepted. Even though the ASEAN proclaims to be effective in resolving disputes, in the past, there have been skirmishes between Thailand and Cambodia on the boundary wall of the Preah Vihar Temple and also tensions between Malaysia and Indonesia on cultural issues, particularly with regard to certain dance forms and representation in their tourism leaflet. Cambodia, Laos, Myanmar, and Vietnam, given their limited capacities in terms of infrastructure, power, and capital, have not gained that much from the ASEAN organization purely in economic terms. However, one can clearly say that in the political processes and the negotiations between different member countries of Southeast Asia, the process has been very fruitful and beneficial for undertaking common objectives and agenda for the future. One of the ASEAN initiatives during the COVID-19 pandemic (Press Release on Corona Virus Disease, 2019) has been to integrate health institutions as well as medical research institutions and look for common strategies so as to help the people of Southeast Asia. This initiative, which was undertaken in 2020, also saw the involvement of countries such as the US, India, China, Australia, and Japan, which came forward to provide medicine, vaccines, and necessary diagnostic materials to these countries under the ambit of the ASEAN plus one initiative. Regarding the ASEAN Investment Area, the ASEAN member countries have not been able to fulfill the requirements in terms of facilitating business, ease of access, migration of skilled labor, and making the region a major regional manufacturing hub. A few instances in this regard have been the development of the ASEAN defense industry and the core specialized areas, particularly in electronics and other high-end technology products. Within the ASEAN, there is a deficit in infrastructure, and connectivity is still picking up. One of the major reasons has been the limited capacity of the ASEAN member states to invest in infrastructure, and the other stakeholders have been quite wary of the fact that China's Belt and Road Initiative (BRI) has undertaken most of the projects related to highways, construction of ports, jetties, and trading ports. Even though the G-7 countries have also talked about Built Back Better World (B3W) and working on infrastructure projects in the region, given the challenges that they have faced, primarily with Chinese investment and Chinese

political interference in a few of the countries, foreign direct investment has receded, particularly in infrastructure projects. In Myanmar, which had a continuous influx of foreign direct investment after democratic changes in 2014, the subsequent military coup in 2021 and the military rule have restrained many of the foreign direct investment investors to develop townships, cities, and major ports in Myanmar. Even in the case of Thailand, which has seen oscillating democracy and military rule, many Western democratic countries have put certain criteria before investing in those areas because of a lack of consensus within the political establishment. The fact that the ASEAN has conducted more than 300 meetings drains the human resource capacity and slows down the implementation process. In fact, the ASEAN as an organization has to reduce this number of meetings while working on tangible results on the ground. There is no doubt that the ASEAN as an organization in the developing world has created milestones and achieved a number of initiatives and completed projects. However, the ASEAN 2.0 requires the organization to frame its future agenda and work toward achieving the objectives, particularly in the context of the political security community, economic community, and sociocultural community, within the time frame. The ASEAN has also given birth to new forums, and there are multiple spinoffs that have benefited the Southeast Asian countries. One of the major benefits has been the development of the Shangri-La Dialogue, which is an informal dialogue that brings together major stakeholders in the region to discuss the priority areas and work together to build a security community within this region. Also, the process of Regional Comprehensive Economic Partnership has found a foundation within the ASEAN negotiating process and is one of the biggest trading regions in the world. Even though it is still in the implementation phases, it will create a number of jobs and a free trade zone. However, there have been apprehensions that the RCEP, which is again competing with the Comprehensive and Progressive Transpacific Partnership (CPTPP), will decide on the ushering of the Chinese century or the multi-role that the ASEAN will play in the future along with other stakeholders. Several institutions which still need course corrections are the ASEAN Regional Forum and the Expanded ASEAN Maritime Forum. They should also work on a better agenda, particularly related to security and defense matters under the ambit of the ASEAN Defense Ministers Meeting Plus.

CONCLUSIONS

The ASEAN as an institution has been instrumental in developing this region through integration of economic networks, developing political synergies, addressing core issues and raising concerns with regard to non-traditional

security issues. The five and a half decades of the organization have been instrumental in bringing together underdeveloped economies and promoting regional harmony through buzzwords such as the ASEAN way, the ASEAN consensus, and developing coherent ideas for future progress through intra-regional and interregional cooperation with other stakeholders. However, the organization has been marred by a number of hindrances given the limited capacities and capabilities in maintaining security and order, avoiding intra-regional conflicts, and addressing trans-border issues in a more cohesive and regional manner. Even so, the ASEAN has been instrumental in developing associated sub-regional concepts and bringing diverse issues together, such as preventive diplomacy, conflict resolution, maritime security, and developing consensus on issues related to regional development. All this rosy picture can be attributed to the efforts of the ASEAN under rotational chairmanship, but it has still failed to address core security concerns, which were the foundation for the making of this organization. Several organizations have also been criticized, such as the ASEAN Regional Forum, which has even engaged countries such as the Democratic People's Republic of Korea. In terms of tangibles and deliverables, it has provided a foundation and a forum for dialogue, but beyond that, it has failed in many ways. Despite that, the ASEAN has tried to maintain its primacy in security issues while completely acknowledging the fact that it is beyond their means to control China. As a result, different treaties, such as the TAC, and maintaining resistance to any kind of use of force or threat of use of force, have been completely undermined. Consequently, the ASEAN should review its charter and accept the fact that in order to achieve better coherence, it will have to seek the help of dialogue partners to resolve inter-regional disputes such as the South China Sea dispute. In doing so, the ASEAN should explore opportunities to build ASEAN communities. One cannot deny the fact that for the ASEAN, maritime security and maintaining international order at sea is one of the most critical areas. However, given the limited size of the organization and the clout that it has, it cannot achieve much in terms of maintaining security. However, it can act as a buffer between contesting parties such as the US and China in strategic waters. Its biggest strength is bringing contesting powers together on one platform to exchange ideas and express concerns.

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ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN) AND THE DEVELOPMENT OF REGIONAL ECONOMIC COOPERATION - PARTNERSHIP WITH RUSSIA

Hendra MANURUNG*

Abstract: This study focuses on the Association of Southeast Asian Nations (ASEAN) and its economic relations with Russia by applying economic cooperation in Southeast Asia. Russia began intensively establishing regional cooperation with the ASEAN two decades ago and officially became an ASEAN dialogue partner in 1996. At the 2018 high-level meeting, the ASEAN and Russia agreed to promote partnership by establishing a strategic partnership. In early August 2018, Russian Foreign Minister Sergei Lavrov inaugurated the Permanent Representative of the Russian Federation to the ASEAN. Russia's permanent representative office to the ASEAN also doubles as Russia's diplomatic headquarters. In the era of the COVID-19 pandemic, Russia has contributed to cooperation in handling the global pandemic, not only improving in the fields of anti-terrorism and anti-extremism. The qualitative approach is literature-based and neoliberal in nature. Russian cooperation with the ASEAN provides strategic interest in the world's busiest regions to open export markets to Central Asia. These challenging close relations are perceived as optimistic by the ASEAN member states. Indonesia benefits more from trade with Russia than Russia itself. Russian products marketed in Indonesia consist of cars and machinery. Products have cheaper substitutes than in Russia. Meanwhile, for Indonesia, consumer products such as palm oil and other consumer goods are still challenging to find product substitutes for in Russia. This paper concludes that ASEAN and Indonesia need to take advantage of the temporary momentum of Russia's presence to overcome the boosting competition in the Asia-Pacific region, especially during and post-pandemic.

Keywords: ASEAN, Russia, strategic partnership, Southeast Asia, Indonesia.

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INTRODUCTION

The ASEAN and Russia's longstanding partnership is a pillar of stability, security, and peace in Southeast Asia. Obviously, this raises the question of why and how, since the 2000s, Russian policy-makers have expanded their global politics and foreign policy orientation to reach a number of countries in the Southeast Asian region. In research by Tsygankov et al. (2022, p. 68), he describes the crisis of modern international relations theory and assesses the prospects of political realism for developing a nationally oriented theory in Russia. The realism approach contributes to the development of such a theory. Like it or not, the national idea should not be confined to the country's survival and security but should cover the national understanding of freedom, values, and development resources continuously. The Kremlin sees a number of opportunities for developing sustainable and synergistic economic, political, social, cultural, and defense cooperation with the ASEAN. Russia has changed its foreign policy strategy from West to East, particularly in optimizing Southeast Asia's economic progress with the ASEAN. The Soviet Union during the Cold War rarely interacted with a number of countries in Southeast Asia (Adigapa, 2019, p. 2). Russia's relations with the West took a turn for the worse when the Crimea problem emerged internationally in late 2014. Thereafter, the intense rivalry between the US and China in the region will widen even further. Russia's commitment and support for ASEAN centrality and the ASEAN Outlook on the Indo-Pacific in October 2021 was timely (Ministry of State Secretariat of Indonesia, 2022). The ASEAN-Russia strategic partnership celebrated its 25th anniversary in 2021, during which the Indonesian government encouraged the strengthening of mutual cooperation in the health sector, particularly in dealing with the pandemic and economic recovery (Indonesia Ministry of Foreign Affairs, 2021). Further, Collins (2012, p. 313) stated that since the end of the Cold War, and particularly in the last decade, there has been a generating interest in security threats that emerge from intra or interstate war but a host of transnational threats to human well-being and state capacity. Indeed, there is a consequence of these threats that could emerge along with the state cooperation in the region. These challenges should be responded to quickly and timely. There are considerable increases in the threats to individuals and nation-states, as shown by trans-national security concerns. Russia received the status of an ASEAN partner in the framework of a regional dialogue during the meeting of the ministers of foreign affairs of this organization on July 20-21, 1996, in Jakarta (Tass, 2016). In 2004, Russia joined the fundamental document governing relations between the ASEAN and its dialogue partners, the 1976 Treaty of Friendship and Cooperation in Southeast Asia (Bali Treaty).

Both sides urged practical and concrete cooperation in the economic sector in order to achieve the UN SDGs 2030 in maritime and connectivity. The ASEAN's concrete cooperation with Russia should be maintained and carried out, which will later foster a habit of mutually beneficial cooperation and can eliminate the culture of competition. A number of the ASEAN countries have forged strong cooperation with Russia for 30 years. Moscow's relations with Southeast Asia reflect how strategic the region is for a number of policy-makers of the global major-power countries, such as the United States (US), China, and Russia. Furthermore, according to Leifer (1999, p. 25), any attempt to deal with the rise of a potential hegemon, and the consequent disruption of the balance of power by non-military means was highly problematic. In research by Beeson and Stubbs (2012, p. 1), they identified that Asian regionalism is still taking shape and many of its key aspects are highly contested. Both scholars found that Asian regionalism is generally thought to have Western origins. However, most Asian populations accept that the borders of the various regions of the continent are challenged simultaneously by some of the countries. Regionalization is the process through which people and groups within a broadly defined geographic area are connected by tangible patterns of transnational transactions, such as family ties, migration patterns, trade, and capital movements. Indeed, each region has its own unique geographical characteristics.

The ASEAN cooperation with Russia started in 1991 (Indonesia Ministry of Foreign Affairs, 2021). Russia has officially become the ASEAN Dialogue Partner at the 29th AMM/PMC in Jakarta in July 1996. The ASEAN-Russia comprehensive cooperation was only formed in 2005 (Directorate General of International Trade Negotiation, 2018), namely since the signing of 1) the Joint Declaration of the Heads of State/Government of ASEAN and the Russian Federation on Progressive and Comprehensive Partnership, 2) the Comprehensive Program of Action to Promote Cooperation between the ASEAN and the Russian Federation 2005-2015, and 3) the Agreement between the Governments of the Member Countries of the Association of Southeast Asian Nations and the Government of the Russian Federation on Economic and Development Cooperation. In addition, it is certain that Russia's cooperation with the ASEAN will create opportunities for closer cooperation with Indonesia in order to open export markets to Central Asia. The ASEAN and Russia Trade and Investment Work Program Post 2017 has been developed based on the ASEAN-Russia Trade and Investment Cooperation Roadmap. It was further endorsed by the Ministers on October 12, 2012, and revised in 2017 in order to enhance economic cooperation to address emerging challenges and opportunities for trade and investment between the ASEAN and Russia

(Directorate General of International Trade Negotiation, 2018). Further, this Roadmap covers: 1) Two-way trade and investment flow improvement between the ASEAN and Russia; 2) Supporting ASEAN's deepening economic integration; 3) Facilitating broader economic integration between the ASEAN and Russia as well as within the ASEAN; and 4) Contributing to the multilateral trading system sustainably. Further, Russia's close relationship with the 10-member region was reflected in mid-June 2020 in a Plan for Multilateral Cooperation with the ASEAN, which was conveyed in a virtual meeting between ASEAN Foreign Ministers and Russia (Umar & Permana, 2020). In 2005, about 93 million Southeast Asian people lived below the US\$ 1.25-a-day poverty line and 221 million below the US\$ 2-a-day poverty line (ADB, 2009, p. 53). Meanwhile, according to research by Manurung (2021, p. 27), Indonesia still needs to focus its diplomatic resources, especially on strengthening defense diplomacy, so that strategic defense cooperation with Russia can be pursued optimally and sustainably. Further, a number of the ASEAN member countries fully supported strengthening partnerships with Russia in various fields following the opening of diplomatic representation for the association member countries in August 2017 in Jakarta (Putra, 2017). This was stated in the official statement of the 50th ASEAN Foreign Ministers Meeting in Manila, Philippines. Previously, in mid-May 2016 in Sochi, a number of heads of state or heads of government of the ASEAN met with President Vladimir Putin regarding the Russia-ASEAN Summit. At first, the ASEAN cooperation with Russia was only focused on foreign policy and security issues in the Southeast Asia region. Subsequently, the establishment of a Working Group on Trade and Investment Cooperation was initiated in 2002. This was followed by direct cooperation with the respective ministries and government agencies in the fields of energy procurement, agriculture, transportation, space, emergency, culture and tourism, as well as strategic defense-military concerns. The following documents are important for the ASEAN cooperation with Russia (Indonesia's Permanent Mission to ASEAN, 2018): 1) the Joint Declaration of the Heads of State/Government of ASEAN and the Russian Federation on Progressive and Comprehensive Partnership; 2) the Comprehensive Program of Action to Promote Cooperation between the ASEAN and the Russian Federation 2005-2015; 3) the Agreement between the Governments of the Member Countries of The Association of South East Asian Nations and the Government of The Russian Federation on Economic and Development Cooperation; and 4) the Roadmap on the Implementation of Comprehensive Program of Action to Promote Cooperation between the ASEAN and Russia 2005-2015. The development of the struggle for influence between the world's major powers in the international system reflects how the global structure has a pattern of

continuous interdependence. The relationship between one issue and another and between one country and another has become an unavoidable reality. The long-running conflict between Ukraine and Russia has had an impact on the alignment of strategic interests among ASEAN member countries, as well as the expansion of US, Chinese, and Russian global interests in the Southeast Asian region. Moreover, Jakarta is viewed by the Kremlin as a regional influential power and can become a dominant regional actor in Southeast Asia (Manurung, 2021, p. 77). Russia and China reaffirm their commitment to consistently deepen the comprehensive partnership and strategic interaction in all areas (Kremlin.ru, 2022). The illegitimate sanctions policy implemented by the West has made the global economic situation more complicated. Both countries agreed to expand cooperation in energy, finance, the manufacturing industry, transport and other areas, as well as further development of military and defense cooperation. At present, in the midst of the ongoing conflict between Ukraine and Russia which began at the end of February 2022, the conflict in the Eastern European region has not been resolved yet due to the inability of regional and international organizations to find a peaceful resolution for both countries. This is also becoming increasingly uncertain as the COVID-19 pandemic continues and the rivalry between the US and China intensifies. The exclusion of the Russian Federation from any global and regional peace agreement will not be successful and smoothly. Sergey Naryshkin, the head of the Russian Foreign Intelligence Service, on June 11, 2022, in Moscow stated (RT News, 2022): "Russia is a traditional guarantor of international peace and security. No peace, neither global nor regional, can be solid, stable, or lasting without Russia". The sanction and cancellation of Russia's global influence are attempts by Western countries to implement liberal totalitarian regimes. Indeed, these facts have reflected Western leaders' obsession with being the center of the world and making other nations bend to their will.

ASEAN-RUSSIA RELATIONS: SEEKING MUTUAL COOPERATION

Since 2016, Russia, as one of the world's superpowers, has been interested in approaching a number of Southeast Asian countries with the aim of improving sustainable and measurable economic and political relations. There are 10 (ten) Southeast Asian countries that have been members of the ASEAN regional organization since its establishment on August 8, 1967 in Bangkok, Thailand (The ASEAN Secretariat, 2020). President Putin's view on strengthening ties with the ASEAN member-states has always been and remains one of the priorities of Russia's policy (Kremlin.ru, 2022). Indonesia is

recognized as the ASEAN's largest economy and the leader of the Southeast Asian countries with high economic growth. The growth of the regional economy is expected to support global economic stability. According to research from Manurung et al. (2021, p. 94), Russia is a non-traditional market for Indonesia's main products in the Eurasian region. Therefore, Indonesian products in Russian markets and supermarkets are quite rare. In 2021, both sides will celebrate the 30th anniversary of official diplomatic relations. These relations, as documented in the Joint Statement adopted at the Russia-ASEAN Summit in Singapore in 2018, are of a truly strategic nature. ASEAN centrality and unity are supported by Russia continuously along with Russian active participation in various ASEAN-led mechanisms such as the East Asia Summit (EAS), the ASEAN Regional Forum (ARF), and the ASEAN Defense Ministers' Meeting Plus (ADMM-Plus), on various aspects of security cooperation such as addressing traditional and non-traditional threats and challenges that contribute to regional peace, security, and stability (ASEAN.org, 2021). Noticeably, for many years, it confirms the accumulated experience of practical cooperation and a solid package of agreements in the political, economic, social, humanitarian, and other spheres. It is important that not only governmental, but also business, public, and academic circles are involved in the interaction between Russia and the ASEAN. Further, the total population of all ASEAN countries is around 661.5 million people (O'Neill, 2021). The member countries of the Association of Southeast Asian Nations (ASEAN) are Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam. For twenty years, intensive political and economic cooperation has been maintained by Moscow in Southeast Asia and with Jakarta in particular. Russia views Indonesia as an important strategic partner (Tass.ru, 2022). According to Lavrov (2006, p. 2), Russia's role in international politics will be boosted, acquiring new facets and due depth. This is one of the priority areas in efforts to bring the resource potential of Russia's foreign policy into line with the requirements of the times. Moscow has seen a multifaceted orientation as one of its key characteristics outlined in the Russian Foreign Policy Concept, endorsed by the president in June 2000. In fact, the international roles of all states are changing dynamically. A joint declaration on a developed and comprehensive partnership and a comprehensive program of action for cooperation between Russia and the ASEAN for 2005-2015 were signed as a result of the 1st Russia-ASEAN Summit, held on December 13, 2005, in Kuala Lumpur, Malaysia (Tass, 2016). During the 2nd Summit, held on October 30, 2010, in Hanoi, Vietnam, a joint statement was also adopted, reflecting the common approaches of the parties to security and cooperation in the Asia and Pacific region. In 2013, the Ministers of Foreign Affairs of the Russian Federation

and the member states of the association approved the development of a new plan for the development of cooperation for the period from 2016 to 2020. In the strategic view of the countries involved in the SCS, this region certainly has political and economic value. However, apart from Indonesia's initiative to facilitate meeting forums, a bilateral approach is more dominant between China and the parties to the conflict in the South China Sea, except for Taiwan. Regionally, the four ASEAN countries, such as the Philippines, Vietnam, Malaysia, and Brunei Darussalam, that are directly involved in the SCS conflict also tend to override the ASEAN regional mechanisms to resolve conflicts (Indonesian Institute of Sciences, 2018). In addition to the ASEAN implemented mechanism being increasingly absent in the SCS conflicts, it reflects that among the ASEAN member countries there are still wide differences in regional interests, which also show mutual suspicion or distrust between countries regarding the ASEAN's ability as a regional organization to resolve conflicts in accordance with its norms and values. Therefore, with the establishment of the ASEAN Community, particularly the ASEAN Political-Security Community in December 2015, the ASEAN should contribute proactively to maintaining regional peace and stability in the South China Sea and Southeast Asia regions.

Russia and the ASEAN began cooperation in 1991. In July 1996, Russia officially became the ASEAN Dialogue Partner at the 29th ASEAN Ministerial Meeting/Post-Ministerial Conference (AMM/PMC) in Jakarta (Koran Tempo, 2005). The establishment of the partnership was initiated and is based on Russia's status as a permanent member of the UN Security Council, which is expected to be utilized for the benefit of the ASEAN. Russia's large economic market potential, coupled with its wealth of natural resources, is also an opportunity for the ASEAN to further enhance relations with Russia in a number of development areas, namely: 1) Science and Technology; 2) Trade; 3) Resources; 4) Investment and Economy; 5) Environment, Tourism, and Culture, and 6) increasing people-to-people contact. The ASEAN's cooperation with Russia in the field of counterterrorism and the fight against extremism needs to be continued.

RUSSIA'S INTEREST IN SOUTHEAST ASIA

The existence of the ASEAN as the only regional organization in Southeast Asia, which was founded on August 8, 1967, in Bangkok, Thailand, has always received positive support from a number of global major powers. D. A. Medvedev, President of the Russian Federation, met with the ASEAN leaders in October 2010 and stated as follows (Lavrov, 2010), "Many experts believe that

the 21st century will be the Asian century. Whether this is true or not, time will tell. But the importance and prospects of this area of the world and its special role in the destinies of our planet are beyond doubt. Perhaps it is here, in the Asia-Pacific region, that the outlines of a new world order are being laid today, a new image of the system of global governance is being formed". Russian President Vladimir Putin and Chinese President Xi Jinping are committed to strengthening cooperation with the ASEAN. Both globally powerful leaders considered the ASEAN to be a key element of the regional architecture. The ASEAN's strategic central role is supported continuously by Moscow and Beijing in promoting the strengthening of cooperation in East Asia, continuing to improve coordination on issues of strengthening cooperation with the ASEAN, and jointly promoting cooperation in the fields of public health, sustainable development, counterterrorism, and the prevention of transnational crime. This statement was emphasized by President Putin and President Xi Jinping in a joint declaration released after their bilateral meeting in Beijing in early February 2022 (Dikarma, 2022). In addition, Russia-ASEAN cooperation is also valuable as a multilateral effort in solving the effect of the COVID-19 pandemic for the last two years (Manurung, 2020, p. 1). The intense interactions between and amongst state and non-state actors are generated by globalization. However, in pursuit of its national interest, Indonesia is working very hard to further strengthen its bilateral trade relations with Russia for mutual benefit (Manurung, 2016, p. 1). Therefore, the ASEAN is a major element of the Asia-Pacific regional architecture, in which the role, contribution, and cooperation of Russia, China, and other countries with the ASEAN should be constantly strengthened and developed simultaneously. Additionally, Russia and China are also clearly opposed to the use of external forces that undermine security and stability in the territory of their mutual neighbors and intend to reject the interference of external powers in the internal affairs of sovereign countries under any pretext. Furthermore, regarding the pandemic, Russia opposes any attempt to politicize global health issues. Russia welcomes the cooperation of China and the World Health Organization (WHO) to establish the source of the new coronavirus infection and supports the reports of China and the WHO on this issue. The international community needs to come together to uphold a serious scientific approach to research on the origins of COVID-19. Sumsky et al. (2012, p. 2) identified that Russia is geographically and historically part of Asia and the Asia Pacific and has been a dialogue partner of the ASEAN since 1996. The barriers of distance and language prevented the ASEAN member nations and Russia from knowing each other and interacting much ten years ago. Since the end of 2014, the Russian confrontation with the West has been getting increasingly tense, especially over the Crimea issue. As Leo Tolstoy in

War and Peace (in Russian *Война и мир*) stated (Karaganov, 2017, pp. 2-3): “A battle is won by those who firmly resolve to win it”. Indeed, Russia would resolve and win any global and regional conflicts. Moscow considers the West’s sanctions on Russia due to the Russian special military operation deployment to Ukraine as the US-led attempt to shift the responsibility for what is happening in the world food market (Kremlin.ru, 2022). Since 2014, the US alone has spent billions of dollars for this purpose, including supplies of arms and equipment and training of military specialists (Kremlin.ru, 2022). However, Western leaders deliberately blame Russia for emerging problems in the global market, such as food and energy availability issues. The development of Asian economies is characterized by rapid integration processes, both in sub-regional and pan-Asian formats, which often overlap and are mutually complementary. Distinctly, the SCS region has always been a stage for power competition since 2010 between China, the Philippines, Vietnam, Malaysia, and Brunei. The five parties mentioned above are fighting for control over certain areas. Basically, the issue in the SCS area is not much different from other territorial disputes. However, the strategic position of the SCS later became a factor that drew public attention to this case. In the contemporary era, the emergence of the SCS issue is ultimately seen as a problem that arises because of a shift in the balance of power, namely when the US seeks optimally to preserve Washington’s unilateral policy momentum after the Cold War, which has created a vacuum of a regional major power in Southeast Asia and boosted Beijing’s international ambitions to show a military force presence in the region in line with the implementation and pursuance of the Belt and Road Initiative agenda sooner or later. Therefore, each ASEAN member country is certain to have a special strategy to deal with China’s intentional behavior related to Chinese unilateral actions in the South China Sea. Although there are only four ASEAN member countries that are directly involved, the Declaration on the South China Sea, which was adopted by all ASEAN member countries, emphasized that in this case, the ASEAN stood together to show objections and rejection to China’s aggressiveness. The authors use the perspective of structural realism as an analytical tool. The tendency of different strategies of each ASEAN member country towards China, related to the South China Sea issue, can be understood by explaining the motives behind this tendency. The Philippines and Vietnam tend to show a balancing strategy against China, then Cambodia, Laos, and Myanmar towards a bandwagon strategy, while the others do not show any skew. Russia and a number of ASEAN countries agreed to continue improving cooperation to build a peaceful, stable, and sustainable region at a virtual meeting in October 2021 (Wirawan, 2021). President Putin at the fourth Russia-ASEAN summit stated as follows, “We all support the expansion of equal and mutually beneficial

cooperation in the vast Asia-Pacific space. We now have a real opportunity to intensify cooperation between Russia and the ASEAN, including in terms of strengthening stability and security, post-pandemic economic recovery, trade stimulation, and expansion of humanitarian contacts". In a joint statement after the summit, Russia and the ASEAN members agreed to explore the possibility of practical cooperation on issues of common interest between ASEAN, the Eurasian Economic Union (EAEU) and the Shanghai Cooperation Organization (SCO). In addition, the ASEAN member-states fully encourage and support the ASEAN's partnership with Russia to prevent the threat of regional security stability to the dynamics in the Indo-Pacific, which leads to the struggle for influence and the rivalry of world major-powers to intensify. Russia and the ASEAN have shared common interests and aspirations for many years in building and maintaining safe and prosperous Southeast Asian regions. The ASEAN and Russia still need to seek appropriate synergies in their development strategies to promote regional connectivity, in addition to increasing efforts to enhance maritime connectivity and develop sustainable and resilient logistics infrastructure and port management. Support for sustainable economic recovery in the region and closer people-to-people exchanges needs to be echoed and realized.

CONCLUSIONS

Russia has positioned cooperation with the ASEAN as one of the orientations of national interests and the focus of strategic foreign policy in Southeast Asia. The existence of ASEAN has become a locomotive for carrying the progress of a peaceful and prosperous Asia-Pacific region with the aim of realizing a process of economic, political, social, and cultural closer cooperation. However, the ASEAN and Russian leaders must continue to emphasize that their strategic positions and prominent contributions to key global and regional issues are in many ways similar in order to achieve global peace and stability. The main thing is that both sides are in favor of developing equal and mutually beneficial cooperation in the vast Asia-Pacific region. There are plenty of opportunities to intensify cooperation between Russia and the ASEAN, including strengthening stability and security, post-epidemic economic recovery, stimulating trade, and expanding humanitarian support and contacts. The dialogue partnership between Russia and the ASEAN is steadily gaining momentum. Both sides intend to continue to consistently generate and empower strategic cooperation. It requires political will, long-standing friendship traditions, political trust, and a solid foundation for the parties'

cooperation and mutual interest. Therefore, optimism should be maintained for the future of Russian-ASEAN cooperation.

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THE ROLE AND SIGNIFICANCE OF THE ASIA-PACIFIC ECONOMIC COOPERATION (APEC) IN THE MODERN ASIA-PACIFIC REGION

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Abstract: Thirty-three years after its establishment in 1989, the Asia-Pacific Economic Cooperation (APEC) remains one of the main economic forums in the Asia-Pacific. However, we argue that the APEC is becoming obsolete for two main reasons. First, at the ideational level, the regional lexicon has shifted to the Indo-Pacific, making the term “Asia-Pacific” rather outdated, which causes the APEC to lose momentum. The proliferation of bilateral and mega-regional FTAs also means that, in terms of economic ideas, the APEC is no longer the primary model for the region. Second, the APEC deliberately distances itself from politics and security issues, making it “economically exclusive”. This is an outdated approach since the Asia-Pacific is witnessing a shift in the regional discourse that links trade and economics to security issues. The 2022 Russia-Ukraine war will also test the limit of the APEC’s economic exclusivist approach, having in mind Russia’s role in the war and its membership in the APEC. In sum, present-day APEC fails to adapt to changes within the global and regional landscape, making its role and significance less prominent in the contemporary Asia-Pacific.

Keywords: Asia-Pacific, APEC, Indo-Pacific, regionalism, open regionalism.

INTRODUCTION

In 1993, Gareth Evans, the Foreign Minister of Australia and the Chairman of the first APEC meeting, jokingly described the APEC as “four adjectives in search of a noun” (Voigt, 2009). Only four years into its making at that time, the APEC was establishing its presence and ensuring that its goal of creating the

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Asia-Pacific as a region that promotes sustainable economic growth and prosperity was met (APEC Secretariat, 2021d). Initially, with only ten founding member states, the APEC has expanded within the last 32 years and now consists of 21 member economies within the Pacific Rim. By 2020, the APEC member economies have accounted for 38% of the global population, 68% of the global GDP, and 48% of the global trade in goods and services (APEC Secretariat, 2021b), highlighting their prominent role within the global economic landscape. Since its inception in 1989, the APEC has reported several major accomplishments. Aside from its annual meeting and the famous national outfit photo session, the APEC claimed to have reduced average tariffs from 17% in 1989 to 5.3% in 2018, which increased trade by sevenfold between its member states. Economic cooperation through the APEC has also assisted in spurring a GDP increase in its member states, from USD 19 trillion in 1989 to USD 46.9 trillion in 2018 (APEC Secretariat, 2021a). The APEC is currently one of the Asia-Pacific's oldest regional cooperations, and some consider it to be one of the most successful. However, despite the APEC's decent economic achievements, the literature tends to be divided between the APEC's role, relevance, and future in the Asia-Pacific regional landscape. On the one hand, proponents of the APEC view this forum as a driving force for worldwide trade liberalization (Bergsten, 1994) and that the APEC's role is more relevant than ever, particularly during post-pandemic recovery (Drysdale, 2021). On the other hand, skeptics have frequently criticized APEC as "adrift" (Ravenhill, 2000), "a case study in the difficulty of institutional consolidation" (Beeson, 2009 pg. 38), and even "balanced on the brink of terminal irrelevance" (Gyngell and Cook, 2005 pg. 4). The trade war between the United States and China causes fragmentation, has an impact on economic regionalism, and alters the architecture of cooperation such as the APEC (Solis & Wilson, 2017). These opposing views illustrate the APEC's contentious nature, much like other institutions in the Asia-Pacific. As an economic forum, the APEC has contributed to the Asia-Pacific's economic performance within the last three decades. However, we believe that the current APEC is largely obsolete for two reasons. *First*, at the ideational level, the idea of the Asia-Pacific being the centre of the global political-economic landscape has shifted to the Indo-Pacific, making the concept of the Asia-Pacific rather outdated. The shift from Asia-Pacific to Indo-Pacific signals a geographical and ideological shift toward more political and security-based regional relations, leaving the APEC somewhat behind. *Second*, the APEC's continued approach based on "economic exclusivism" is incompatible with the growing interconnectedness of economics and politics in the Asia-Pacific. Although the APEC has previously included counter-terrorism on its agenda, recent APEC meetings hardly recognize any traditional

security issues despite the region's concerns. This makes the APEC model rather anachronistic compared to other similar intergovernmental forums, which has caused additional skepticism (Higgot, 1995). The problem of intersection between economic issues and the security dimension has implications for economic interdependence on regional security (Ball, 1996). What are the prospects for the APEC as an economic partnership in the face of global change? Are there important theorizations that explain the shift in its role as a fluid international organization? What is essentially argued here is that, while the APEC's establishment was championed historically as a modern form of regional integration through its "open regionalism" principle, modern-day APEC faces difficulties in modernizing itself and adapting to current Asia-Pacific challenges. To elaborate on this argument, this article will be divided into four sections following the introduction. In the next section, we will trace regionalism's theoretical and empirical development and how this links to the idea of open regionalism that APEC postulates. Following this will be two sections on the APEC's growing obsolescence, both ideational and practical, before suggesting the need to redefine the APEC's open regionalism principle.

NARRATIVES OF REGIONALISM: OLD, NEW AND COMPARATIVE REGIONALISM

Although the idea and practice of regional integration are not new, *regionalism studies* are relatively new, propelled by Western Europe's experience with regionalism projects in the 1950s. Most scholars contend that voluntary and comprehensive regionalism only started after World War II (Söderbaum, 2008), while European and US scholars were the first to formally code it as an integrated and formalized field of study (Acharya, 2012). This theorizing era was considered the *old* wave in regionalism studies and was highly skewed towards the EU. However, a wider regionalism practice outside of Europe poses challenges for regionalism scholars, prompting the expansion of newer theories and approaches to address these changes. Newer regionalism theories have emerged, such as the constructivism approach to regionalism, the formal-informal view of regionalism, and governance-based theories (Söderbaum, 2012).¹ Following the EU's progressive integration – both

¹ Formal and informal refer to the way a regionalism project is managed by its member states, whereas formal is often characterised by the existence of strong institutions and a legal-based decision-making process. Informal regionalism tends to be looser and less rule-based. Some scholars, however, reject this strict separation between formal and informal regionalism.

empirically and theoretically –regionalism scholars started to shift their focus on other regionalism projects outside of Europe, triggering the rise of a new regionalism approach. Hurrell (1995) lists five different characteristics of the new regionalism projects compared to the old ones. *First*, new regionalism is much more diverse, particularly in areas/regions covered and issues being discussed. *Second*, there is mixed integration and cooperation between developed and developing countries, such as in Asia and North America. *Third*, there is a difference in the level of institutionalization between regions of the world, where some regions are more/less formal than others. *Fourth*, new regionalism is more multidimensional, blurring the lines between economic and political regionalism, and *fifth*, regional identity and regional awareness are becoming prevalent in the development of regionalism (Hurrell, 1995). Slightly differing from the old and new regionalism divide, Mansfield & Milner (1999) outline four waves of regionalism practice, tracing it back to the early 1800s. The first wave started in the 1830s, signaled by the increased economic transactions between states and the formations of regional multi-state cooperation, such as the German Zollverein's custom unions in 1834 and Great Britain's bilateral agreements in the 1910s. At the end of World War I, the second wave of regionalism started, mostly as a way to consolidate major powers during that era. However, the Great Depression and World War II halted the expansion of this project before resuming again in the 1950s. This third wave of regionalism is believed to be the early form of modern-day regionalism, which marks multiple regionalism efforts worldwide. One defining characteristic of this era was the closed (or exclusive) nature of cooperation and the separation between developed and developing countries. This third wave lasted until the end of the Cold War. Following this was the last wave of regionalism, characterized by non-discriminatory trade practices, or "open regionalism", mixed cooperation between developed and developing countries, and the inclusion of multiple areas of cooperation.

In sum, the classification of regionalism studies can be made based on the temporal, empirical, and theoretical dimensions of the study (Soderbaum, 2016), where temporal and empirical dimensions refer to the distinctiveness of project initiation and general practices within the region, while the theoretical dimension refers to how and when regionalism is explained within the academic literature. Several scholars have also introduced newer theoretical developments in regionalism studies within the last decade, dubbing it the era of *comparative regionalism*. Linking comparative regionalism with old and new regionalism may be confusing since the term *comparative* does not denote any temporal dimension. However, the word comparative in this sense should not be interpreted as merely time-based but should also be understood as reflecting a

wider teleological position of creating regionalism studies inclusive of all regions. In his work, Acharya (2012) traces the multiple historical origins of regionalism projects and argues for the importance of acknowledging different forms of regionalism across the world through a comparative lens. Similarly, Soderbaum (2016) lists four eras in the intellectual development of regionalism studies: early regionalism, old regionalism, new regionalism, and comparative regionalism.

Table 1. Differences between Old, New and Comparative Regionalism

	Old Regionalism	New Regionalism	Comparative Regionalism
World Order Context	Post-WW II and Cold War context (in Europe) Bipolarity but also post-colonialism provided context for the developing world	Post-Cold War context Globalization and neoliberalism Unstable multilateralism (e.g., trade, security) Transformation of the nation-state	Multipolar and “multiplex” world order War on terror Financial crises Rise of BRICS and emerging powers
Links Between National, Regional and Global Governance	Regional integration “beyond the nation-state” (in Europe) and advancing development and nation-building (in the developing world)	Regionalism seen as resisting, taming, or advancing economic globalization	Regional governance part of multi-layered global governance
Sectors, Actors and Forms of Organization	Sector specific (e.g., trade and security) Formal and state-led regionalism through regional organizations	Multi-sectoral or specialized State vs. non-state actors Regionalism vs. regionalization Formal vs. informal	States and non-state actors grouped in formal and informal forms of organization in growing number of sectors

Source: Soderbaum (2016)

Thus, while comparative regionalism as a terminology may seem confusing, it is a legitimate extension of regionalism since newer research on regionalism is focusing more on comparing specific elements of regionalism and interactions between them rather than focusing solely on one region (see, for example, Jetschke and Lenz, 2013; Fioramonti and Mattheis, 2016; Murau and Spandler, 2016; Risse, 2016). When applied to the APEC, it can be observed that APEC is a “new regionalism institution” mostly due to its open regionalism principle, which has been APEC’s *sine qua non* (Solís and Wilson, 2017). Any form of cooperation within the APEC is often synonymous with open regionalism (Garnaut, 2004), showing how this term has been closely associated with the APEC and the era of new regionalism. However, the establishment of APEC in 1989 not only coincides with the rise of new regionalism projects but also sets the template for Asian regionalism and subsequently leads to the proliferation of trade agreements in the Asia-Pacific. An important suggestion that did not yield satisfactory results was that APEC should ideally position itself as an open but influential agency. This requires a position that is separate from the government component, where it can emerge as an agency that has an autonomous capacity and is able to have an impact on its members (Emmerson, 2012, p. 4). Of course, there are various explanations for this, but we have the opinion that institutionally, the APEC should reorganize itself into a new geopolitical constellation.

THE APEC AT THE BRINK OF IRRELEVANCE: LOST MOMENTUM AND IDEATIONAL SHIFT

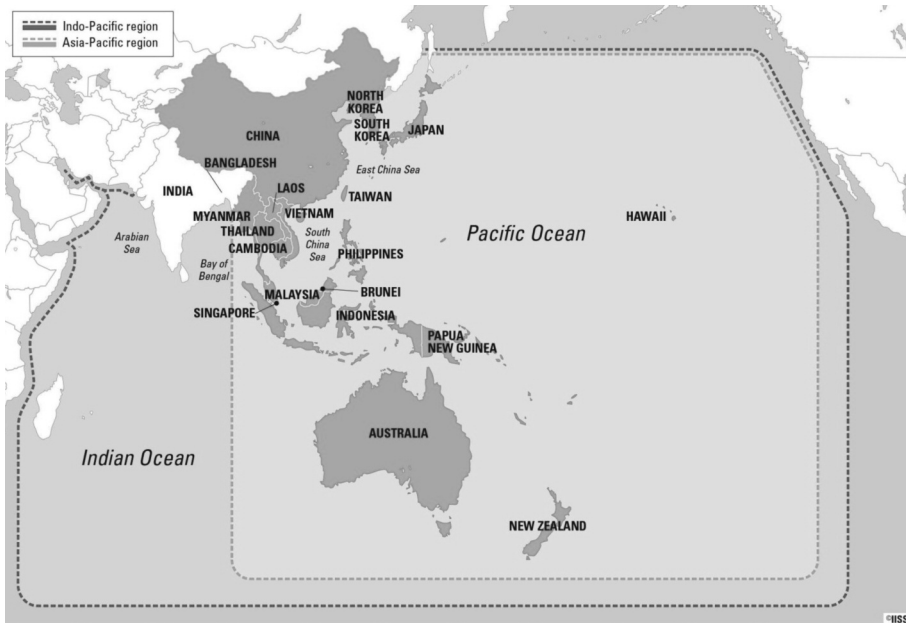
The 1990s and early 2000s were considered the heyday of economic regionalism in the Asia-Pacific. Since the 1990s, many Asia-Pacific countries have been involved in numerous bilateral free trade agreements (Ravenhill, 2003; Dent, 2004; Wilson, 2015), with several of these agreements overlapping one another, leading to the well-known phenomenon of the Asia-Pacific’s trade “noodle bowl”. These numerous trade agreements put the Asia-Pacific at the centre of global economic relations, particularly since economic gravity has been shifting towards the east since the 1980s due to the rapidly growing economies of East and Southeast Asian countries. Ironically, dissatisfaction with APEC was one of the driving forces that led to the proliferation of these bilateral trade agreements (Solís and Wilson, 2017). The APEC’s low level of institutionalization was considered inadequate to accommodate the ambitious needs of Asia-Pacific countries, particularly the developed ones, which led to the rise of bilateralism in the Asia-Pacific. With only four bilateral trade agreements in 2001, the Asia-Pacific saw a massive increase in 10+ years, totaling 54 bilateral trade agreements

by 2015 and 55 agreements with extra-regional economies (Solís and Wilson, 2017). However, towards the mid-2000s, there were efforts to consolidate these agreements through mega-regional free trade agreements (FTAs); two of the most well-known were the Trans-Pacific Partnership (TPP) and the Regional Comprehensive Economic Partnership (RCEP) (Killian, 2020). The TPP was initiated in 2005 and was later signed as a Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) in 2018, while the RCEP negotiations began in 2011 and were finalized in 2020. Several scholars have argued that these mega-regional agreements may indicate the end of the Asia-Pacific trade noodle bowl (Murphy, 2014), although this may also cause the Asia-Pacific to be more fragmented (Solís and Wilson, 2017). Despite this debate, the rise of trade bilateralism and mega-regional FTAs in the Asia-Pacific has overshadowed the APEC, which by that time had lost its momentum. These new trends in the Asia-Pacific region have pushed the APEC to the sidelines, particularly since the APEC appears to be stagnant. When the CPTPP and RCEP were negotiated, the APEC was on the verge of becoming irrelevant (Bisley, 2016), and once signed, the APEC effectively lost its central role in the Asia-Pacific's regional trade architecture. In addition to this, another shift in the Asia-Pacific's lexicon was occurring – the advancement of the Indo-Pacific – which moves the centre of the Asia-Pacific's political-economic relations a little further and broader than it used to be. Historically, the Indo-Pacific was nothing new, considering its use since the 1920s. The term Indo-Pacific (*Indopazifischen Raum*) was first used by German geopolitical scholar Karl Haushofer to prescribe Germany's foreign policy and its vision for world politics during the 1920s and 1930s (Li, 2021). Within the modern geopolitical lexicon, the term Indo-Pacific started to gain momentum from 2015 onwards, although several countries have used the term prior to this. Japanese Prime Minister Shinzo Abe, for example, mentioned the phrase “Indo-Pacific” during his speech to the Indian parliament in 2007 (Li, 2021) and the then US Foreign Minister, John Kerry, introduced the “Indo-Pacific Economic Corridor” during the US-India Strategic Dialogue in June 2013 (Haruko, 2020). In 2016, Japan reiterated the concept of “free and open Indo-Pacific” during Shinzo Abe's visit to Kenya (Li, 2021), which set the ground for several other countries' conception and usage of the term. By the end of 2021, at least seven countries and one regional organization have developed their understanding and policy of the Indo-Pacific,² despite differing on the

² These seven countries include the United States, Australia, Japan, India, France, the United Kingdom, and Indonesia. The Association of Southeast Asian Nations (ASEAN) has also developed an *ASEAN Outlook on the Indo-Pacific* as a general guideline regarding the group's position.

geographical limit of the term (Haruko, 2020). Geographically speaking, one core difference between the Asia-Pacific and the Indo-Pacific is India's inclusion within the latter, which was previously excluded from the former. This has a strategic geopolitical implication for Asia since India is now formally acknowledged within the region's political discourse as a regional power in South Asia. This means a gradual shift in the geopolitical gravity of Asia, where South Asia is now a strategic region, either in exchange for – or in addition to – the Pacific. The move from the Asia-Pacific to the Indo-Pacific was also crucial to highlight three additional agendas: to strategically contain China, embrace Japan's security evolution, and acknowledge Indonesia and the ASEAN's traditional and central role within the region (Dobell, 2021; Killian, 2022).

Figure 1. Geographical Coverage of the Asia-Pacific and the Indo-Pacific Region



Source: International Institute for Strategic Studies 2020.

This shift, however, has two important implications for the APEC. *First*, a geopolitical pivot towards the Indo-Pacific meant that the term “Asia-Pacific”, which is essentially the APEC’s core lexicon, was replaced with a newer term

that strategically encapsulates a fresher idea of the region. While seemingly trivial, ideas and the ideational aspect (as opposed to the material aspect) are core elements of region-building and regionalism projects, as proposed by several regionalism scholars.³ The idea and identity of being “Asia-Pacific” have been shifted to being “Indo-Pacific”, which has consequences for the APEC. At the ideational level, the rise of the Indo-Pacific meant that countries were now reimagining and re-conceptualizing a new centre of geopolitical gravity, which left the APEC out, paradoxically due to its given name. Another important consequence is the inclusion of India within the Indo-Pacific, whereas India is not a member of the APEC due to its geographical position.⁴ However, others have mentioned that India’s exclusion from the APEC is more of a geopolitical concern due to its political-economic power (Agence France-Presse, 2007) than a pure geographical consideration. India’s exclusion meant that the APEC missed one key player in the Indo-Pacific region. *Second*, aside from an ideational shift, the Indo-Pacific also represents a practical shift in countries’ policies and geopolitical strategies since it signals more security-based cooperation within the region, which left the APEC out due to its economically focused cooperation. Beeson and Lee-Brown (2021) argue that the Indo-Pacific arouses from an old-fashioned concern regarding the balance of power in the region, labeling it as “regionalism for realists”. The Indo-Pacific was seen as an effort to contain China’s growing influence within the region, particularly since previous organizations or forums, such as the ASEAN, have failed to do so (Beeson and Lee-Brown, 2021). This is in line with the assertion of other scholars who have pointed out the security-economic nexus in the Asia-Pacific’s economic relations that the APEC has continuously failed to acknowledge.⁵

THE LIMIT OF THE APEC’S ECONOMIC EXCLUSIVISM

Since its establishment, the APEC has been persistent in its focus on trade and economic issues. The APEC was meant to be an OECD-like forum in Asia that would enable regional discussions on trade and economics but would not take the form of a trading bloc (Terada, 1999). This was reflected in the APEC’s choice to use the word “*economies*” to signify its members rather than “*country*”

³ Several scholars and their works have highlighted the importance of the ideational aspect in regionalism, including Pedersen, 2002; Acharya, 2005, 2007; Lenz, 2013

⁴ Geographically, India does not border with the Pacific Ocean, making India technically not an Asia-Pacific country.

⁵ See, for example, works by Aggarwal and Govella (2013) and Goh (2020).

or “state” since they interact more like an *economy* than a state. Due to this, the APEC has often distanced itself from security issues, particularly traditional security, in most of its agenda. The APEC’s role in security was only to “smooth the way for commercial interactions” since any agenda, including security, was viewed as unnecessary and counter-productive (Ravenhill, 2013). However, the APEC gradually shifted its position regarding this when, in 2001, it included counterterrorism in its agenda. Counterterrorism was formally introduced in the 2001 APEC Leaders Statement on Counterterrorism and the 2002 Statement on Fighting Terrorism and Promoting Growth. Following these statements, the APEC created the Counter-Terrorism Task Force (CTTF) in 2003 before upgrading it to the Counterterrorism Working Group (CTWG) in 2013 (APEC Secretariat, 2022). The working group then formulated a Strategic Plan with nine focus areas before its term formally ended in 2021. This counterterrorism agenda was perhaps the most security-related – traditionally speaking – that the APEC has put forward since, after this, the APEC tends to “soften” its security agenda by focusing only on human security. The concept of human security was embedded, either directly or indirectly, in the APEC’s Leaders’ Declarations from 2003 onwards, which introduced new dimensions of security, including health, food, and energy security (APEC Secretariat, 2021c). The APEC’s agenda and leaders’ declarations over the last ten years show that the forum now focuses solely on human security. It barely discusses any traditional or non-traditional security issues, which is ironic considering the Asia-Pacific countries’ outlook and practice regarding traditional security. As Aggarwal and Govella (2013) have documented in their edited book, the Asia-Pacific countries are well-known for connecting trade and economic issues with their security and geopolitical agenda. Higgott (2004), for example, traces the US’s practice of “securitization” by linking its foreign economic and security policies in East Asia after the 9/11 incident, which is rather similar to China, which initiated cross-regional FTAs due to security calculations (Hoadley and Yang, 2007). The ASEAN’s economic cooperation was historically driven by traditional security concerns (Chow, 2013), and Northeast Asian countries’ scramble for FTAs during the early 2000s was also largely driven by Sino-Japanese rivalries in the region (Lee, 2013). This strong link between trade, economics, and security is one aspect that the APEC deliberately tries to avoid, even until now. This is due to the strong influence of liberal economic ideas deeply entrenched within the APEC and the close APEC’s connection with the business and private sectors, which tend to view politics and security as detrimental to economic affairs. This view, however, may come to a great test in 2022 due to the Russia-Ukraine war and the APEC member states’ view regarding this conflict. As a member of the APEC, Russia’s involvement in the

war will be a litmus test of whether the APEC can still adhere to its economic exclusivism principle. Several APEC member-states have imposed trade and economic sanctions on Russia and are likely not to attend the Leaders Summit in November 2022 if President Vladimir Putin were to attend it. The 2022 Russia-Ukraine War will test the limit of the APEC's deliberate avoidance of traditional security issues and set the future direction of the APEC's role and relevance in the Asia-Pacific. The APEC member countries can no longer act as if APEC is not the appropriate forum for discussing (traditional) security issues. The Asia-Pacific region has always had strong economic-security ties, and failing to recognize this will only render the APEC obsolete.

CONCLUSIONS

The APEC was built to create a prosperous and liberalized market in the Asia-Pacific by adopting the core principle of open regionalism. Thirty years on, the APEC remains a solid forum in the Asia-Pacific, despite the growing discontent with its role and relevance in the region. We argue that despite the APEC's major contribution to liberalizing the economy, its role and relevance are waning in the Asia-Pacific due to three core reasons. *First*, the ideational shift from the Asia-Pacific to the Indo-Pacific has pushed the APEC to the sidelines since these signals a crucial turning point in the regional discourse from economics to a more political-security-based region. The APEC has also lost momentum as a result of the proliferation of bilateral trade agreements and mega-regional FTAs that have excluded the APEC. *Second*, the APEC's continued resistance to avoid discussing traditional security issues on its agenda is incompatible with the Asia-Pacific's regional landscape, where numerous trade and economic relations are based on political and security calculations. Thus, while the APEC's open regionalism principle was a breakthrough in circumventing the negative effects of creating "closed" trading blocs, this principle needs to be upgraded to address contemporary challenges. The notion of "open" must not only focus on trade and economic affairs but also include "opening" up to the non-economic agenda currently on the rise in the Asia-Pacific. As one of the oldest regionalism projects in the Asia-Pacific, the APEC needs to re-evaluate its outdated approach and make way for a more contemporary perspective on regional integration to maintain its role and relevance in the Asia-Pacific.

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THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT (OECD) AND RUSSIA

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Abstract: For thirty years, Russia and the Organization for Economic Cooperation and Development have been cooperating. Russia applied for OECD membership in 1996, but this question remained unresolved. The research papers provide a brief overview of developments in the long-standing cooperation and highlight the reasons for Russia's failure to join the organization by 2022. Till 2014, Russia's membership was largely contingent on social and economic performance. The OECD has greatly contributed to the country's progress in many fields. However, the character of the organization as a small club of like-minded states demands internalization of the values and views of the OECD member states. Therefore, the discord between Russia and some OECD members on geopolitical issues led to the suspension of the accession process in 2014 and the suspension of Russia's work in the OECD bodies in 2022. Nevertheless, since 2014, Russia and the OECD have worked closely together and even launched new projects. The research paper spotlights deep processes of rapprochement with the OECD till 2022, as exemplified by the spheres of responsible finance, sustainable infrastructure, and regional development, and estimates how feasible it was for the Russian government to revive Russia's ties with the OECD.

Keywords: International cooperation, OECD membership, accession process, reputation, values sharing, opinion-leadership, club model.

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INTRODUCTION

Russia and the OECD have been cooperating for 30 years. In these years, Russia has become an enthusiastic partner of the Organization, a promoter of its standards, a supporter of its international programs, and even an initiator of projects at the OECD site, like the automatic exchange of financial information among countries. However, Russia did not become a member of the OECD. In view of the Russian president's decision on Ukraine on February 24, 2022, the OECD Council of ministers announced reconsideration of all cooperation with Russia and, two weeks later, suspension of Russia's work in the OECD bodies (Address by the President of the Russian Federation, 2022, February 24; Statement of the OECD Council on the Russian aggression against Ukraine, 2022, February 24; and Statement from the OECD Secretary-General on further measures in response to Russia's large-scale aggression against Ukraine, 2022, February 24).¹ In my research paper, I would like to observe the development of relations between Russia and the OECD by 2022 in order to estimate how close Russia was to the objective of acceding to the OECD and whether the OECD membership was actually achievable for Russia. For this purpose, the first part of the paper provides a brief retrospective on the rise of Russia-OECD cooperation from the formation of modern Russia in 1991 until 2014. The second part examines the meaning and weight of the OECD membership for Russia. The third part provides an overview of points of interaction between Russia and the OECD and highlights the process of internalization of OECD values in the Russian economy. The concluding remarks emphasize that OECD standards and best practices are available for implementation in all countries, both with and without OECD membership.

RUSSIA AND THE OECD SINCE 1991

The cooperation between Russia and the OECD started with the transformation of Russia's social and economic system in 1991 from the Soviet command economy to a liberal one. Since 1991, Russia has become a state whose political and economic agenda could be aligned with the values of the

¹ In the paper, the mention of the events related to Russia and Ukraine in 2022 seems inevitable since the events affected the cooperation between Russia and the OECD. However, it should be mentioned that the author does not consider the international legal qualification of the decisions made and their consequences.

OECD. In 1992, the newly established Centre for Cooperation with European Economies in Transition (CCET) launched a cooperative program with Russia and other newly independent states of the former Soviet Union. The cooperative program was designed to provide policy expertise on a wide range of issues. The Declaration on Cooperation between the OECD and Russia, signed on June 8, 1995, should have widened and intensified the cooperation with tasks of annual work programs (Russia and OECD documents on cooperation, 1994, June 8). From 1992 to 2000, the OECD issued a number of country-specific analytical reports, including three Economic Surveys in 1995, 1997, and 2000; several sectoral policy reviews of education, agriculture, environment, science and technology, and Russian policies; as well as joint research works, like the survey of Russian Energy Policies in cooperation with the International Energy Agency, an independent organization within the framework of the OECD (OECD and the Russian Federation Co-Operation 1992-2000, 2001, p. 22). Since 1985, the Soviet and then-Russian governments have substantially revised foreign policy to demonstrate their openness to international cooperation in many aspects: Russia opened the Northern Sea Route to navigation of foreign vessels in 1989; withdrew reservations to six human rights conventions on the compulsory jurisdiction of the International Court of Justice in 1989; acceded to Conventions of the Council of Europe in 1990-1991; submitted a request to join the GATT system in 1993; etc. In this context, it was not surprising that Russia made a formal application to become a new member of the OECD in May 1996 (OECD Secretary-General to discuss OECD-Russia partnership with Russian President, 2000, October 26). In May 1997, the OECD and Russia agreed to establish a Liaison Committee for monitoring and assessing the implementation of annual programs in Russia (Protocol on the establishment of the liaison committee between the Russian Federation and the OECD, 1997, June 12). For ten years, the Russian government conducted a range of reforms based on the OECD recommendations. In May 2007, the OECD Council at Ministerial Level adopted the Resolution on Enlargement and Enhanced Cooperation, which opened discussions on the accession process with five countries, including Russia (OECD Council Resolution on Enlargement and Enhanced Engagement. 2007, May 16). That year, the OECD Council approved the "Roadmap for the Accession of the Russian Federation to the OECD Convention" (Roadmap for the Accession of the Russian Federation to the OECD Convention, 2007, December 3). At that time, the Russian government began to implement the roadmap with considerable enthusiasm. One of the most remarkable achievements of Russia in this way was adherence to the Convention on Combating Bribery of Foreign Public Officials

in International Business Transactions in 2012 (Russia's adherence to OECD instruments, 2022). Most Russian scholars highly appreciated this step not only as a development in the legal system but as a key to the improvement of social and economic relations in the market (Kashirkina, 2013, p. 78; Magomedova&Vylegzhanin, 2021). In August 2012, Russia became the 156th WTO member. This long-anticipated accession was also expected to facilitate the negotiations on the OECD membership of Russia (Russia's membership in the WTO will facilitate the country's accession to the OECD, 2011, November 15). During the visit to Moscow in February 2013, the Secretary-General of the OECD welcomed the efforts of the Russian government to accomplish the agreed working programs and to complete the accession process (Meeting with OECD Secretary-General Angel Gurría, 2013, February 14). The last OECD Economic Survey of Russia in 2013 noted many positive aspects in economic indicators as well as policy developments (OECD, 2014). However, as the OECD Secretary-General underscored in January 2014, along with the economic achievements, Russia still needed to make its economy less dependent on fluctuations in world prices on natural resources and to focus on an equal, skills-based society to fulfill the potential for innovation and entrepreneurship (Russian economy growing but further reforms needed, says OECD, 2014, January 15; Remarks by Angel Gurría, 2014, January 15; Magomedova et al., 2020). Two months later, due to the alleged participation of Russia in the *coup d'état* in Ukraine, the OECD suspended the accession process of Russia to the OECD (Statement by the OECD regarding the status of the accession process with Russia & co-operation with Ukraine, 2014, March 13). The Russian government composedly accepted the OECD decision, having noted that Russia would continue the internal work according to the fixed agenda with the hope of a quicker revision of the decision (Russia does not abandon work on joining the OECD, 2014, March 13). At that time, in March 2014, Russia had already been adherent to 17 legal instruments of the OECD and engaged with 22 OECD bodies on a regular basis. Notably, Russia was engaged in 6 bodies as an associate member (with equal rights and obligations on par with OECD member-states), and in 16 bodies as a participant (with full engagement except for confidential discussions). In 2022, Russia was represented in 26 OECD bodies, engaged in the Participation Plans of 17 other OECD bodies, and implemented provisions of 27 OECD legal instruments (OECD, 2021a).² Not to mention other OECD projects Russia has

² In March 2022 the information on participation of Russia in the OECD bodies and projects was deleted from this OECD source.

joined since 2014. Therefore, it is interesting to estimate how sensitive it was for Russia to stay in the role of partner, not a member of the OECD.

THE OECD MEMBERSHIP: RUSSIA'S MIGHT-HAVE-BEEN ACHIEVEMENT?

The OECD membership has always been considered a kind of privilege – membership in the elite club. In this regard, the OECD challenges the conventional assumption about the participation of states in international organizations for functional motives. Membership in the OECD does not confer specific economic benefits, as it does in the WTO, nor does it impose special obligations on states, as it does in regional integrative associations of states. In fact, the OECD aims to support member and non-member-states equally. As the Convention on the OECD of 1960 (Article 1 (b) provides, the OECD promotes policies designed “to contribute to sound economic expansion in member as well as non-member countries in the process of economic development” (Convention on the Organization for Economic Cooperation and Development, 1960). Therefore, Russia’s strive for the OECD membership is explained by the search for a particular status in the international arena (Davis, 2016, p. 1). Obviously, association with a particular group of states through membership in an international organization, forum, or interstate association brings about some reputational effects (Gray, 2013, p. 7). The OECD is regarded as a club of countries with outstanding achievements in the economy, science, and quality of life, which come together to share their best practices. Consequently, the recommendations of the OECD do not need additional justification to be regarded as valid measures (Daugirdas, 2019, p. 226). The OECD enjoys the authority of a worldwide recognized think-tank (Rautalin, Syväterä, Vento, 2021, p. 4). Furthermore, the membership of the OECD, as an organization with a clear system of values, standards, and promoted policies, reduces uncertainty about the business environment in a relevant country. For instance, Mexico’s accession to the OECD is often regarded as one of the main factors behind nearly quadrupled inflows of foreign direct investment into the country, mostly from other OECD countries (Hafner-Burton, Schneide, 2019, p. 244). As we can see, the status of a member is only a form, behind which states discern a particular value. The overall value of OECD membership is the opportunity to exercise opinion leadership in the international arena and thus advance and promote its ideas. However, the institutionalized promotion of ideas is possible only in association with like-minded states sharing common views and values (Drezner, 2007, p. 67).

These particularities of the OECD create two main implications for the OECD enlargement – *the increasing complexity of the accession process and a limit on the number of the OECD members*. As the authority of the OECD expertise grows, the organization has made its selection process more restrictive. The selective criteria are based on the demonstration of readiness and “commitment” of a state-candidate to internalize the OECD values. What was changed is the number of conditions and the structure of the accession process. The communiqué of the Council of the OECD of 1990 sets three main values: “pluralistic democracy, respect for human rights, and a competitive market economy” (OECD Communiqué, 1990, May 31). In 2004, the OECD adopted “A Strategy for Enlargement and Outreach”, which clarifies the key criteria for the eligibility of a candidate country. The set of four measures includes “like-mindedness”, “significant player”, “mutual benefit”, and “global considerations”. The accession process based on two simultaneous procedures of “positioning” and “assessment” was proposed to supersede the practice of *ad hoc* consideration of a state for accession (Soboru, 2004, p. 8). In 2011, the Vision Statement of the Ministerial Council Meeting dedicated to the OECD’s 50th Anniversary underscored the commitment of the OECD Members to “the values of democracy based on the rule of law and human rights, and adherence to open and transparent market-economy principles” (OECD, 2011). The latest view of the OECD on the eligibility criteria for candidate countries is presented in the Framework for the Consideration of Prospective Members of 2017, which provides a comprehensive system of “objective benchmarks for assessing each prospective member on its respective merits and on a case-by-case merits” (OECD, 2017, June 7-8, Para 21). The Framework is based on five pillars: state of readiness, including economic and public governance, ability, capacity and engagement, reach and impact; the country’s commitment to OECD values and membership obligations; key features of the institutional framework; key economic indicators; and relations with the OECD. None of these components can be prioritized: they should be performed simultaneously. Nonetheless, we can see the prevalence of qualitative criteria that is aligned with a necessary limit on the number of countries the OECD membership is accessible to. In 2004, the OECD explicitly declared that the organization’s enlargement should be limited to 40-45 members out of concern for the effectiveness of the organization’s functioning (OECD, 2004, Para 20). Fixation of this limit prevents the OECD from losing the advantages of a “small-club configuration” (Davis, 2016, p. 6). Within a small club, members can more easily elaborate on collective views and actions without the cost of settling different preferences. For this reason, the projects

that fail to be implemented on a global level are eventually performed on a smaller scale. This is the case of the 1997 OECD Anti-Bribery Convention, which was concluded among the OECD countries after the failed attempt at the United Nations (Drezner, 2007, p. 77). In fact, the presumption of “like-mindedness” is integrated both in the voting system based on the “mutual agreement of all the members” (Article 6 (1) of the 1960 Convention on the OECD) and in the working methods, such as the production of comparative statistics and policy analysis, thematic policy dialogue, country peer review, and multilateral rule-making. Therefore, a more strict accession process implies more discretion for existing member states to select new participants for their club. In the apt words of C. Davis, “existing members act as gatekeepers to exclude those who do not seem to fit into the club” (Davis, 2016, p. 4). The OECD Council Resolution on Enlargement of 2007 specifies the capacity of the Council to raise issues of a political nature during the discussions on the accession (OECD Council Resolution on Enlargement and Enhanced Engagement, 2007, May 16, Para. 2). Steven R. Ratner would call the OECD membership “partial” in the sense that it extends to states whose conduct conforms to certain views (Ratner, 2009, p. 137-138). The decision of the OECD in March 2014 was politically motivated, but in view of the character of the OECD membership, this is not a matter of bias towards Russia but a natural part of the assessment process. As the OECD Secretary-General explicitly marked in his speech at the Saint-Petersburg International Economic Forum in 2013, “[the accession] process is designed to ensure the convergence towards OECD standards and best practices”, so “clear evidence that Russia is moving in the right direction and is already far enough down the road” is that achieved changes are “irreversible” (Gurria, 2013, June 20). Such selectiveness, coupled with the initial openness of the OECD to non-member states, has led to a peculiar composition of the OECD membership. Since 1990, when the OECD set a course for enlargement, the share of non-European (by location) OECD members has changed from 24 to 31,6 percent, while the share of non-western (by cultural code) OECD members has increased from 8 percent to 18,4 percent. It is evident that recently accepted members from Latin America, such as Chile (2010), Colombia (2020), and Costa Rica (2021), might demonstrate worse economic results than some countries in the Asian-Pacific Region or the Middle East – but governance and economic performance here take second place. In January 2022, the OECD Council decided to open accession discussions with six candidates, including Argentina, Brazil, and Peru (OECD takes the first step in accession discussions with Argentina, Brazil, Bulgaria, Croatia, Peru, and Romania, 2022, January 25). Indeed, the

“wealth” of a country-candidate to the OECD is less important than its relations with the OECD members. At the very least, a new-comer is expected to demonstrate its firm adherence to the system of values shared among the OECD members. In this regard, the decision of the OECD in 2014 to “postpone activities related to the accession process of Russia” was a simple statement: Russia has not internalized the values of the OECD member states. Therefore, such a conclusion seemed acheless for Russia and did not hamper Russia’s current internal work. On the contrary, this refusal to consider Russia as a prospective member of the OECD in the near future incited Russia to intensify the efforts which could persuade the OECD countries to review their judgments on Russia.

THE OECD AND RUSSIA SINCE 2014: SUSPENDED ACCESSION - NOT SUSPENDED EFFORTS

Since 2014, Russia has not relaxed its efforts to implement the OECD standards and policies. According to the Ministry of Economic Development of Russia, in 2017, Russia adopted five federal laws in the fields of industry, information security, healthcare, finance, consumer and mortgage lending in line with the best practices of the OECD countries (Russia is ready to accede to the OECD, 2018, June 18). In particular, it is worth noting the cooperation between Russia and the OECD through the G20 platform in the taxation sphere. In 2013, the G20 forum under Russia’s presidency initiated the BEPS project (Base Erosion and Profit Shifting Action Plan), which by 2022 will involve 141 countries and jurisdictions (OECD, 2022a). In May 2016, Russia joined the OECD’s Common Reporting Standard, having signed the Multilateral Competent Authority Agreement on the automatic exchange of information (MCAA AEOI). In 2017, Russia signed the multilateral Competent Authority Agreement on the Exchange of Country-by-Country Reports (CbC MCAA). As of October 2021, Russia has been exchanging country-by-country reports on the revenues of multinational enterprises with 62 jurisdictions (receiving data from the other 14 jurisdictions on a unilateral basis) (OECD, 2022b). The relevant amendments were implemented in the tax legislation (Levashenko, Koval, 2018, p. 71). Since 2014, Russia has broadened its participation in the OECD bodies and joined, in particular, the Centre for Educational Research and Innovation Governing Board, the Governing Board of the Program for International Student Assessment, the Regulatory Policy Committee, and the Corporate Governance Committee. Furthermore, Russia has engaged in new projects within the technical interaction with the OECD (OECD, 2021a). Russia

regularly participated in the economic surveys of the OECD “Going for growth” and “The Economic Outlook”. In 2018, Russia and the OECD launched a project on developing a Good Laboratory Practices (GLP) system. In 2019, Moscow City entered the OECD Program on a Territorial Approach to the SDG. In 2019, the OECD conducted a series of seminars on Russia’s participation in the Program for International Student Assessment (PISA) and the Teaching and Learning International Survey (TALIS) for teachers from across the country. Since 2019, Russian cities have been participating in the OECD’s work on the National Urban Policy Review for Russia. In the period 2020-2021, Center Russia-OECD RANEPa, together with the VEB.RF (national financial institution for development), as well as the DOM.RF (institution for financing development in the field of housing), conducted three online missions with the OECD representatives in which Russian public officials and experts from the academic community participated (OECD Online-Mission, 2020). In regulatory terms, the cooperation between the OECD and Russia at the expert level in the last 8 years has been based on the Plan on interaction with the OECD, the Plan of Participation of Russia’s public officials in the OECD bodies’ work, and the Plan on legislative work for harmonization of Russia’s normative system in conformity with the OECD rules. These documents are adopted on a biennial basis, taking into account the results of the previous period. The latest biennial plan of interaction for the period 2021-2022 includes 128 goals for cooperation with 46 committees and working groups of the OECD. On the basis of comparing the document with the previous plan, which included 115 goals in the work with 33 OECD bodies, one could conclude the good performance of the task on the intensification of cooperation between Russia and the OECD. However, the detailed comparative analysis might contribute to the skepticism of Russian scholars on the relevance of Russia’s input to the rapprochement with the OECD (Bobrenko, Shakirov, 2021, p. 28-29). In the current plan, the share of goals of high importance, such as the implementation of the OECD standards in the legislation or realization of the OECD projects in Russia, constitutes only 9 percent, whereas the major part (52 percent) accounts for the goals of moderate importance, such as the provision of data to the OECD, development of recommendations on the integration of the OECD best practices, presentation of positions, and commentaries to the OECD. The previous plan had twice as many high-impact goals – 18 percent (Bobrenko, Shakirov, 2021, p. 30). At the same time, these findings from the formalist analysis of normative sources do not provide a comprehensive picture of Russia’s development on the way to the OECD. As noted above, the rapprochement

of a candidate country with the OECD is a matter of internalized values and shared views with the OECD members. Therefore, it is worth focusing on shifts and developments in Russia's social and economic environment. The last three years are marked by a visible trend of integration of responsible finance standards into the Russian financial market. In the autumn of 2021, Russia adopted a *national taxonomy of sustainable projects*, which includes the criteria for sustainable development projects and the requirements applicable in the project verification (Resolution of the Russian Government, 2021, September 21). The provisions on the requirements for the verification process clearly indicate that they are elaborated in line with the OECD standards for sustainable development, including the OECD Guidelines for Multinational Enterprises (Para. 1). It should be noted that Russia's Taxonomy takes account of the best international practices and standards, including those of the OECD, Green/ Social/ Sustainable Bond Principles of the International Capital Market Association, standards of the Climate Bonds Initiative, and practices of the members of the International Development Finance Club (VEB.RF, 2022a). Therefore, Russia joined a group of states which have already introduced into national legislation rules of responsible project financing, like Japan, France, and the Netherlands. The OECD considers a taxonomy as a policy lever to address the investment gap and to scale-up sustainable investment on par with such tools as climate and clean energy policies, carbon pricing and fossil fuel subsidy reform, development of markets for green financial products, climate risk disclosure, etc. (OECD, 2020, p. 17). In this regard, taxonomy serves as an impetus for national financial institutions to re-design their corporate policies for the integration of sustainable aspects. For instance, the VEB.RF implements the Principles of Responsible Financing, approved by the BRICS Inter-Bank Cooperation Mechanism under Russia's presidency in 2020 (Memorandum of BRICS DFIs Principles for Responsible Financing approved by the BRICS Inter-Bank Cooperation Mechanism, 2020, November 15). The Guidelines for implementing the Principles are largely based on the OECD Due Diligence standards (OECD, 2022c). In view of Russia's geographic and economic peculiarities, as a vast territory covering several climate zones, along with a low density of population and a low level of urbanization, the infrastructure is a particularly sensitive sphere in Russia. To facilitate the development of *sustainable infrastructure*, the VEB.RF devised the National System of Assessment and Certification of Infrastructure Projects on the Principles of Quality Infrastructure Investments, approved by G20 countries in 2019 at the forum in Osaka (VEB.RF, 2022b). The system adopts the best international practices for infrastructure assessment, like Envision,

CEEQUAL, and Infrastructure Sustainability (VEB.RF, 2019). The methodology is based on three main pillars, such as economy and governance, quality of life, environment, and climate (VEB.RF, 2021). The certification framework is expected to facilitate the integration of environmental considerations into infrastructure project planning and thereby accelerate private investment in infrastructure projects. At the moment, the OECD sets a high value on sustainable infrastructure, providing strong expert support in this field (OECD, 2021b). Russia works hard at eliminating regional disparities and enhancing *the quality of life* across the country. In 2021, Russia presented the City Life Index, an open information-analytical platform based on statistical data from 115 Russian cities. The City Life Index for each of the covered cities is measured with more than 200 indicators, including indicators from the OECD databases, such as the Better Life Index and Regional Well-Being. Thus, the results of Russian cities in 12 dimensions can be compared with the performances of cities in the OECD countries on the basis of data from relevant OECD databases. This project not only facilitates monitoring of urban development for policy-makers but enhances the visibility of Russian cities in the world (City Life Index, 2022). Admittedly, regional administration and the arrangement of urban life in Russia differ markedly from the practices of most OECD members. The draft of the OECD National Urban Policy Review in Russia covers such particularities as the development of single-industry towns supported by the Monocities Development Fund, the development of urban agglomerations different from functional urban areas as determined in the OECD methodology, the experience of centralized training of regional policy-makers, etc. These examples demonstrate that the infusion of the OECD standards and values into Russia's business environment, financial markets, and people's lives is much deeper than can be reflected in rough plans of cooperation. In this regard, the Russian Prime Minister's order to the government to revive links with the OECD in March 2020 was not just an optimistic ambition but a reasoned step within the consistent policy of rapprochement with the OECD (Bloomberg, 2020, March 3).

CONCLUSIONS

For 30 years, Russia has made many steps towards the OECD, which were warmly welcomed by the OECD members. However, the taken measures were insufficient (either in scope, quality or quantity) to persuade the OECD members that Russia is their true like-minded partner not only

in matters of national policies but in questions of intergovernmental relations. Nonetheless, it should be highlighted that the OECD standards, recommendations, and tools are addressed not only to public authorities but to all stakeholders. Therefore, the efforts made by Russian public officials, private entities, non-profit organizations, and independent experts were not in vain. With or without OECD membership, those who appreciate the expertise of the OECD and its values continue to implement international standards and best national practices. As a result, we can say that the goal of generating interest and motivation among Russians for international knowledge exchange and the adaptation of best practices in their own activities has already been met.

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AFRO-ASIAN ORGANIZATIONS

FROM THE ORGANIZATION OF AFRICAN UNITY (OAU) TO THE AFRICAN UNION (AU) – THE DYNAMICS OF THE TRANSFORMATION OF A REGIONAL INTEGRATION

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Abstract: Formed through Pan-Africanism, the Organization of African Unity (OAU) was the first continental and regional bloc in Africa with the aim of liberating African countries from the shackles of colonialism. However, the OAU experienced numerous challenges on the African continent that came with its transformation into the African Union (AU) in the early 2000s. This dynamic transformation has essentially been greeted with euphoria and uncertain forecasts. The subject chapter examines whether the transition from the OAU to the AU represented a fundamental change or not. The analysis showed that this transformation represented an expansion of the scope of African regional integration. The OAU has been successful in synergizing efforts to help African countries secure independence (e.g., Guinea-Bissau, Angola, Mozambique, Namibia, etc.). Also, the OAU was central to the struggle against apartheid in South Africa and served as a forum that brought together African states in the United Nations to promote African interests and goals. To some extent, the OAU has succeeded in institutionalizing the pattern of behavior of African states in the event of the outbreak of mutual conflicts. On the other hand, the OAU has failed in the realization of the goals of African unity and maintenance of peace, as well as the socio-economic goals contained in Article II of its Charter. As for the AU, this organization has contributed to the stabilization and maintenance of peace and security. It has influenced the good

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governance of Africa, which has greatly improved the position of African states in the international arena. However, dependence on donors has weakened the mandate of the AU. The transformation from the OAU to the AU represented, theoretically speaking, a dynamic change that essentially meant the revivification or revitalization of this international organization in complex African circumstances. From the analysis, it can be concluded that there is a need for greater commitment from the leaders of the AU member states to strengthen mutual trust and build strategic relations.

Keywords: Pan-Africanism, OAU, AU, transformation, regional integration, Intergovernmentalism, Neo-functionalism, Supranationalism.

INTRODUCTION

As Kimenyi (2015) recounted, the need to unite Africans and people of African descent under a unified body has been an imperative for Africans for many years. Consequently, the establishment of the OAU in 1963 represents one of the most significant developments in the effort to unite the continent. The OAU was the first contemporary African continental organization formed through Pan-Africanism with the aim of pursuing political independence for Africans (Dauda, Ahmad, & Keling, 2021). As Padmore (1972) opined, Pan-Africanism is conceived as a worldwide intellectual movement which aims at securing national self-determination, embodied by strengthening the solidarity between all peoples of African descent. Thus, Pan-Africanism strongly emphasized solidarity that intrinsically underpinned the spirit of championing political, social, and economic growth of Africans – thus forces aimed at unchaining people of African descent from the shackles of destructive colonial and contemporary Western imperialism. It is an established fact that colonialism in Africa led to the destabilization of indigenous communities, the oppression of indigenous cultures, etc., which ultimately served as a boulevard to disunity among Africans. With time, notable Pan-Africanists such as Kwame Nkrumah, Julius Nyerere, Gamal Abdel Nasser, Jomo Kenyatta, etc., were fully convinced that both colonialism and its related practices were largely responsible for the widespread and pervasive practice of racism in Africa and had subsequently eroded both African culture and local customs and values (Chirisa et al., 2014). This eventually led to the series of agitations for self-independence which intensified after the Second World War (Mark, 1979). In the hope of accelerating the decolonization process, the Pan-Africanists held a series of meetings and discussed a number of issues. In

April 1958, for example, leaders and delegations from newly independent African states met in Accra (Ghana). Johnson (1962) reiterates that among the key issues discussed were the formulation of suitable mechanisms aimed at creating mutual understanding among African States; strategies for safeguarding the sovereignty and independence of participating States; strategies for assisting the then dependent African territories towards self-determination, etc. Consequently, most of the resolutions at this Conference were later incorporated into the Charter of the OAU in 1963 (Saho, 2012). This was despite ideological differences about the nature of African unity that could be adopted – whether a federation or separate states pursuing similar but differentiated policies under a common umbrella (Dauda et al., 2021). Such division, according to Duodu (2013), was visibly displayed in the existence of three different ideological blocs that dominated the African geopolitical scene at the time – the Brazzaville, Monrovia, and Casablanca blocs.

The OAU was expected to be the platform through which the agenda for forging unity and solidarity among African states was to be attained. It was also expected to promote cooperation and economic development among the member states through the expansion of inter-country trade, encourage the peaceful settlement of disputes, enhance the quality of life, and promote democratic governance. Above all, the OAU fought to eliminate the vestiges of colonialism from the African continent as a primary objective (Kimenyi, 2015). Most of the OAU member states were non-aligned, thus determined to not take sides with either the West or East (Botchway & Amoako-Gyampah, 2021). Efforts to appraise the OAU require juxtaposing the objectives of the Union with its accomplishments. According to Article II of the OAU Charter, the purposes and objectives of the organization include the promotion of unity and solidarity of the African states; the coordination and intensification of cooperation and efforts aimed at achieving a better life for Africans; defending the sovereignty, territorial integrity, and independence of African states; eradication of all forms of colonialism from Africa; and the promotion of international cooperation, with due regard to the Charter of the UN and the Universal Declaration of Human Rights. On the basis of these purposes, the member states agreed to coordinate and harmonize their general policies. In order to achieve the stated objectives, Article III of the OAU Charter explicitly spells out seven principles that could guide members. These include the sovereign equality of all member states; non-interference in the internal affairs of states; respect for the sovereignty and territorial integrity of each member state and its inalienable right to independent existence; peaceful settlement of disputes

by negotiation, mediation, conciliation or arbitration; unreserved condemnation of political assassination as well as of subversive activities on the part of neighboring states or any other state; absolute dedication to the total emancipation of the African territories which are still dependent; affirmation of a policy of non-alignment with regard to all blocs. Despite the nobility of these principles, there are lingering questions about the propriety of some of them, particularly the idea of non-interference in the internal affairs of the member states. Structurally, the OAU started with four principal institutions: the Assembly of Heads of States and Government; the Council of Ministers; the General Secretariat; and the Commission of Mediation, Conciliation and Arbitration. With time, three other institutions were created. The first one was the African Commission on Human and People's Rights (1987), which was established within the framework of the African Charter on Human and Peoples' Rights (1982). The second one was the OAU Mechanism for Conflict Prevention, Management and Resolution (1993). The purpose of this structure was to prevent, manage, and resolve conflicts in Africa by anticipating and preventing potential conflict situations from fledging into full-blown conflicts; undertaking, in the event of full-blown conflicts, peacemaking and peace-building efforts, and also extending peacemaking and peace-building activities in post-conflict situations (Fon, 2018). The third institution was the African Court on Human and People's Rights (the Court), established in 1998 (under the OAU) but entered into force in 2004 (under the AU).

SUCCESSSES OF THE OAU

With time, as the OAU evolved, its attention equally evolved, though the primary objectives remained seemingly unchanged. According to Fon (2018), the organization's primary objective of synergizing efforts to assist African states' quest for independence and the fight against Apartheid in South Africa remained unchanged. Consequently, the Coordinating Committee for the Liberation of African Countries was established to ensure the harmonization of diplomatic support and also convey financial, logistical, and military assistance to liberation movements across the continent (Moshi, 2013). Efforts along these lines were successful as countries such as Guinea Bissau, Angola, Mozambique, Namibia, etc., secured their independence and Mandela became president of South Africa, signaling the end of the apartheid regime (Fon, 2018). Further, the OAU was largely successful in the resolution of boundary conflicts. Thus, the organization used various channels to secure the territorial integrity of its member states,

such as Nigeria in 1970 during the Biafran civil war and border-related conflict between Morocco and Algeria, etc. (Fon, 2018; Moshi, 2013; Wild, 1966). Thus, despite the several challenges that existed, the OAU to some extent succeeded in institutionalizing a pattern of behavior for African states in conflicts based on the broad principles of the Charter .

With the support of the UN Economic Commission on Africa, the OAU adopted the Lagos Action Plan in 1980. This plan recommended the division of the continent into Regional Economic Communities (RECs). This was to ensure the promotion of continental industrialization and integration. Consequently, three RECs were created, namely the Economic Community of West African States (ECOWAS); the Economic Community of Central African States (ECCAS); and the Common Market for Eastern and Southern Africa (COMESA) in 1978, 1983, and 1994, respectively (DeMelo & Tsikata, 2015). The OAU also made substantial progress in the area of human rights as it adopted the African Charter of Human and People's Rights in 1981 and established the African Commission on Human and People's Rights in 1986. In 1998, the African Court on Human and People's Rights was established to protect the rights espoused by the Charter and to create a wider legal instrument targeting the violation of human rights at the time.

FAILURES OF THE OAU

Despite the above-mentioned successes, the OAU also failed to achieve certain objectives due to the several challenges it faced. For instance, the organization was unable to promote and attain most of the socio-economic goals and objectives stipulated in Article II of its Charter (Young, 2016; Makinda et al., 2016; Obeng-Odoom, 2013; Williams, 2007). According to Dauda et al. (2021), the failure of the OAU eventually led to the canvassing for its metamorphosis into the AU. Indeed, as several studies have shown, at independence, most African leaders were in no position to undertake serious development initiatives as they were absorbed in the "struggle for survival and the need to cope with the many problems threatening their countries and their power" (Olympio, 2004). It was then left to the OAU to show the way. The organization, unfortunately, failed in this regard as it was unable to undertake or accomplish many of the set objectives or important tasks. Specifically, the OAU failed to promote and institutionalize democratic governance on the continent. This is underscored by the fact that at a point in time (between the late 1950s and the mid-1990s), virtually all African states were controlled by either military dictators or single-party

regimes that were generally kleptocratic, prebendal, corrupt, and unaccountable to the people (Botchway, 2018). It is not surprising, then, that the organization came to be regarded as a “club of dictators” by some, and thus lacked the moral standing to serve as an effective voice for Africa (Olympio, 2004). Sadly, despite much talk about “African Unity,” most national leaders firmly defended the colonial borders bestowed upon them, believing that “all hell might break loose if these borders were dissolved” (Olympio, 2004). In addition, the organization’s Charter that stipulates non-interference (despite good intentions) unfortunately limited its ability to intervene when atrocities were committed against innocent civilians and minority groups. Thus, huge questions remained as far as human rights were concerned. Consequently, the OAU largely failed to curb the activities of dictators such as Idi Amin (Uganda), Mobutu Sese Seko (Zaire), Sargent Samuel Doe (Liberia), the Rwandan genocide, etc. (Kimenyi, 2015). Thus, hiding behind the principles of “non-interference” and “non-alignment” did more harm than good to the member states and prevented the OAU from playing an objective role in internal conflicts, with the institution frequently appearing as a shield to the ruling party rather than balancing international obligations with domestic responsibility – the member states failed to be good neighbors under the guise of non-interference (Botchway & Hlover, 2022; Botchway, 2019; 2018a). More cogently, contrary to the provisions of Article 2 (1) (a) and (b) of the Charter that focus on unity and solidarity of African states, and the coordination and intensification of collaboration and “efforts to achieve a better life for the peoples of Africa”, available evidence suggests that the organization achieved little in this regard. Thus, as indicated earlier, being preoccupied with their “newly won freedom and sovereignty”, most African leaders distrusted and feared each other, and consequently could not work together to lay solid foundations for national, sub-regional, and continental unity (Olympio, 2004). In consonance with this assertion, Dauda et al. (2021) confirm that the issue of lack of unity greatly contributed to pushing for the transformation of the OAU into the AU. More so, the OAU failed to unite African countries. Thus, the issue of disunity in Africa that existed prior to the establishment of the OAU did not vanish simply because of the organization’s establishment (Ekwealor & Okeke-Uzodike, 2016; Guzansky, 2015). Even meetings that were organized in the anticipation of forming the OAU were characterized by disunity due to the existence of the three major political blocs – the Casablanca, Monrovia, and Brazzaville blocs. Thus, the early 1950s and 60s witnessed rivalries and conflicts between and among the dominant political blocs in the continent,

and this did not cease as they had ideological differences on how to achieve the objectives of the OAU (Dauda et al., 2021).

Actually, the OAU was gradually losing its credibility as far as the uniting African states were concerned. For instance, it failed to curb the Congo crisis due to a loss of credibility and also failed to forge African unity, which thwarted security and stability in Africa. Consequently, as argued by Packer and Rukare (2002, p. 367): "By the time of its thirtieth anniversary, most analysts of the OAU concluded that the organization could not meet future demands without serious reforms and re-organization (...)". Analysts also generally agreed on the structural/functional weaknesses of the OAU and its charter, particularly with regard to the Secretariat and Secretary-General. Though the Charter of the OAU stipulates that its aims are to be achieved through the workings of the various units – the Assembly of Heads of State and Government, the Council of Ministers, the General Secretariat, etc., – the question still remains as to "who is to do what, when and how". There was therefore a growing feeling that the structure and procedures of the OAU did not adequately respond to the exigencies of the time, and thus the Charter had to be reformed to reflect contemporary situations (Olympio, 2004; Tiekou, 2004).

FROM THE OAU TO THE AU: TRANSFORMATIONAL UNDERPINNINGS

So far, the above information indicates that the dreams of the founding fathers of the OAU have, to a large extent, not been met. Thus, far from the OAU becoming an instrument for the continental union that would lead to a degree of economic and political unity that would ensure prosperity, it became an object of ridicule. As a result, African leaders resolved in the year 2000 to systematically transform the OAU into the AU. Consequently, on July 9, 2002, the CAAU came into force, and the AU was officially inaugurated in Durban, South Africa (Olympio, 2004). In other words, the formal establishment of the AU in 2002 was based on three interrelated initiatives: the Sirte Extraordinary Session, which established the AU; the Lomé Summit (Constitutive Act of the Union); and the Lusaka Summit that "designed the blueprint for implementing the Union". The formation of the AU is also linked to the concrete expression of Pan-Africanism, though it exhibits a new form of Pan-Africanism, regarded as the third phase of the movement – new Pan-Africanism (Mathews, 2018; Landsberg, 2012), and the renaissance coalition, with distinctive features. Quite different from the first

wave of Pan-Africanism, the AU is cosmopolitan in orientation; it seemingly discontinued the victimhood mindset and the culture of Africa blaming others for its ills, which embodied the actions and ideas of pioneered Pan-Africanists; in comparison to the second phase, which respected decolonization and the creation of the modern African state system, the new Pan-Africanism, according to Tiekou (2019), is human-centered. The AU has been characterized as a tripartite organization, incorporating governments, international bureaucrats, and outsiders (Tiekou, 2019). This means there are groups of actors and institutions that are not formal members of the AU *per se*, but whose actions and inactions shape the organization's practices, directions, priorities, and policies (Tiekou, 2017). As indicated earlier, the transformation of the OAU to the AU was targeted at correcting some of the existing disparities and difficulties that impeded the former from achieving its objectives effectively (Dauda et al., 2021). This transformation is intrinsically engulfed by ongoing speculation. It is therefore in order to examine the extent to which the AU corrected these impediments. According to Article 3 of the CAAU, the Union should: "(a) achieve greater unity and solidarity between the African countries and the peoples of Africa; defend the sovereignty, territorial integrity and independence of its member states; accelerate the political and socio-economic integration of the continent; (b) promote and defend African common positions on issues of interest to the continent and its peoples; (c) encourage international cooperation, taking due account of the Charter of the United Nations and the Universal Declaration of Human Rights; (d) promote peace, security, and stability on the continent; promote democratic principles and institutions, popular participation, and good governance; (e) promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments; (f) establish the necessary conditions which enable the continent to play its rightful role in the global economy and in international negotiations; (g) promote sustainable development at the economic, social, and cultural levels as well as the integration of African economies; (h) promote corporation in all fields of human activity to raise the living standards of African peoples; (i) coordinate and harmonize the policies between the existing and future Regional Economic Communities for the gradual attainment of the objectives of the Union; (j) advance the development of the continent by promoting research in all fields, particularly in science and technology; and (k) work with relevant international partners in the eradication of preventable diseases and the promotion of good health on the continent".

A critical review of the objectives of the AU reveals an extension of the purpose of the AU. In the event of achieving these objectives, the member states of the AU are to adhere to a number of principles as postulated in Article 4 of the CAAU, including, among other things, sovereign equality of the member states and participation of the African people. Given these eleven objectives of the AU, accompanied by sixteen principles, and the established institutions such as the Assembly of the Union; the Executive Council; the Pan-African Parliament; the Court of Justice; the Commission; the Permanent Representatives Committee; the Specialized Technical Committees; the Economic, Social and Cultural Council; and the Financial Institutions, it is pertinent to discuss the extent to which the AU has achieved the stated objectives or otherwise as a continental Union spearheading regional integration.

SUCCESSSES OF THE AU

With the hope of maintaining peace and security in Africa, the AU has established a number of conflict management instruments, for instance, the African Peace and Security Architecture (Joshua & Olanrewaju, 2017; Bakare, 2014). Consequently, unlike the OAU, Article 4(h) provided the opportunity for the AU to intervene under the principle of Responsibility to Protect. Subsequently, the AU, in conjunction with the Peace and Security Council, has deployed AU missions to some conflict zones: Burundi, Comoros, DR. Congo, Sudan, Ivory Coast, Somalia, etc. Further, the AU has been instrumental in conflict prevention and peaceful settlement of violence (Mathews, 2018; Joshua & Olanrewaju, 2017). These efforts have usually been deployed alongside sanctions regimes, especially when mediation and peaceful negotiations fail (Williams, 2009). Additionally, until quite recently, the AU has been able to ensure that military coups are effectively reverted to democratic rule (Joshua & Olanrewaju, 2017). Thus, countries that experienced coups, such as Guinea and Mauritania, Madagascar, and Burkina Faso in 2008, 2009, and 2015, respectively, were suspended from the AU and given about 6 months to conform to their respective constitutions. Failure to comply with these directives was to be followed by the deployment of the PSC's coercive means and sanction regimes. Also, the AU has enhanced the agency of African states and governments in the international system since it serves as a forum for African governments to coordinate their policies and decisions on key international issues. Thus, it has empowered African governments to take more assertive positions on international issues. It has also aided African states in presenting a common front at international

organizations such as the UN, particularly in terms of coordinating collective action and harmonizing positions on any given subject of interest (Tieku, 2019). Moreover, the AU has been successful in formulating relevant international laws and practices that shape national legislation and policies. These regulations and practices usually cover a wide spectrum of issues, including the control of epidemics, disaster and environmental management, food security, international crime and terrorism, trade negotiations, refugees and internally displaced persons, migration, etc. (AU, 2005).

CHALLENGES/FAILURE OF THE AU

Among the challenges that hampered the AU's ability to carry out its mandate was the issue of financial constraints, which had significant unintended consequences. Thus, over-dependency on donors usually weakens ownership, which in turn has serious implications for achieving strategic goals and possible drift. The AU has unreliable and unpredictable funding, which makes the sustainability of well-intended policies problematic (AU, 2017). Furthermore, Joshua and Olanrewaju (2017) contend that the AU's actions at times appear to contradict the essence of Article 4(h) of the Constitutive Act, which allows for armed intervention when necessary. This leads to situations where crises degenerate into uncontrollable situations, which lead to crimes against humanity. Thus, there seems to be difficulty establishing the relevant synergy between state sovereignty and humanitarian intervention. Again, evidence exists to suggest that the track record of the member states' implementation of AU decisions is poor (Tieku, 2019). Empirical data reveal that in the period from 2001 to 2018, only 15% of the total number of decisions made by the AU were fully implemented by the member states (Assogbavi, 2018). Arguably, the AU members often fail to integrate progressive ideas into national legislation and are reluctant to ratify AU decisions. Yet there is doubt regarding the ability of the AU to implement its decisions if it cannot motivate its members to implement them. Finally, though the idea of opening up the continental decision-making process to many Africans was a chief consideration for transforming the OAU into the AU (Makinda & Okumu, 2007), evidence suggests that the Union has failed in this regard, as coalescing the voice of non-elite Africans in terms of the AU's programs, decisions, and policies is conspicuously missing from the scene.

THEORETICAL LENS FOR UNDERSTANDING

THE TRANSFORMATION OF THE OAU TO THE AU

Theoretically, it is not far from the truth to assert that functionalism and neo-functionalism generally underpin the gradual evolution of the OAU to the AU. For the functionalist, in any given system, all the component parts within the system are interconnected and work together in a complex web of interrelations. Functionalism thus emphasizes the common interests of both states and non-state actors in the integration process. This implies that a change in dynamic resultantly alters the whole system, even though with time the system will evolve to accommodate the said change (Brennan & Murray, 2015). The problem, however, with functionalism is the issue of oversimplification of the complex issues of international relations. It is this shortfall and related issues that lead to the need to adopt a new form of functionalism – neo-functionalism. For the neo-functionalist, the idea of integration is an inevitable one, something that must happen in one way or the other. Thus, it is incumbent on all actors within the international system to prepare to accept the outcome of global integration if they fail to plan for it. As a result, for the neo-functionalist, nationalism and the decline of state-centric ideals indicate the need for integration, which would eventually serve as a channel for aggregating and pursuing interests (Lombaerde, Estevadeordal, & Suominen, 2008). In view of this, despite the fact that other theories, concepts, and principles such as supranationalism, intergovernmentalism, realism, etc., could be deployed to explain the move from the OAU to the AU, this paper sides with the ideals of the neo-functionalists in exploring the need or otherwise for the metamorphoses of the OAU to the AU. It is the view of the paper that regional integration must not just be seen as a process of removing barriers to free trade and enhancing the free movement of people across territorial borders, with the goal of reducing tensions that usually lead to international conflicts, but as an avenue for promoting mutual growth and development in every facet of life.

UNDERSTANDING THE THEORETICAL UNDERPINNINGS OF THE AU

Historically, with regards to the AU, there was the re-emergence of the divide between “absolute and minimal integrationists” that preceded the establishment of the OAU (Maluwa, 2004). The “absolute integrationists”, led by the late Muammar Ghaddafi of Libya, advocated for the creation of a federalist AU with extensive executive, legislative and judicial powers, whereas the “minimal integrationists”, led by Thabo Mbeki of South Africa

and Olusegun Obasanjo of Nigeria, pushed for an intergovernmental approach that would incrementally evolve into a supranational entity (Maluwa, 2004). According to Rosamond (2000, p. 204), supranationalism denotes “the development of authoritative institutions and a network of policy-making activity above the nation-state”. Three elements of supranationalism have been identified by Pescatore (1974), namely, the recognition of common values and interests; the creation of an effective power; and the autonomy of these powers. In a similar acknowledgement, Weiler (1981) distinguished between normative and decisional supranationalism by arguing that the latter’s central line of enquiry is the extent to which the laws of regional institutions supersede, and in some cases nullify, competing laws in the member states, whereas the former basically captures the procedural mechanism for arriving at decisions, particularly through a majority voting system rather than the rule of consensus. Although the transfer of sovereignty to the AU has been less than satisfactory, a careful reading of the AU Constitutive Act (AU, 2005), suggests that the architects of the organization intended to create a supranational entity. As can be gleaned from the preamble of the CAAU, the intention to confer supranational powers on the institutions of the AU reads: “We, heads of States and Government of the member states...are determined to take all necessary measures to strengthen our common institutions and provide them with the necessary powers and resources to enable them to discharge their respective mandates effectively”. Controvertibly, there still remains the lingering question of classifying the AU as a supranational organization or not. It is important to note that the supranationality of a given international organization is usually underpinned by the existence of normative as well as decisional supranationalism within the established structure of the organization. Consequently, the lack of the former within the institutional structure of the AU means the lack of supranational authority as compared to entities such as the UN or the EU (Oloruntoba & Falola, 2018; Kwarteng & Botchway, 2018; Weiler, 1981). In fact, while the OAU may differ from the AU in terms of form, the theoretical exposition reveals that very little has changed in terms of substance. Thus, as argued elsewhere, supranationalism within the AU is either too weak or non-existent (Fagbayibo, 2013).

CONCLUSIONS

The OAU’s limited successes, which epitomized its transformation into the AU, can be associated with a variety of factors coalescing under political,

economic, social, cultural, historical, and globalization, among others. The question still remains as to whether the mutation of the OAU to the AU has been the answer to the problems of its numerous problems. Some believe that the transformation process has provided greater benefits to the African continent. Some also believe that it might sound incorrect to describe the transformation as a failure as it is too early to judge (Dauda et al., 2021; Tiekou, 2004). However, some agree that the transmutation from the OAU to the AU marked a critical phase in the linear trajectory of achieving collective security on the African Continent through several challenges that still remain (Fagbayibo, 2021; Joshua & Olanrewaju, 2017). Overall, suffice to note that at the time of the formation of the OAU, most African states were under colonial bondage and that the OAU drew its objectives from decolonized African states to confer African unity. In the meantime, considering the proclaimed goals, the AU was focused on regional integration. Based on the stated statement, we can safely conclude that the transformation from the OAU to the AU, theoretically speaking, was a change made for the revival of Africa, and that it was based on the expansion of the scope of the OAU. But practically, this change was not carried out to the end. Achieving this goal requires the AU to have mature African leadership. Thus, there is a need for the member states and the Union to strike the right balance between their domestic goals and their responsibility towards the Union. The implication is that letting go of national sovereignty for the common good of the continent may at times be the most viable option. Furthermore, realizing the AU's vision of supranationality requires the subscription of African leaders to shared norms such as accountability, democratic governance, and adherence to the principles of transparency, human rights, etc. Further, there is a need to promote coordination and cooperation among the various regional and sub-regional groupings in Africa. In addition, NGOs, CSOs, and all other relevant stakeholders must be involved in the integration process. Thus, building mutual trust, strategic cooperation, and collaboration is highly recommended. Finally, there must be an effective and equal application of the rules and regulations, sanctions, benefits, reprimands, etc. This will ensure fairness, equity, and firmness, which would in turn engender confidence and tranquility within the Union.

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TWENTY YEARS OF THE AFRICAN UNION (AU)

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Abstract: This chapter attempts to offer some balanced reflections on the work of the African Union (AU) over its two decades of existence since its first meeting in 2002. The chapter does this from the perspective of Southern Africa, where the author is based and on which he has the most knowledge. After mentioning the AU's origins, the chapter discusses some of the achievements and failings of the organization since it succeeded the Organization of African Unity (OAU). In particular, relations between the AU and one of its regional economic communities, the Southern African Development Community (SADC), are considered, with the case of the Democratic Republic of Congo, a member of SADC, examined in some detail. The chapter concludes that the AU remains very much a work in progress, that many problems and challenges remain for it to address in the future, and that initial expectations have not been fulfilled.

Keywords: AU, OAU, SADC, Southern Africa, Congo, perspectives.

INTRODUCTION

As he led Ghana to independence from British rule in 1957, Kwame Nkrumah dreamt of a united and independent continent coming into being, the United States of Africa. That Pan African dream came to nothing and what was established instead was the organization that the 31 leaders of independent countries created in May 1963 in Addis Ababa, capital of Ethiopia, the OAU. The OAU soon set up a Liberation Committee to work to achieve the liberation of the rest of the continent from colonial rule. That goal was considered achieved when South Africa achieved black majority rule in 1994 and joined the OAU later that year

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(Saunders 1998). Five years after that, it was a South African President, Thabo Mbeki, who, together with Nigeria's then leader, Olusegun Obasanjo, led the way in transforming the OAU into the AU. After a lengthy gestation period, the AU held its first meeting in the South African city of Durban in 2002, where Mbeki became the first AU Chair. Like the OAU before it, the AU brought together the heads of state and governments of African states in annual or bi-annual meetings, but from its inception, it had more ambitious goals than the OAU, for it aimed to bring about not only continental integration but also good governance and stability. While the OAU had as its founding principle non-interference in the internal affairs of member states, Article 4 of the AU's Constitutive Act of 2000 gave the continental body the right to intervene in individual countries in the interests of peace and order. While the AU has been extremely hesitant to use this right to infringe on state sovereignty under certain circumstances, the AU has begun over the past twenty years to gradually develop a set of continental peace and security institutions (see, e.g., Matlosa et al., 2010). These range from its fifteen-member Peace and Security Council (PSC), born immediately after the AU was created, to the African Peer Review Mechanism (APRM), established in 2003, the Panel of the Wise, launched in 2007, and what was supposed to be a continental armed force, the African Standby Force. The APRM, which had a secretariat based in South Africa, provided a mechanism for the evaluation of individual countries around four aspects: democratic and good political government; economic government and management; corporate governance; and socio-economic development. The Panel of the Wise was made up of five highly respected persons who were supposed to form a channel of communication between the AU and parties involved in conflicts. The AU sent peacekeeping missions to a number of countries – Burundi in 2003-04; Sudan in 2004-07; Somalia from 2007; Mali in 2012-13; and the Central African Republic in 2014-16 – but the creation of an effective continental force has remained elusive.

Ad hoc military operations have taken place in West, East, Central, and North Africa, all of which saw conflicts of one kind or another. They lack the overall coordination that the concept of an African Standby Force implies. In 2022, all African countries were members of the AU except Morocco, which had withdrawn from the OAU in 1985 over the issue of the Western Sahara. Morocco joined the AU in 2017. The AU, therefore, brought together in one organization very diverse states, from those of North Africa, which also had a Middle Eastern identity, to small offshore islands such as Cabo Verde in the Atlantic Ocean and Mauritius and the

Comores in the Indian Ocean. In 2022, only a few of the 55 members were functioning democracies, while others had devolved into failed states embroiled in long-running conflicts of one kind or another. The majority were weak states unwilling to surrender sovereignty to a continental body. Subordinate to the AU, since the time it came into existence, are eight regional economic organizations (RECs). Many African countries are members of more than one of these. Some of these RECS, such as the Intergovernmental Authority for Development in the Horn of Africa and the Economic Community of Sahel-Saharan States, are very weak organizations. The East African Community has seen the most impressive economic integration, and the two most effective RECS in creating regional military forces have been the fifteen-member Economic Commission of West African States (ECOWAS), the origins of which go back as far as 1975 (Sanae, 2020), and the sixteen-member Southern African Development Community (SADC), to which we will return below.

ACHIEVEMENTS AND FAILURES OF THE AU

How to summarize the achievements and failures of the AU over its first two decades? Let us note, to begin with, that the AU has spent much time creating new institutions, ranging from a Pan African Parliament, based in South Africa, to the African Peer Review Mechanism and, say, a Continental Early Warning System. Many of these new institutions turned out to be rather ineffective, frequently because they lacked the skills or resources necessary to complete the tasks assigned to them. The Pan African Parliament, for example, remained a mere talking shop, with no power to influence member states. Another AU organ, the Africa Centre for Disease Control and Prevention, did effective work to address the Ebola and COVID-19 health crises, but, despite strenuous efforts, the AU had by 2022 not succeeded in its efforts to secure sufficient COVID-19 vaccines. Future historians will probably record that among the AU's greatest achievements in its first two decades was putting in place an ambitious African Continental Free Trade Area (AfCFTA) to deepen African economic and trade integration. This had the potential to increase intra-African trade greatly, but though that agreement entered into force in May 2019, by 2022 it had yet to begin to yield results. While the AU forces that were stationed in Somalia and elsewhere, sometimes combined with those of the UN in joint missions, did sometimes help keep the peace, the AU's proclaimed goal of "Silencing the guns by 2020" (Al Jazeera, 2017) was not achieved. The AU had to extend that goal by another

decade. In 2021, a major conflict in Ethiopia seemed for a time, when the Tigrayan forces advanced towards the Ethiopian capital, to threaten the large new headquarters that had been built for the AU by the Chinese in Addis Ababa to house its bureaucracy and provide a venue for meetings of heads of states and governments. A series of military coups across the Sahel region in 2020 showed the AU's inability to prevent unconstitutional changes of government. Though the AU routinely suspended the membership of those countries that were subjected to coups, this had little effect. The AU's PSC proved unable to end ongoing conflicts in Sudan, South Sudan, the Central African Republic, and elsewhere. Though the AU's Constitutive Act of 2000 spoke of the need for coordination between the AU and the RECs, the relationship between the AU and the RECs has remained contested, with little effective coordination and harmonization between them, especially in relation to peace and security (e.g., Van Nieuwkerk, 2011; Gottschalk, 2012; Nagar & Nganye, 2018). In general, the AU and the RECs have both suffered from too much talk and too little action. Numerous protocols have been issued, but few have been effectively applied in practice.

The African Charter on Democracy, Elections and Governance of 2007, which the AU hailed as a major development and came into force in 2012, is a case in point, for there has not been better governance on the continent since then; instead, there have been significant democratic reversals.

The SADC has been the most stable part of the continent in recent years, but the constituent states' governance record has been mixed. In Zambia, after some years of democratic backsliding under President Edgar Lungu, there was a revival of democratic practice under his successor in 2021. In Malawi, the judiciary showed its independence in the events leading to the replacement of the incumbent by a new government. But while SADC established a number of mechanisms aimed to prevent intra-state conflict, such as mediation reference groups and support units, issued Electoral Guidelines and set up an Electoral Support Unit, which worked alongside AU electoral observer missions, these bodies failed to prevent grossly rigged elections, such as that in the DRC in 2019, and the violence that often accompanied elections and their outcomes, such as in Zimbabwe in 2018. Aware of its institutional failures, the AU tasked President Kagame of Rwanda with drawing up an institutional reform agenda. His report, entitled "*The Imperative to Strengthen Our Union: Report on the Proposed Recommendations for the Institutional Reform of the African Union*", in 2017, included some bold ideas,

like the need for transitional justice mechanisms, but few of the report's recommendations have been carried out (South African Institute of International Affairs, 2019). One of the AU's ongoing problems, and a major focus of the Kagame report, was how to meet its budgetary requirements without relying unduly on the support of external donors. The Commission's budget for 2022 of just over US\$650 million sets aside US\$176 million for operations, US\$195 million for programs, and US\$279 million for peace support. Though the AU's goal was that its regular budget should be self-financed, many states did not pay their dues, and the European Union and other international partners were called upon to fund 66% of the total AU budget. To try to boost payments by member states, the AU Commission and the other AU organs were told to eradicate corruption and irregular expenditure, but while some steps were taken in that direction, the AU continued to spend lavishly on meetings and consultants.

THE AU AND THE SADC

The SADC was founded ten years before the AU, in 1992, and had emerged out of earlier regional groupings. It was much enlarged in 1997 when the Democratic Republic of Congo (DRC) became a member. A number of SADC member states came to independence or black majority rule after armed liberation struggles during which they had received support from the Soviet Union and other countries in the Global East. Because of this history, they were inclined to adopt anti-Western positions in international affairs. This chimed with the AU itself, the members of which, besides Ethiopia and Liberia, having had a colonial past, continued to be, to different degrees, suspicious of Western intentions. The AU often asserted its non-aligned status and made clear that it was prepared to embrace assistance, not only from elsewhere in the Global South but also from the People's Republic of China and the Russian Federation. At the core of the AU's slowly evolving Peace and Security Architecture was the idea of subsidiarity – that the RECs should, wherever possible, act in the first instance (Nathan, 2016; Ndlovu, 2015, March 26). For that reason, the AU's PSC often failed to take up security issues relating to Southern Africa states. The SADC's member states preferred to see the regional organization act rather than the continental one, because the SADC was controlled by the incumbent leaders of the states of the region (Abey, 2019). In that context, the SADC was criticized at the time of the disputed election held in Zimbabwe in 2018 for being biased towards the

incumbent government of President Emmerson Mnangagwa and for not pointing out the flaws in the election process. In Madagascar, in the run-up to elections in 2013 and again at the end of 2018, the SADC played an important mediatory role, in that case, in conjunction with an AU special envoy sent to the island to ensure pre-election protests did not spiral out of control (Gavigan, 2010; Nathan, 2013; Witt, 2020). The crisis in Zimbabwe never appeared on the PSC's agenda, despite the contested elections, political repression, and economic collapse in that country from the early 2000s. The AU left the matter to the SADC, which appointed former South African president Thabo Mbeki as its mediator in Zimbabwe. He oversaw a transition to a government of national unity that lasted from 2008 to 2013, but that enabled Robert Mugabe to consolidate his grip on power (Beardsworth, Cheeseman & Tinhu, 2019).

In August 2018, the PSC approved a SADC mission to the small landlocked country of Lesotho, which has long suffered from ongoing political instability. Though the PSC recommended that the SADC maintain its protection force beyond a year, the SADC decided that the mission should end in November 2018, and the SADC returned to hesitant attempts to restore political stability by sending South African envoys there on behalf of the regional organization. An exception to the rule of subsidiarity between the SADC and the AU has been the island territory of the Comoros, the problems of which the SADC has largely left to the AU to try to sort out (see e.g., Svensson, 2008). Cooperation between the AU and the SADC in military matters has been sluggish at best. A SADC brigade, later renamed the SADC Standby Force, was formally launched in August 2008 in Lusaka, Zambia, but by 2022 had still not been formally operationalized as part of the envisaged African Standby Force. In the past decade, the SADC military forces have been used in a variety of peacekeeping roles in the region: in the DRC, in Lesotho, and, from 2021, in the Cabo Delgado province of Mozambique, to try to stamp out terrorism there. The results have been mixed: we will return to the DRC case below, but instability continues in Lesotho, and it is too soon to say that the SADC military mission in Cabo Delgado, in which soldiers from South Africa, Angola, Botswana, the DRC, Lesotho, Malawi, Tanzania, and Zambia all serve, has achieved its objectives. It might have been expected that South Africa, as the most industrialized country on the continent and one that in the aftermath of its transition from apartheid was acclaimed as a beacon of liberal democracy, would have played a leading role in the AU, not least because of Mbeki's leading role in the creation of the continental organization. That has not been the case,

however. The South African campaign to elect Dr Nkosazana Dlamini Zuma as Chair of the AU Commission, the organization's secretariat, in 2012 proved divisive, and once elected, she did little to advance the AU's goals, aside from promoting gender equality and advocating a new visionary plan for the AU called Agenda 63 – The Africa We Want. That plan, named after the date of the founding of the OAU, diverted the AU's attention from meeting the challenges that faced the continent in the present. When Cyril Ramaphosa, the South African President, served as AU Chair during the COVID-19 pandemic, he was very taken up with the pandemic, as well as with domestic challenges, and did not take the AU in major new directions. South Africa tended to play a hesitant role in both the SADC and the AU, not wanting to appear to be in a dominant position for fear of being perceived as “big brother”. However, as a member of the Brazil, Russia, India, and China (BRIC) group, South Africa attempted to link the AU to its BRICS role (Anuoluwapo, 2018).

THE DEMOCRATIC REPUBLIC OF CONGO (DRC) CASE

Let us consider in a bit more detail the case of the DRC. In dealing with the conflict in the eastern part of that country, the AU's relations with both the SADC and the UN have been far from harmonious. For a time, the AU's PSC considered another regional organization, the International Conference on the Great Lakes Region, the appropriate forum to try to deal with the conflict (Dersso, 2017), but it had no effective means of doing so besides diplomacy, which achieved little. As the conflict in the east continued, the UN Security Council authorized the deployment of a Force Intervention Brigade in 2013 to deal with issues beyond the mandate of the large UN Peacekeeping Mission – named MONUSCO – which the UN had sent to the DRC many years before. Three SADC countries, Malawi, Tanzania, and South Africa, contributed troops to the FIB, but in 2022 the conflict there was still dragging on, with no resolution in sight. Then, at the end of 2018 and the beginning of 2019, the SADC and the AU were sharply divided over another crisis in the DRC, one that followed disputed elections in the large country on December 30. The SADC and the AU were the only organizations permitted by the government of the DRC to send observer missions to monitor the highly contested election, which had been postponed for two years. The SADC observer team left the country directly after the vote at the end of 2018 and before the announcement of the results, stating that the elections were “relatively well managed”. After initial dissention within its own ranks, the SADC

chairperson, Namibia's President Hage Geingob, announced that the SADC strongly supported the DRC government and accepted the results on behalf of the organization (Saunders, 2021). The discord between the SADC and the AU came to a head when the AU Chair, Paul Kagame of Rwanda, asked the DRC government to suspend the declaration of election results and sent a high-level AU delegation to the DRC to reach a consensus on the way out of the electoral crisis (The Guardian, 2019). The SADC, on the other hand, argued that the DRC should be left to act according to its own laws as a sovereign state and prevailed upon the Congolese authorities to publish the results (Southern African Development Community, 2019). Contrary to expectations and estimates by other observers, the results gave the victory to President Felix Tshisekedi. At the February 2019 AU summit, the SADC held its own pre-summit of heads of state in Addis Ababa and affirmed its support for the newly elected Tshisekedi. In the end, the AU had to accept this and the principle of "subsidiarity", realizing that without the support of the SADC, any further attempt to intervene in the post-electoral crisis would be unsuccessful.

CONCLUSIONS

In early 2022, the most accessible account of the AU was a collection of essays published after the AU turned fifteen (Karbo & Murithi, 2018). That book concluded that the AU had "all the necessary policy institutions to function as an effective international actor on behalf of the continent" and it expressed the hope that African leaders would "exert peer pressure on fellow leaders to ensure that they uphold the principles and norms that they have signed up to, as well as maintain their unified positions in global forums" (*Ibid.*, p. 309). The African Peer Review Mechanism was held up as a way to hold individual states accountable, and it was claimed that under the influence of the AU, "most African countries have embraced a culture of constitutionalism, rule of law and human rights" (*Ibid.*, p. 79). Five years after such sentiments were expressed in the Karbo and Murithi book, any assessment of the AU is likely to be more critical. While there is no doubt that the AU has admirable goals – the unity of the continent, securing peace and security, and promoting health and trade – and that it has been more effective than the OAU, the AU has often either ignored crises or responded to them in ineffective ways. Nor has it yet become a significant international actor on the world stage. How divided the countries of the continent are was shown in early March 2022 in the

vote at the United Nations General Assembly on a resolution condemning the Russian invasion of Ukraine: half the African countries supported the resolution and the other half abstained or, in the case of Eritrea, voted against. The reality is that most African countries remain among the poorest and least developed in the world, and continental integration remains more of an aspiration than a reality. Perhaps expectations of the AU were too high in its early years. Taking a long view, it can be argued, as the Cape Town-based political scientist Keith Gottschalk has done, that the AU has achieved more in twenty years than similar organizations elsewhere, such as the Organization of American States or the Association of Southeast Asian Nations (Gottschalk, 2012, p. 9; Edozie & Gottschalk, 2014). But in 2022, it appears that much of the initial drive of the AU has faded, and that prospects for any dramatic improvement in its ability to achieve its lofty goals in the near future are slim.

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AFRICAN UNION CHARTER ON DEMOCRACY AND GOOD GOVERNANCE - A ROAD MAP FOR THE ESTABLISHMENT OF THE RULE OF LAW AND CONFLICT PREVENTION IN AFRICA

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Abstract: In this paper, the author deals extensively with the analysis of the solutions reached in the African Charter on Democracy, Elections and Governance (ACDEG) as an operational instrument of the African Union (AU), by which this regional organization for the first time precisely defines the road map for building democracy in Africa, especially in the areas of rule of law and prevention of conflicts. As the African continent has long been burdened by both international and internal armed conflicts, which by their nature are extremely cruel and accompanied by the commission of various types of war crimes, crimes against humanity, genocide, and organized crime, the AU adopted the ACDEG in order to establish the rule of law by introducing and strengthening democratic institutions and conducting democratic elections in African countries to protect the human rights and fundamental freedoms of their citizens. More recently, cases of unconstitutional changes such as the failed coup in Niger and illegitimate takeovers in Tunisia, Sudan, Mali, and Guinea point to negative trends in the rule of law in Africa. Considering these negative developments, the author took upon himself the task of exhaustively examining the adequacy of the ACDEG as a multilateral legal instrument adopted by the largest African regional organization in order to prevent conflicts in Africa. All the more so, because this legal instrument, in its application, managed to lead to democratic governance

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in some African countries. On the other hand, its effect remained extremely limited. The author, therefore, believes that the possibilities of further action by the AU should be examined. All the more so because it would be possible to increase the effectiveness of ACDEG in practice through concrete action plans on the already established road map. In this sense, the author points to concrete challenges, but he also gives recommendations for overcoming them.

Keywords: ACDEG, conflicts in Africa, election, Good governance, impact

INTRODUCTION

In contradistinction to customarily bleak accounts, Africa has undergone significant changes that have resulted to some extent in improvements in its governance landscape over the past decade (Aneme & Lamikanra, 2018). It is not an exaggeration that the African Union (AU) policy on dealing with unconstitutional changes of government has generated countless debates, and a large amount of research and many papers have been published on the topic (Djinnit, 2021). According to Djinnit: “From the early 1990s until the adoption of the African Charter on Democracy, Elections and Government (ACDEG) in 2007, the continental organization produced a vast number of policy documents and normative frameworks related to peace and security, economic and political governance. The challenge lay in the implementation of these policies” (Djinnit, 2021). Yet, the continent is also still marked by civil wars (for example in South Sudan and Libya), *coups d’etat* (for example in Egypt and Zimbabwe), serious human rights violations (for example in Sudan and Eritrea) and election-related violence (for example in Kenya and the Democratic Republic of the Congo) (Stephan, 2016). The African Charter on Democracy, Elections and Governance (ACDEG) is a unique instrument aimed at addressing these challenges so as to, in the words of its preamble, “deepen and consolidate the rule of law, peace, security, and development”.¹ At the just concluded AU’s 35th Meeting in Ethiopia in February 2022, African Heads of States and Governments were still lamenting the state of military takeover of governments in about six AU countries. Four member states of the AU have been suspended since 2021 as a result of unconstitutional changes of government. Most recently, in Burkina Faso, where soldiers overthrew President Christian Kabore. At

¹ Preamble to the ACDEG, 2007.

the sideline meeting with Mohammed Adow, a correspondent of *Al Jazeera* international network news, and Solomon Dersso, founder of the AU-focused Amani Africa Think-tank, especially concerning the jubilation of the citizens of the area where the military has taken over. Dersso was of the view that the people's jubilation, though wrong, was a result of not enjoying the dividends of civilian rule. He was, however, of the view that a military takeover of a government will not and cannot solve the continental problems (Solomon Dersso's interview with Mohammed Adow, a correspondent of *Al Jazeera* news, February 5; Ogundele, 2022).² It was also alleged that not suspending Chad when the military council took over the government after the death of former president Idriss Deby in April 2021, was like playing a double game. Having initially envisaged a declaration, the African Union (AU) Commission persuaded the Executive Council to authorize the development of a legally binding treaty based on the collective commitments already made by the AU member states in the domains of elections, democracy, and governance (Draft AU Declaration on Elections, Democracy and Governance, 2003, February 20; Decision of the Meeting of Experts on Elections, 2004). The AU Commission's arguments were based on consolidation logic and declaration fatigue. Invoking the advantage of bringing all these commitments together in one text, as well as considering "that the Organization had already adopted many Declarations and Decisions on the same issue", the AU Commission recommended, "a more binding text in the form of a Charter rather than yet another declaration" (Report of the Interim Chairperson on the Proceedings of the African Conference on Elections, 2003; Report on the Meeting of Government Experts on the Documents from the Pretoria Conference on Elections, 2004).

According to Onditi and Okoth (2016, 19), a key problem with the Constitutive Act of the African Union is that it fails to articulate the legal status of AU decisions. Nevertheless, the Assembly's Rules of Procedure provide that regulations and directives are legally binding while declarations and recommendations remain merely persuasive. Since its adoption in 2007 and subsequent entry into force in 2012, the ACDEG has generated considerable interest from scholars and practitioners (Matlosa, 2008; Glen, 2012). Although scholars largely agreed on the ACDEG's potential, many were skeptical about its implementation and anticipated

² Raila Odinga, the AU Infrastructural Development Officer, was also of the view that African countries are still lacking so many infrastructures for development.

effects (Kane, 2008; Saungweme, 2007). The academic literature in the fields of both law and political science has increasingly paid attention to the ACDEG's role in dealing with "unconstitutional changes of governments" and, in particular, military coups *d'état* (Tieku, 2009). There is also a growing scholarly interest in the role of the AU in addressing serious democratic governance challenges related to popular uprisings and the manipulation of presidential term limits (Omorogbe, 2011; Souaré, 2014). Yet, there is a dearth of literature that considers the implementation of the ACDEG in a broader, holistic sense (Dersso, 2019). The African Charter recognizes a number of rights that later found their way into the ACDEG. The right to participate in government is undoubtedly of greatest relevance to the core ideas behind the ACDEG. The ACDEG, to a large extent, can be described as an overall elaboration of this right by setting more detailed conditions for its fulfillment. Other important rights that found their way into the ACDEG include the rights to freedom from discrimination,³ equality before the law and equal protection of the law,⁴ freedom of expression,⁵ education,⁶ a satisfactory environment,⁷ and peace and security (Adeyeye, 2018; Adeyeye & Atidoga, 2021).⁸ While ideas were already circulating among non-governmental organizations (NGOs), lawyers, judges, and scholars from various African countries to establish a judicial body to enforce human rights in the early 1960s, they were rejected by the lead drafters during the preparation of the African Charter in the late 1970s and early 1980s (Journal International Commission of Jurists, 1961).

CONCEPTUAL CLASSIFICATION

For a better understanding of this topic, it is apt to conceptualize the meaning of the subject matter. According to Black's Law Dictionary, democracy is defined as "that form of government in which sovereign power resides in and is exercised by the whole of free citizens directly or

³ African Charter, Article 2. ACDEG, Article 8.

⁴ African Charter, Article 3. ACDEG, Article 10(3).

⁵ African Charter, Article 9. ACDEG, Article 27(8).

⁶ African Charter, Article 17. ACDEG, Article 43.

⁷ African Charter, Article 24. ACDEG, Article 42.

⁸ African Charter, Article 23. ACDEG, Article 38.

indirectly through a system of representation, as distinguished from a monarchy, aristocracy, or oligarchy" (Black, 1978, p. 388). In the same dictionary, election is defined as "the selection of one person in a state, corporation, or society; with respect to the choice of a person to fill a public office or the decision of a particular public question or public policy, the term means in ordinary usage re-expansion by a vote of the will of the people or a somewhat numerous body of electors" (*Ibid.*, p. 465). On the other hand, the Advanced Learner's Dictionary defines governance as "the activities of governing a country or controlling a company or organization; the way in which a country is governed or a company or an institution is controlled" (Hornby, 2000). It could be discerned that the subject matter means popular participation in the affairs of the state in government. It does not admit to arbitrary rule or the use of power. It allows the people to decide who rules them, and the ruler is answerable to the electorate for the dividend of democracy. What is happening in most African nations is quite the opposite of this. Elections are rigged in favor of certain candidates, which later leads to the military takeover of power or a popular uprising of the people against the government.

CONFLICT SITUATION IN AFRICA

No doubt, in every country in the world, groups or factions whose interests may not be in line with those of the country as a whole certainly exist. Indeed, in Africa, one of the most important constraints to democratic consolidation is the violent struggle by various factions, many of which are actually ethno-cultural groups, to capture, through elections or other means, the apparatus of government. To combat the abuse of the rights of minorities by majorities, that is, to minimize majoritarian tyranny, a country can create a governmental system in which the people are sovereign but government power and the exercise of it is limited by the constitution, which includes provisions to explicitly protect individual rights, to instill separation of powers through checks and balances, and to enshrine popular sovereignty through elections. However, for such a constitutional democracy to survive and flourish, it must have a "virtuous", robust, and politically active public as well as political elites dedicated to maintaining the country's constitutional institutions (Murungi & Gallinetti, 2010). According to the African Center for Strategic Studies, since 2015, leaders of 13 African countries have "evaded or overseen the further weakening of term limit restrictions that had been in place" (Siegle & Cook, 2021). Some of these are Algeria, the Comoros,

Guinea, the Democratic Republic of the Congo (DRC), South Sudan, and Uganda. Also, Alassane Ouattara, who has been president of Côte d'Ivoire since 2011 and who was seemingly barred from standing for the presidency in the election cycle by the constitution's two-term limit, argued in August 2020 that his first two mandates do not count because the limits were created by the constitution that was adopted in 2016, which effectively reset the clock. Although he initially declined to run again, the untimely death of his party's chosen candidate created a vacuum in which he decided to stand again. These constitutional coups weaken the role of elections as a democratizing tool. Worse, in some countries (Cameroon or The Gambia, for instance), this circumvention of term limits has contributed significantly to the rise of violent and destructive mobilization by marginalized ethno-cultural groups (Lolette, 2005). Despite these setbacks, the trend is not unidirectional. Several African countries have strengthened or upheld term limits since 2015. These include Benin, Liberia, Mauritania, Nigeria, Senegal, and the Seychelles. They are part of a group of 21 African countries that continue to uphold term limits. Moreover, the Central African Republic and Burkina Faso have held or will hold constitutional referendums to institute term limits. There is a notable regional variation in the upholding of term limits. Countries in southern and western Africa have demonstrated the greatest adherence to these norms, while swathes of northern, central, and the Horn of Africa have failed to do so (*Ibidem*). The lack of effective term limits has resulted in Africa having 10 leaders who have ruled for over 20 years and two family dynasties that have been in power for more than 50 years. Some of these are Gabon, where the Bongo dynasty has ruled for 53 years; Equatorial Guinea, where Teodoro Obiang has ruled for 41 years; Cameroon, where Paul Biya has ruled for 38 years; Uganda, where Yoweri Museveni has ruled for 34 years; and Rwanda, where Paul Kagame has ruled for 20 years. This erosion of term limits is a setback for good governance in Africa: Leaders in countries with term limits have been in office, on average, for 3 years. Those that have modified or eliminated term limits have been in power for a median of 12 years. Recent years have also seen the ouster of long-ruling African leaders by their erstwhile political allies, resulting in a continuation of the existing power structure. If these regimes, Algeria, Burundi, the Democratic Republic of the Congo, Sudan, and Zimbabwe are included, then the median time in office for countries without term limits jumps to 19 years. All eight of the African countries facing civil conflict (excluding insurgencies by militant Islamist groups) are those without term limits.

Of the 10 African countries that are the largest source of Africa's 32 million refugees and internally displaced populations, 7 are countries lacking term limits (*Ibidem*).

SOME LANDMARKS PROVISIONS OF THE ACDEG

In comparison with the OAU and AU instruments, the ACDEG is unique in at least six ways. First, the ACDEG is the first AU instrument that involves all the AU mechanisms in its implementation.⁹ Second, it has its own provisions regarding sanctions that complement the AU sanctions regime found in other instruments and could strengthen compliance with the AU's norms and values and promote accountability. In this regard, a breach of the ACDEG could invite sanctions in terms of Article 46 of the Charter itself,¹⁰ and Articles 23(2) and 30¹¹ of the AU Constitutive Act. Third, Article 8(2) of the ACDEG obligates state parties to "adopt legislative and administrative measures to guarantee the rights of women, ethnic minorities, migrants, people with disabilities, refugees and displaced persons, and other marginalized and vulnerable social groups".¹² This is the first AU instrument that seeks to address the challenges faced by "ethnic minorities, migrants, and marginalized and vulnerable social groups". Fourth, the Charter is the most significant instrument regarding elections in that it has sixteen provisions relating to elections. Fifth, uniquely, it is the only AU instrument that gives a legal basis, in its Article 37, to the concepts of sustainable development and human security through the NEPAD objectives and the UN Millennium

⁹ Notably, the AU Commission, the Pan-African Parliament, the Peace and Security Council, the ACtHPR, the African Commission on Human and Peoples' Rights, the Committee on the Rights and Welfare of the Child, the Economic, Social and Cultural Council, and the regional economic communities (ACDEG, Article 45c).

¹⁰ Article 46 provides that, "the Assembly and the Peace and Security Council shall determine the appropriate measures to be imposed on any State Party that violates this Charter".

¹¹ Article 30 stipulates that, "Governments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union".

¹² The ACDEG was adopted almost three years before the Kampala Convention on Internally Displaced Persons, 2009.

Development Goals.¹³ Sixth, in terms of Article 25(5) of the Charter, “perpetrators of unconstitutional changes of government may also be tried before the competent court of the Union”. Hence the insertion of this crime into the “International Crimes Protocol” for the ACtHPR, adopted in Malabo, Equatorial Guinea, on June 27, 2014 (Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights, 2014). These provisions were included in response to the governance deficit on the continent and the challenge of the non-implementation of legal instruments by the member states, by recommitting states in clearer language to deal with these issues in an instrument that has a sanctions regime and is justifiable.

SOME LACUNA IN THE ACDEG

As comprehensive as the ACDEG is, there are gaps. For example, the drafters missed an opportunity to make a link between terrorism and governance, even though terrorism is to some extent caused and/or aggravated by the democratic deficits, marginalization, bad governance, and lack of good electoral practices that the ACDEG seeks to address.¹⁴ There is also no indication of what a culture of democracy in Articles 11, 12(2), and 29(2) means, and how or through what means this lofty objective will be achieved. If the intention was that this objective be achieved through, for example, “civic education in their educational curricula and development of appropriate programs and activities” (Article 12(4)), this should have been clearly stated. In the process of negotiating the ACDEG, a number of key issues and reservations were raised by the member states with regard to certain aspects of the draft charter, particularly those that states felt directly affected state sovereignty (Draft/Charter, 2006, June 9-10).¹⁵ Some member states were concerned

¹³ Article 37 obligates state parties to “pursue sustainable development and human security through the achievement of NEPAD objectives and the United Nations Millennium Development Goals”.

¹⁴ The issue of terrorism was neither raised in the initial drafts nor by the delegates, perhaps because it is adequately addressed in the 1999 AU Convention on Preventing and Combating Terrorism, which entered into force on December 26, 2002.

¹⁵ This section of the article is largely based on the author’s personal observations and notes on the negotiating process, as well as official documents of the various

about the concept of “democratic change of governments” contained in Article 2(3), as it stood, which referred to promoting “the holding of regular free and fair elections to institutionalize legitimate authority of representative government as well as democratic change of governments” as read together with Article 10(2).¹⁶ They felt that a regular change of government does not necessarily translate into a democracy. Other states also expressed concerns about “political pluralism” in draft Article 2(6),¹⁷ arguing that there was no evidence that democracy could only be assured through political pluralism. Questions were also raised about the meaning of “access to information, freedom of the press, and accountability in the management of public affairs”.¹⁸

IMPACT OF THE ACDEG

Since the 1990s, there have been significant transformations in the political systems of many African countries. These institutional changes have resulted in, for example, the demise of the racially based apartheid system in the Republic of South Africa and the introduction of a nonracial democracy. Many civilian and military dictatorships have fallen, paving the way for the establishment of a rule-of-law-based governance system characterized by constitutionalism and constitutional government, including reforms such as term limits. Nevertheless, many of these countries still struggle to deepen and institutionalize democracy and deal effectively and fully with government impunity, particularly that which is associated with the abuse of executive power and the violation of

meetings of senior officials, ministerial meetings, and the session of the Assembly of Heads of State and Government at which the final text was formally considered and adopted.

¹⁶ The current Article 10(2) provides: “States Parties shall ensure that the process of amendment or revision of their constitution reposes on national consensus, obtained if need be, through referendum”.

¹⁷ Article 2(6) on objectives states: “(...), nurture, support and consolidate good governance by promoting democratic culture and practice, building and strengthening governance institutions and inculcating political pluralism and tolerance”.

¹⁸ Article 2(10) was not amended and requires states to “foster citizen participation, transparency, access to information, freedom of the press and accountability in the management of public affairs”.

human rights (Becchetti, Conzo, & Romeo, 2013). Presidents that have changed their countries' constitutions to eliminate the two-term limit include Presidents Gnassingbe (Togo), Museveni (Uganda), Deby (Chad), Biya (Cameroon), Kagame (Rwanda), the late Nkurunziza (Burundi), and el-Sisi (Egypt), just to name a few. Changing the constitution to eliminate term and/or age limits just for presidents and allow the incumbent president to unconstitutionally extend his mandate has been referred to as a *constitutional coup*. It is important to note that relatively weak institutions and the absence of a democratic culture have facilitated the ability of incumbents to manipulate constitutions in the countries mentioned in this paragraph. The hope is that, as the level of democratic development improves in these countries, such constitutional coups will become a rarity (Guibert & Perez-Quiros, 2012).

CHALLENGES OF THE ACDEG

Corruption is a challenge in many African countries, though it is particularly pernicious in countries without term limits. For countries that have modified or eliminated term limits, the median ranking on Transparency International's annual Corruption Perceptions Index is 134 out of 180 countries. This is 46 places lower than the average ranking for African countries that have adhered to term limits. Africa has 34 presidential elections scheduled between 2019 and 2021. In roughly one-third of these elections, the issue of leaders challenging term limits has been central. The often controversial means by which these leaders are extending their terms undermines the legitimacy that these electoral processes are intended to generate. The institutionalization of term limits in Africa is part of a reform effort started in the 1990s to address the legacy of over-concentrated power in the executive. Term limits are seen as an especially important element of checks and balances in Africa given the relative weakness of independent democratic institutions such as the legislature, judiciary, civil services, security forces, the media, the public protector and central bank.

CONCLUSIONS

In Africa as elsewhere, free, fair, and credible elections help citizens build effective democratic institutions and provide a tool for guarding the government through regularly and peacefully replacing recalcitrant and

poorly performing political elites. However, if African countries are to use elections to consolidate and entrench democracy, they must make certain that incumbent leaders are not able to (a) change national constitutions to eliminate term and age limits for presidents (as noted above) and other protections that guard the president against various forms of opportunism (as currently taking place in Zambia); (b) mandate registration fees for candidates seeking to stand for political office, including the presidency, that are beyond the reach of many citizens; (c) interfere with freedom of the press in ways that make it very difficult for the press to check on the government, provide citizens information about elections, and serve as a platform for the opposition to bring their message to voters; and (d) use security forces to intimidate and strangle the opposition. The Freedom of Information Act in Nigeria is a cure for this. Genuine efforts must be made to ensure that all of a country's population groups, including but not limited to those that have historically been marginalized. For example, minority religious and ethnic groups are provided with the wherewithal to participate fully and effectively in elections. In other words, African countries need to make certain that elections are adjudged free, fair, and credible, not just by external observers but also by each country's citizens. In addition, the AU should formalize a practice in which perpetrators and collaborators of unconstitutional changes of government will not be allowed to stand for the following general elections. The institutional environment — one in which fundamental rights and liberties and political rights are guaranteed and protected and in which elections are held — is also critical for a successful democracy. Citizens' civil liberties and political rights must be guaranteed and protected. For example, citizens must be able to freely and peacefully protest or support government policies or decisions, including but not limited to those related to elections. In addition, where there is adequate protection for free speech and a free press, as well as freedom for the opposition to campaign unimpeded, citizens can form political organizations to compete for positions in government. Such political competition can contribute significantly to improving the quality of elections and more effectively entrenching constitutional democracy in all African countries.

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THE ROLE OF THE LEAGUE OF ARAB STATES IN CONTEMPORARY INTERNATIONAL RELATIONS – THE POSITION OF SERBIA

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Abstract: This paper examines the status of a regional organization – the League of Arab States (LAS) or the Arab League (AL), which gathers Arab countries in the region of Africa and Western Asia. As a very specific international organization with its own institutional structure, the AL is focused on realizing the interests of the Arab states, starting from the protection of their sovereignty and political independence to the establishment of various forms of international cooperation. Particular emphasis in the work is placed on the relations between Serbia and the AL. Serbia enjoys observer status in this regional organization. Since 2009, the most intense interaction between Serbia and the AL happened during the dramatic time of the “Arab Spring”, which profoundly changed the Arab political landscape. The first period is related to the attempt at democratization and regime change in Arab countries. The second period is related to foreign intervention and wars in Syria, Libya, and Yemen. The third period is associated with events related to the rise of the terrorist organization ISIS in the Arab region – from Iraq to Morocco. During the last mentioned period, Serbia actively worked on strengthening its presence in the AL and providing true information to its member states about the situation in the Balkans.

Keywords: League of Arab States, Arab League, regional organization, Serbia, Arab spring.

INTRODUCTION

The Arab League, formally the League of Arab States (Arabic: Jāmi‘at ad-Duwal al-‘Arabiyya), is a regional organization in the Arab world, which

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is located in Northern Africa, Western Africa, Eastern Africa, and Western Asia. The AL was formed in Cairo on March 22, 1945, initially with six members: Egypt, Iraq, Transjordan (renamed Jordan in 1949), Lebanon, Saudi Arabia, and Syria. Yemen joined as a member on May 5, 1945. Currently, the League has 22 members (Arab League Summit, 2013, March 21-27). Countries that joined later are: Algeria (1962), Bahrain (1971), the Comoros (1993), Djibouti (1977), Kuwait (1961), Libya (1953), Mauritania (1973), Morocco (1958), Oman (1971), Qatar (1971), Somalia (1974), Southern Yemen (1967), Sudan (1956), Tunisia (1958), and the United Arab Emirates (1971). The Palestine Liberation Organization was admitted in 1976. In January 2003, Eritrea joined the AL as an observer. Egypt's membership was suspended in 1979 after it signed a peace treaty with Israel; the league's headquarters was moved from Cairo, Egypt, to Tunis, Tunisia (Bisenić, 2018). In 1987, Arab leaders decided to renew diplomatic ties with Egypt. Egypt was readmitted to the league in 1989 and the league's headquarters was moved back to Cairo. Libya was suspended from the AL on February 22, 2011. On August 27, 2011, the AL voted to restore Libya's membership by accrediting a representative of the National Transitional Council, which was partially recognized as the interim government of the country in the wake of Gaddafi's ouster from the capital of Tripoli. On November 12, 2011, the League passed a decree that would suspend Syria's membership if the government failed to stop violence against civilian protestors by November 16 amidst the uprising. Despite this, the government did not yield to the League's demands. While the League has actively used sanctions in the ongoing Israeli-Palestinian conflict, it has no record of employing sanctions against its own member states for matters that pertain to upholding democratic governance or human rights. Article 18 of the Arab Pact to establish the LAS does allow for the possibility to suspend member states by unanimous vote if the state is in violation of the treaty's obligations. However, Article 8 also clearly lays out that "each member-state shall respect the systems of government established in the other member-states and regard them as exclusive concerns of those states. Each shall pledge to abstain from any action calculated to change established systems of government". The League's main goal is to "draw closer the relations between the member states and coordinate collaboration between them, to safeguard their independence and sovereignty, and to consider in a general way the affairs and interests of the Arab countries" (*Ibidem*). Through institutions, notably the AL Educational, Cultural and Scientific Organization (ALECSO) and the Economic and Social Council of its Council of Arab Economic Unity (CAEU), the League facilitates political, economic,

cultural, scientific, and social programs designed to promote the interests of the Arab world. It has served as a forum for the member states to coordinate policy, arrange studies and committees on matters of common concern, settle inter-state disputes, and limit conflicts such as the 1958 Lebanon crisis. The League has served as a platform for the drafting and conclusion of many landmark documents promoting economic integration. One example is the Joint Arab Economic Action Charter, which outlines the principles for economic activities in the region. Each member state has one vote in the Council of the Arab League, and decisions are binding only for those states that have voted for them. The aims of the league in 1945 were to strengthen and coordinate the political, cultural, economic, and social programs of its members and to mediate disputes among them or between them and third parties. Furthermore, the signing of an agreement on Joint Defense and Economic Cooperation on April 13, 1950, committed the signatories to coordination of military defense measures.

THE ARAB LEAGUE IN THE PERIOD 2011-2018

The period from 2011 to 2018 was marked by great turbulence in the Arab world. They included mass protests and popular movements that led to the fall of decades-old rulers in the Arab world – Tunisia, Egypt, and Yemen. Mass movements led to internal conflicts and later wars in Libya, Syria, and Yemen. The causes, course, and outcome of the conflicts in these countries were different. In Libya, Muammar al-Gaddafi was overthrown and brutally liquidated after a Western military intervention approved by the UN Security Council. Despite all the rallies outside and inside, Syrian President Bashar al-Assad remained in power, Yemeni President Ali Abdullah Saleh resigned in 2012 after 22 years in power, and the country plunged into a civil war, first followed by Saudi intervention and then other Gulf and Arab states in order to prevent the spread of Shiite (Iranian) influence in the country. These wars were joined by the conflict in Iraq, where the Islamic State has been active since 2014, creating its own “caliphate” that included neighboring Syria, so Iraq and Syria were the central battlefields where the fight against terrorism and the Islamic State was fought for the next few years. At the same time, two other countries, Sudan and Somalia, have faced internal conflicts, with almost a third of the AL members facing structural problems that have brought them to the brink of “failed states”. Far too many countries have become “failed states” in ways that go beyond the threat posed by Iran, extremism, and ethnic and sectarian divisions. They have failed to make adequate progress in civil and

economic reforms, and they have stopped short of reducing corruption and incompetence in national politics and governance (Cordesman, 2020, p. 34). In such circumstances, it was very difficult and complicated for the AL to maintain the required degree of unity and functionality of the organization. In 2009, Marco Pinfari analyzed the AL mediation attempts in the Middle East since 1945. His findings are sobering.

Although the AL mediated 12 out of 20 minor regional conflicts in that time frame, it was involved in only seven of 36 major interstate wars. Also, the league intervened in only five of 22 major civil wars. Most notably, the organization failed to come up with a unified response to the 1990 Iraqi occupation of Kuwait, the ensuing Gulf War, and the 2003 Iraq War. The league voted to impose a no-fly zone over Libya, but its attempts to broker a cease-fire in Syria failed to have any impact. Regardless of that, the LAS is a very important diplomatic partner for Serbia. The Ambassador of the Republic of Serbia in Cairo is accredited to the LAS and responsible for maintaining contact with the bodies of the LAS. The Credential letter was delivered to the Secretary-General of the Arab League, H.E. Nabil El Arabi, on February 6, 2012. The main message was that Serbia continues to affirm that the role played by the AL is crucial to the promotion of regional peace and security and to the maintenance of international legal order. Because of the influence that the AL exercises on global stability and prosperity, Serbia has an abiding interest in further strengthening its relations with the AL in all areas of common interest. The Serbian side re-affirmed the political, economic, and cultural bonds that exist between the Republic of Serbia and Arab states and their peoples. Serbia reiterated its commitment to steer bilateral relations with all Arab states in accordance with the principles of sovereignty, territorial integrity, independence, mutual respect and the UN Charter. It was emphasized that the need for working together and engaging in diverse fields, including security and development, would greatly contribute to peace and stability in the ME and in the Balkan region (Embassy of the Republic of Serbia, 2012).

The LAS has strong rules on non-intervention, sovereignty protection, and respect for territorial integrity. The Middle East has prominently been called a “region without regionalism” (Aarts, 1999), with its most prominent regional organization, the League of Arab States, being relatively weak in terms of influencing member states’ politics, providing public goods, or realizing collective decisions (Barnett & Solingen, 2007). This might be due to the fact that regional organizations in the Global South are often products of decolonization efforts and were therefore created to support newly

established regimes in their quest for independence and state-building (Acharya & Johnston, 2007; Bisenić, 2021). While regional institution-building in Europe was mostly pursued as a post-World War II project to curb nationalism and stimulate trade by transferring authority to supranational bodies, regional organizations in the Global South were built as weak intergovernmental institutions without the authority to interfere in domestic affairs (Acharya, 2016). While norms related to sovereignty and non-interference have taken various trajectories across the Global South (Coe, 2015; Hellquist, 2015), they still carry a lot of weight in the AL (Barnett & Solingen, 2007). As Barnett and Solingen conclude, the League's design is "the result of the clear imperative of regime survival that led Arab leaders to prefer weak regional institutions [that are] specifically designed to fail" (*Ibid.*, p. 181). Such attitudes have made the LAS an important interlocutor for Serbia in its efforts to preserve its own territorial integrity and maintain a permanent dialogue with Arab states on this issue. On the other hand, the LAS was an important and strategic target for the representatives of the self-proclaimed "independent Kosovo" in their efforts to change their attitudes towards this issue. Due to that, they tried to take an active part in the work of the LAS on numerous occasions, which they did not succeed in, despite the occasional strong lobbying of certain member states. The AL took a stand against the change of borders in the Middle East very early on. Thus, on March 21, 2016, she rejected the move of the Syrian Kurds to proclaim a federal unit in northern Syria. The statement states that: "The AL does not recognize the unilateral declaration of independence of the Kurds and rejects such separatist calls that threaten the unity of Syria", and also "stresses that the unity and territorial integrity of Syria are fundamental principles". It is further added that "the unity and territorial integrity of Syria is a basic principle" of the Arab League. Both the Damascus government and the main Syrian opposition grouping involved in UN-brokered peace negotiations in Geneva, the High Negotiations Committee, have also rejected this move by the Kurds and their allies. Washington has said it will not recognize any autonomous regions they set up under their planned federation and says that Syria's future system of government is something to be negotiated in the UN talks. But it has also said that it will continue to work closely with the Kurds, whom it regards as the most effective fighting force against the Islamic State jihadist group (Africa Cup of Nations, 2016, March 21).

THE ARAB LEAGUE AND SERBIA ON THE ISSUE OF KOSOVO

One of the important topics in relation to the LAS was the issue of Kosovo. Since the headquarters of the AL is located in Cairo, the activities of the AL, although not directly conditioned by local events, largely interact with the atmosphere and political environment of Egypt. Cooperation and relations with the AL can be divided into three periods. It is the first since the beginning of the "Arab Spring" and the fall of Egyptian President Hosni Mubarak (2011-2012). This period was marked by the provisional government exercised by the Supreme Military Council until the organization of the presidential and parliamentary elections in 2012. The second period (2012-2013) covers the reign of the Muslim Brotherhood, which won both the presidential and parliamentary elections in Egypt. The third period is from 2013 to 2018, when the Muslim Brotherhood was overthrown and the interim government was established first. Then, in 2014, Field Marshal Abdelfattah El Sisi was elected president. This period was marked by the rise and fall of the caliphate of the terrorist Islamic State, which was a threat to the entire Middle East and the Arab world. New trends in the activities of the AL could be noticed by the Minister of Foreign Affairs of Serbia, Vuk Jeremić, who was on a working visit to Egypt on April 5, 2012, and on that occasion met with the Secretary General of the AL, Nabil el Arabi. In an open and meaningful conversation, the interlocutors exchanged views on the most important issues in the field of international processes in the world. The main topics were the situation in the Middle East region, cooperation between Serbia and the AL, as well as activities in the Non-Aligned Movement. (Embassy of the Republic of Serbia, 2012, April 4).

At that time, there was a mood in the AL that the rule of Bashar al-Assad in Syria could not "last forever" and it was based on the need for quick changes. Although the AL has been strongly engaged in resolving this conflict, as the AL resolutions are not binding, there is an impression of insufficient League engagement. In addition, the Syrian conflict is seen as a manifestation of Iran's negative regional role because it interferes with the internal affairs of certain Arab countries. Serbia was preparing to participate in the meeting of the Coordination of Non-Aligned Persons, which is planned for the beginning of May in the Egyptian resort of Sharm el Sheik. Last year in September, a commemorative gathering was held in Belgrade on the occasion of the 50th anniversary of the founding of the Non-Aligned Movement and the first summit held in Belgrade in 1961. Since the beginning of the changes in the Arab world caused by the "Arab Spring", visits of Kosovo Albanian delegations to Cairo and efforts to use the

potential of the AL for their goals, and especially for wider acceptance and recognition of Kosovo's independence, have increased. In that, they relied especially on the resources of some countries that became very influential in the Arab world after the "Arab Spring" and on the capacities of the "Muslim Brotherhood" and the organizations that were in their network. The position of the AL was that the attitude towards the JPNK is a special matter for each member of the AL, and that the AL itself as an organization has no mandate to get involved in similar issues. It was confirmed that the delegations of the so-called Republic of Kosovo during their stay in Egypt also visited the AL, where they were received by officials of this organization, but only to be heard, while the AL cannot promise anyone recognition or a certain position of the member state. The inclusion of "Kosovo" in the Syrian conflict and claims that Kosovo has become a training center for the Syrian opposition have attracted special attention. Namely, at the session of the UN Security Council held on May 14, 2012, the Russian ambassador, Vitaly Churkin, warned the UN Security Council that Kosovo should not be allowed to become a training center for rebels. Churkin made it clear that Moscow was afraid that Kosovo was providing more than political advice. "Turning Kosovo into an international training center for insurgents of various armed units could become a serious destabilizing factor, one going beyond the Balkan region," he said. "We call on international presences operating in Kosovo to curb such slippage" (Charbonneau, 2012). Kosovo voiced strong support for Syria's opposition in 2012. Speaking after a regular council meeting on Kosovo, Enver Hoxhaj made it clear that Priština was offering political support to the Syrian opposition. "We were among the first governments in Europe to support the opposition in Libya and other Arab countries last year because we were fighting for the same aspirations, for the same values," he said. "We have the same approach to Syria and have some diplomatic contacts between my government and (the) Syrian opposition", Hoxhaj said. "We are supporting very much their cause." (*Ibidem*) (Kosovo voices strong support for Syria's opposition). The AL officials then noticed in the GS UN report on the work of UMNİK that the UN General Assembly had criticized the so-called authorities of the Republic of Kosovo, which was the first time.

ATTITUDE OF THE ARAB LEAGUE TOWARDS THE SITUATION IN SYRIA

In early March, Arab foreign ministers gathered at the 137th session of the AL to discuss, among other things, the situation in Syria in light of efforts

by Arab and Western countries to increase pressure on Syrian President Bashar al-Assad's regime. Russian Foreign Minister Sergei Lavrov also attended the meeting. (Ezzat, 2012, March 11). The Russian minister clearly expressed his support for Syrian President Bashar al-Assad and opposed the actions of "armed groups". Russia and China in 2011 used vetoes twice to block Western and Western-Arab drafted resolutions calling on the Syrian regime to end the violence it has been exercising against the opposition. Lavrov was still not committed to reversing his country's opposition to an Arab initiative based on a power transition from Syrian President Bashar Al-Assad to his vice president. As Lavrov said, "Russia does not protect any regime, it only protects international law. When it comes to Syria, the urgent task is to stop the violence, no matter where the source of that violence is (as pointed out in the AL initiative of November 7, 2011) and allow the delivery of humanitarian aid, freely and expeditiously, to all who need it. If everyone agrees with this, then there is really no need to engage in discussions about who is to blame", said Lavrov (*Ibidem*). At the conclusion of his presentation, the Russian Minister of Foreign Affairs stated that Russia views cooperation with the AL and its members as a strategic task. To that end, the Arab-Russian Forum of Cooperation was established, the first meeting of which was supposed to be held last year, but also due to changes in the "Arab Spring". It was agreed within the AL that the meeting of the Forum would be held this year. Immediately after the speech of the Russian Minister, the Ministers of Foreign Affairs of Qatar and Saudi Arabia spoke. Qatar's foreign minister, Sheikh Hamad bin-Jasim al-Thani, said it was time to send Arab and international troops to Syria. Addressing the Russian minister, he pointed out that the rebels who are fighting for the arrest of President Assad must not be called "armed groups", because they are forced to defend themselves from the systematic killings carried out by the Syrian authorities. According to him, the cessation of the conflict is not enough and those responsible for the violence must be held accountable. He also demanded freedom of access to the media and humanitarian aid, as well as the release of prisoners. The Saudi Foreign Minister, Saud al-Faisal, said that the Russian-Chinese veto on the UN resolution condemning Syria allowed the Damascus regime to continue its brutality against the Syrian people without pity and mercy (*Ibidem*). Three days before the fall of the Muslim Brotherhood government in Egypt, on June 26, 2013, through a statement of a spokesperson of the Ministry of Foreign Affairs of Egypt, the recognition of Kosovo was announced. This verbal confession was the result of some internal calculations of the Muslim Brotherhood, as well as external pressures to which they were subject. The government of President

Mohammed Morsi believed that recognition could help the government survive. The AL officials confirmed that the AU did not raise the issue of the JPNK in 2013, nor did it consider the possibility of submitting a resolution by the countries that put pressure on other members. The same official believes that Serbia should not pay much attention to the Egyptian recognition of the JPNK, which was done in the last moments of the rule of Mohamed Morsi and the Muslim Brotherhood, but we should let time pass when Egypt will probably make a new decision. The AL did not put on the agenda the events in Egypt around the removal of President Mohamed Morsi and the arrest of the members of the Muslim Brotherhood. However, most AL member states, except Qatar, supported change in Egypt. The Secretary-General of the Arab League, Dr. Nabil al-Arabi, sent a letter to the Minister of Foreign Affairs of the Republic of Serbia, Ivan Mrkić, in which he requested the support of the Republic of Serbia for the draft resolution "Nuclear capabilities of Israel". The development of the situation in Syria was therefore of special interest to Serbia.

OTHER ISSUES OF CONVERGENCE AND DIVERGENCE IN THE LEAGUE OF ARAB STATES

Until the end of 2013, there were clear signals of coming military intervention in this country led by the US and allies. In September of the same year, there was an impression that military action was imminent, but at the last moment, this action was avoided. To some extent, Russia's intervention in connection with the UN inspection of Syrian chemical facilities contributed to this. As expected, the Syrian crisis dominated the Doha Summit, regular and extraordinary ministerial meetings within the Arab League, as well as meetings of the AL's permanent representatives in 2013. This was the most critical issue, with serious and unpredictable consequences for the entire Middle East, given the involvement of external actors with strategic interests in the region (Ezzat, 2013, March 25). In his speech, AL Secretary-General Nabil al-Arabi warned that the conflict in Syria would have far-reaching consequences for the entire region, accusing the Assad regime of failing to intervene. According to him, the political solution to the Syrian crisis is the only solution that needs to be implemented. However, on the first day, the summit participants passed a resolution giving member states the "right" to offer all means of self-defense, including weapons, in support of the resistance of the Syrian people and the Free Syrian Army. According to Egyptian SJI reports, Damascus has criticized the Arab League's move to allow the opposition to take Syria's

place, describing it as a cheap sale of Arab identity to satisfy Israel and the United States (*Ibidem*). This issue can be divided into two parts. The first and most important is related to economic cooperation and integration within the Arab world. In the past, the issue of economic cooperation has been treated from an ideological and pan-Arab perspective, devoid of any serious content or commitment. The second issue has to do with the overall reforms of the Arab League's institutional system. This includes the establishment of the Arab Court of Human Rights – an issue that until recently was considered a taboo topic in Arab multilateral diplomacy (Arab League Summit, 2013, March 21-27). Despite the assessment by many that the unity of the Arab countries is at its lowest level in the past almost seven decades since the founding of the League, compromise formulations were found (Bröning, 2014). Regional polarization in the wake of the Arab Spring, which has pitted supporters of the uprisings, such as Tunisia, against defenders of the status quo, such as Saudi Arabia and (increasingly) Egypt, is part of the problem. Another point of contention is the Muslim Brotherhood, which has recently been labeled a “terrorist organization” by Saudi Arabia and Egypt. However, Qatar, the Brotherhood's regional sponsor, continues to support it, and political parties affiliated with the group still hold power or have significant political influence in Tunisia, Morocco, and the Gaza Strip. Syria is another highly divisive issue, with different member states effectively supporting different sides in the civil war. And the body remains divided between those who fear Iran and those with more benign views of it, namely, Lebanon and Iraq. Thanks to these disagreements, the leaders of Saudi Arabia, Bahrain, Oman, and the United Arab Emirates refused to even attend the summit. Theirs, however, were not the only seats that remained empty. Algeria and Iraq insisted that the Syrian opposition not be allowed to represent Damascus officially (although Ahmad al-Jarba, the head of the Syrian National Coalition, was invited to address the gathering). And the countries that did attend might as well not have. The summit mainly served as an opportunity for speakers to exchange thinly veiled criticism and accusations of regional destabilization. Even though officials inevitably hailed the “successful summit” and its “tangible results”, their rhetoric could not conceal the fact that the meeting was just another reminder of the league's inability to stay relevant in the nearly 70 years since its founding (Bröning, 2014). Among other activities, attention is drawn to the detailed project of planned activities on the formation of joint pan-Arab rapid reaction forces, which is very detailed and conceived, although it is uncertain when the establishment of these forces could really begin, given all the doubts and obstacles that should be removed (who will command and who

will give troops, where they will be stationed, contributions, authorizations, etc.). Lack of unity is a permanent challenge to the AL. In a sense, escalating tensions with Iran and the unprecedented rise of the Islamic State of Iraq and al-Sham did energize the AL during 2015. The process of forming the Joint Arab Force (JAF) was supported at the 26th Summit of Arab Leaders in Sharm el-Sheikh in March 2015. The process was then worked out with the help of military experts and the Chief of General Staff. The agreement between the KSA and Qatar was frozen in late August ahead of a final meeting of foreign and defense ministers without explanation. But some skepticism is in order about the new force's ability to serve as a pillar of regional stability (Bröning, 2015).

In March 2015, the AL General-Secretary announced the establishment of a Joint Arab Force (JAF) with the goal of counteracting extremism and other threats to the Arab States. The decision was reached while Operation Decisive Storm was intensifying in Yemen. Participation in the project is voluntary, and the army intervenes only at the request of one of the member states. Heightened military arsenals in many member states and, in a small minority, civil wars as well as terrorist movements were the impetus for the JAF, financed by the rich Gulf countries. This project has evolved into another concept – the Middle East Strategic Alliance (MESA) – during the presidency of Donald Trump. The MESA is also known as the Arab NATO, since aggression against any of its member states constitutes aggression against all of its parties. The principle of collective security referred to in the Riyadh Declaration was issued following the Arab-American-Islamic Summit hosted by the Kingdom of Saudi Arabia from May 20 to 21, 2017 (Saudi Press Agency, 2017, May 22). The participants included leaders of 55 nations, including US President Donald Trump. It was Trump's first foreign trip since he took office as US president. The proposal was approved by the 55 nations participating in the summit. According to the remarks of US Deputy Assistant Secretary of State for Arabian Gulf Affairs Tim Lenderking, the Arab NATO includes nine members: the United States, the Gulf Cooperation Council states (Saudi Arabia, the United Arab Emirates, Bahrain, Oman, Kuwait, and Qatar), Egypt, and Jordan. The Alliance focuses on the military, political, and economic spheres (Boylan, 2018). The aim of the Arab NATO is to strengthen military cooperation among member states in order to build a strong shield against the threats facing the Arabian Gulf. In particular, to shield the region from growing Iranian threats and rising waves of terrorism, as well as to bring security and stability to Syria and Yemen, and to offer support to Iraq (*Ibidem*). In other words, the Arab NATO is meant to create a balance of power and to build a force of deterrence as

well as a joint defense system to stand up to Iranian threats in the Middle East by countering them politically, militarily, and economically to stop Iran's expansion in Iraq, Yemen, Syria, and Lebanon. This is in addition to countering the transfer of arms between Iran and its militias in the region, especially the weapons being transferred to Hezbollah in Syria. Washington believes that although there are some differences among the supposed members, coordination among them is not impossible.

CHANGED INTERNATIONAL CIRCUMSTANCES AND THE ARAB LEAGUE

In March 2016, former Egyptian Foreign Minister Ahmed Abul Geith was elected as the new Secretary-General of the AL. The Foreign Minister of Serbia, Ivica Dačić, congratulated him on his election and especially thanked him for his views on the condemnation of the FRY bombing in 1999. Abul Geith responded to Minister Dačić and wished for even better relations between Serbia and the AL. This year, an unusual request from "Kosovo" to attend and appear at the meeting of the Ministerial Council of the AL in September of that year also appeared. This request did not even enter the procedure, as the member states that did not recognize "Kosovo" did not accept this possibility. Morocco refused to host the 27th session of the Arab League, which was supposed to be held on March 29, 2016, in Marrakesh and which, according to the proposal of Saudi Arabia, was supposed to be postponed to April 7th of the same year. Morocco finds the reason for refusing to organize the 27th annual session in the fact that they do not want to "create the impression of the false unity of the Arab world". Mauritania stressed its readiness to host the 27th AL Summit in July 2016. The expected topics of the upcoming summit in Mauritania were the crisis in Yemen as well as the conflicts in Syria, Libya, Iraq, and Palestine. Sudanese President Bashir stated that he would lead the delegation of the Republic of Sudan at the summit in Mauritania, since it is not a member of the Rome Statute. On March 21, 2016, the AL rejected the move of the Syrian Kurds to proclaim a federal unit in northern Syria. On March 16-17, 2016, the Kurds and the Democratic Union Party (PYD) announced the federal system in northern Syria (Al-monitor, 2017, October 27; BBC, 2017, September 27). The AL therefore did not recognize the unilateral proclamation of the Kurds and rejected such separatist calls that threatened the unity of Syria, and the AL emphasized that the unity and territorial integrity of Syria were the fundamental principles. This was an important step toward clear and firm rejection of new divisions and destruction of Arab states, which changed

the attitude of Arab countries toward similar cases – notably toward “Kosovo”. In April 2016, the Secretary-General of the League received the French envoy, Vimont, and the talks were in the direction of resuming the Palestinian-Israeli peace talks. The French side’s efforts to hold an international peace conference to resume talks between the Palestinians and Israel were welcomed. On that occasion, the GS AL expressed hope for the success of the conference on ending the Israeli occupation and establishing a Palestinian state with East Jerusalem as its capital. In April 2016, the AL and Egypt jointly condemned the statement of Israeli Prime Minister Netanyahu on the Golan Heights and pointed out that it is a part of the territory of Syria that was occupied by Israel in 1967. The President of the Arab Republic of Egypt, Abdel Fattah el Sisi, announced an extraordinary summit of the AL at the level of foreign ministers, with Bahrain as chairman, for May 28, 2016, with the aim of adopting a common position of the Arab states for the Paris Conference on the Palestinian-Israeli conflict. The wish of President Sisi was that after a few years of neglecting the launch, the Palestinian issue would be resolved and welcomed by Tel Aviv, as well as by Ramallah and Gaza. Official Cairo was also ready to mediate in the reconciliation of Fatah and Hamas in order to reach a peace agreement with Israel. At the AL session held on May 28, the GS AL did not spare Israel, and on that occasion, a resolution was adopted that referred to the need for the AL for the French initiative and the necessity of stopping the settlement of the Palestinian territories. The topics of the session were also the situation in Libya and full support for Prime Minister-designate Fayez al-Saraj, negotiations in Yemen and preparations for the AL Summit in Mauritania. The Arab–African Summit held in Malabo in November 2016 (Equatorial Guinea) was marked by an incident because of the South Sahara flag, which was shown at the gathering (Africa-Arab Summit, 2016, November 23). Morocco, Saudi Arabia, and the UAE withdrew from the summit after the participation of the so-called “Sahrawi Arab Democratic Republic”. Bahrain, Qatar, Oman, Jordan, Yemen, and Somalia signaled their support and abandonment of the summit, canceling their participation, primarily due to the flag of the separatist entity, which was understood as a “flagrant violation of the country’s territorial integrity and national sovereignty” (Anadolu Agency, 2016, November 22). Very good relations have been established with the AL after the election of Mr. Ahmed Aboul Geith. This was of particular importance when, in the middle of 2017, with the help of Saudi Arabia, “Kosovo” MFA Enver Hoxhaj repeatedly tried to gain attendance at the AL Ministerial Meeting. With the help and support of the AL leadership, and then direct opposition from Sudan, this attempt was

thwarted. People living in northern Iraq voted overwhelmingly in favor of independence for the Kurdistan Region in Monday's controversial referendum. The electoral commission said 92 percent of the 3.3 million Kurds and non-Kurds who cast their ballots supported secession. The announcement came despite a last-minute appeal for the result to be "cancelled" by Iraq's prime minister. The AL has taken a clear position on the Kurdish call for independence. "Today the Kurds are calling for a State of their own... why not the Yazidis, why not the Pashtuns, why not the Assyrians, why not lots of others?" said the Secretary-General of the League of Arab States, Ahmed Aboul Gheit, in his opening speech at the NATO Defense College Foundation's conference on Arab geopolitics in Rome, Italy (Astorri, 2017). "History teaches us that separation and division create more violence and sometimes also ethnic cleansing", explained Gheit, mentioning the Balkans' experience as an example. "There is no room for an exclusive political process. Only an inclusive political process can bring people together and defend the nation-states. Fragmentation is not the answer", said Gheit, addressing the NATO audience in Rome. "Decentralization is a key measure that should be implemented, as central governments should give some autonomy to local communities", the Secretary-General said. The Kurdish bid for autonomy was not welcomed by Iraq's central government, Turkey, or Iran. Not even the United States, which is considered the Kurds' closest ally, supported the referendum, fearing instability and a decreased focus on fighting ISIS. "The focus, which used to be like a laser beam on ISIS, is now not 100 percent there, so there has been an effect on the overall mission to defeat ISIS in Iraq as a result of the referendum," said Colonel Ryan Dillon, spokesman of the US-led coalition fighting ISIS (*Ibidem*). According to Gheit, the nation-state cannot be changed as it is the basic structure of the Arab order, but sovereignty alone is not enough to enhance regional stability. "State sovereignty is not enough as a guiding principle for a stable regional order. State sovereignty should be coupled with good governance and economic viability. Sovereignty alone cannot keep states away from disintegrating and fragmenting", Gheit said. (*Ibidem*; Alarabiya News, 2017, October 6). The Secretary-General of the AL was awarded for merits in Egypt's attitude towards Kosovo while he was the MFA of Egypt. The decoration was handed over by the special envoy of the President of Serbia at the ceremony on the occasion of the Statehood Day of Serbia, which was held in Cairo (Embassy of the Republic of Serbia, 2018, February 23).

CONCLUSIONS

Despite all the problems the AL faced during this very turbulent period, cooperation with Serbia was at a very high level and marked by a strong spirit of mutual respect and friendship. Serbia has very successfully achieved all its goals in cooperation with the AL, with great understanding and support from the AL leadership. When it comes to international law and the fundamental principles of interstate relations, it turns out that the AL and Serbia are on the same page: respect for territorial integrity and sovereignty, as well as non-interference in the internal affairs of states. The ideological approach was completely ruled out, and the positions taken by the AL on these issues in the Arab region were a strong argument for Serbia's position. Therefore, the strengthening of relations with the AL, where there are wide possibilities for contractual definition of these relations, remains an important direct task of Serbian diplomacy.

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THE PLACE OF THE ORGANIZATION OF ISLAMIC COOPERATION (OIC) IN THE GLOBAL WORLD ORDER

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Abstract: After the UN, the Organization of Islamic Cooperation (OIC) is the second-largest international organization, bringing together countries from four continents. Its goal is to protect the interests of the Muslim world by strengthening international cooperation with other actors in international relations in the spirit of promoting international peace. The organization was founded by a decision made at the Summit in Rabat (Morocco) on September 25, 1969. After a meeting in Jeddah in 1970, the foreign ministers of the member states decided to establish a permanent secretariat headed by the secretary general. The first OIC Charter was adopted in 1972. The Charter set out the objectives and principles of the organization and the basic purposes for strengthening solidarity and cooperation between the Member States. Over the last 40 years, membership has grown from 30 to 57 states. The Charter has been amended to follow developments around the world. The current OIC Charter was adopted at the Eleventh Islamic Summit held in Dakar on March 13-14, 2008, to become a pillar of future OIC Islamic action in line with 21st century demands. Beginning with the Summit held in Mecca in December 2005, the OIC set out a plan called the Ten-Year Program of Action. It was successfully completed at the end of 2015. Since then, the successor programme for the next decade (2016-2025) has been adopted. This gave importance to the priority areas of activity of this international organization in the coming period, which should, among other things, contribute to the preservation of peace and security by encouraging interethnic and interreligious harmony.

Keywords: The Organization of Islamic Cooperation, settling disputes, protecting Muslim communities, minorities.

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INTRODUCTION

The OIC was established as a reflection of the concept of Islamic solidarity, being an integral part of the idea of the *Islamic Ummah*, as a single community united by a common destiny and commitment to the common values on which the Islamic religion is based. Hence, the establishment of the organization came in response to the social and political conditions and circumstances of modern history, and it began to grow and develop with time. Prior to the establishment of the organization and since the 1920s, a number of initiatives were put forward to create a kind of Islamic forum to achieve common goals through a political perspective aimed at dealing with the political challenges facing the *Islamic Ummah* due to colonialism, division, and fragmentation. Islamic solidarity has become a prevalent idea in the minds of a number of religious, political, and community leaders in the Islamic world (Ihsanoglu, 2013, p. 41). However, despite the convening of many Islamic world conferences in African and Asian countries, starting with Cairo and passing through Mecca, Ankara, Kuala Lumpur, and Mogadishu, the turning point occurred in 1969, when a fanatical Jew of Australian origin, on August 21, 1969, carried out an arson attack, setting fire to Al-Aqsa Mosque in Jerusalem, which Muslims consider the third most venerated shrine after the Grand Mosque in Mecca and the Prophet's Mosque in Medina. The fire caused extensive damage to the mosque and fueled feelings of indignation and anger throughout the Islamic world. On the same day, the Mufti of Jerusalem, Amin Al-Husseini, sent telegrams to all the leaders of the Islamic world countries, asking them to hold an Islamic summit to consult and consider what can be done about the attack on Al-Aqsa Mosque. A preparatory committee was formed to prepare for the summit. It held a meeting in Rabat (Morocco) on September 8 and 9, 1969. The summit was actually held on September 22 to 24 of the same year, with the participation of 25 countries out of a total of 36 countries that were invited to participate. The agenda of the summit was not limited to the burning of Al-Aqsa Mosque but encompassed cooperation between Islamic countries in other fields and the desire to adopt common positions on issues of mutual concern and to establish mechanisms for implementing decisions (*Ibid.*, p. 42). In its final communiqué, besides condemning the crime of the arson of the sacred Al-Aqsa Mosque and restoring Jerusalem and the Holy Places to the status they had before the June 1967 war, the summit called for a meeting of the Foreign Ministers of the member states to be held in March 1970, to discuss the issue of "establishing a permanent secretariat responsible for liaison with the governments represented in the conference and coordinating its activities,

among other tasks and activities” (*Ibid.*, p. 44). In the meantime, the founding conference of the organization was held, announcing its birth as an intergovernmental organization comprising Islamic countries, or rather countries with an Islamic majority, regardless of the different positions of the inhabitants of these countries towards religion and not considering it the official religion of all of them in some countries. The organization includes countries from Africa, Asia, Europe, and even Latin America, which gives it a clear geographical diversity. Today, the OIC includes 57 countries, making it the second largest multinational intergovernmental organization in terms of the number of member states, after the United Nations.¹ It should be noted that the OIC Charter was prepared three years after the announcement of its establishment in the 1970s, and was approved at the Third Conference of Foreign Ministers in the spring of 1972, in Jeddah, Saudi Arabia, after lengthy deliberations. Since 1982, efforts have been made to reform the organization, enhance its effectiveness and avoid duplication in its work, but such efforts have not been successful in general, despite the endeavors of some members, Egypt in particular, to urge Islamic countries to participate in crystallizing the new international system after the collapse of the Soviet Union, as called for by former President Hosni Mubarak in his opening address before the OIC’s nineteenth ministerial conference in Cairo in 1990. The conference

¹ The organization’s (temporary) headquarters is located in Jeddah, Kingdom of Saudi Arabia, and the Member States are: the Republic of Azerbaijan, the Hashemite Kingdom of Jordan, the Islamic Republic of Afghanistan, the Republic of Albania, the United Arab Emirates, the Republic of Indonesia, the Republic of Uzbekistan, the Republic of Uganda, the Islamic Republic of Iran, the Islamic Republic of Pakistan, the Kingdom of Bahrain, the Brunei Darussalam, the People’s Republic of Bangladesh, the Republic of Benin, Burkina Faso (formerly Upper Volta), the Republic of Tajikistan, the Republic of Turkey, Turkmenistan, the Republic of Chad, the Republic of Togo, the Republic of Tunisia, the People’s Democratic Republic of Algeria, the Republic of Djibouti, the Kingdom of Saudi Arabia, the Republic of Senegal, the Republic of Sudan, the Syrian Arab Republic, the Republic of Suriname, the Republic of Sierra Leone, the Republic of Somalia, the Republic of Iraq, the Sultanate of Oman, the Republic of Gabon, the Republic of Gambia, the Republic of Guyana, the Republic of Guinea, the Republic of Guinea-Bissau, the State of Palestine, the Federal Islamic Republic of the Comoros, the Kyrgyz Republic, the State of Qatar, the Republic of Kazakhstan, the Republic of Cameroon, Cote d’Ivoire, the State of Kuwait, the Lebanese Republic, Libya, the Republic of Maldives, the Republic of Mali, Malaysia, the Arab Republic of Egypt, the Kingdom of Morocco, the Islamic Republic of Mauritania, the Republic of Mozambique, the Republic of Niger, the Federal Republic of Nigeria, and the Republic of Yemen.

agreed to assign a committee of experts to present the vision and ideas of Islamic countries in this regard and to present its report to the meeting of foreign ministers, which preceded the sixth Islamic summit, which was actually held in December 1991 in Dakar, Senegal, but Iraq's invasion of Kuwait on August 2, 1990, severely affected the role of the organization and led to its division, just as happened with the position of the League of Arab States vis-à-vis the same crisis. It took about eighteen years when a comprehensive review and amendment of the OIC Charter took place by a governmental team of international experts, whose work took about two years of hard work. The new Charter of the organization (the amended Charter) was unanimously approved on March 14, 2008, during the 11th Islamic Summit. In addition to the preamble, the Charter contains 39 articles divided into 18 chapters, including texts related to the purposes and principles of the organization, membership provisions, and the organization's organs (11 organs). The member states have begun to open resident diplomatic missions in Jeddah since the entry into force of the Charter, based on invitations from the OIC General Secretariat for the purposes of reviving and activating the role of the organization, but the response has remained slow, as the number of these missions does not exceed ten. The OIC has three diplomatic missions abroad in New York, Geneva, and Brussels (representing it to the European Union). This article addresses the following main points:

Features and characteristics of the Organization of Islamic Cooperation.

The role of the OIC in settling disputes.

The role of the OIC in protecting Muslim communities and minorities in non-member states.

FEATURES OF THE OIC

These features can be summarized in the following elements in particular:

The OIC is the only multinational intergovernmental collective organization that is based on religious foundations and represented in affiliation with Islam, which gives it a distinct characteristic from the rest of the international organizations. This is clearly contained in several provisions of the amended Charter, such as paragraphs 2, 4, 5, and 6 of the Preamble, which state that the OIC member states have decided, *inter alia*, to be guided by the noble Islamic values of unity and brotherhood, affirming the essence of promoting and consolidating unity and solidarity among the

member states in securing their common interests in the international arena; then to preserve and promote the lofty Islamic values of peace, compassion, tolerance, equality, justice, and human dignity; to strive to revitalize the pioneering role of Islam in the world while ensuring sustainable development, progress, and prosperity for the peoples of member states; to improve and strengthen ties of unity and solidarity among Muslim nations and the member states; as well as fostering noble Islamic values concerning moderation, tolerance, respect for diversity, preservation of Islamic symbols and common heritage. This is in addition to the innumerable references in the Charter to “noble Islamic values” or “solidarity among Muslim peoples” and “defending the universality of the Islamic religion”, all of which are concepts that are difficult to define with a clear legal content. Accordingly, Article 3 of the Charter indicates that membership in the organization is limited to “any Member State of the United Nations with a Muslim majority” that applies for membership, provided that this is approved unanimously by members of the Council of Foreign Ministers only, and in accordance with the agreed criteria approved by the Council. However, it must be noted that this religious criterion does not negate the organization’s character and political, economic, and social functions and other functions stipulated in its founding Charter, like any other intergovernmental organization. Practice indicates that OIC’s membership is subject to political considerations in the first place, and there are no strict determinants or criteria that can be relied upon in this regard. For example, there are doubts that some member states have a clear Islamic majority, such as Togo, Ivory Coast, and Mozambique. The OIC falls within the category of “hybrid” organizations, in that membership is open only to countries that define themselves as “Islamic countries” in accordance with the provisions of the Charter, regardless of their geographical location, with a clear degree of social, cultural, and political interdependence and similarity between these countries. Despite the large geographical area of the membership size, most member states are concentrated in a specific geographical area, namely North and West Africa and the Arab Mashreq. It is normal that membership in this organization overlaps with other regional multinational organizations’ memberships. For example, all member states of the League of Arab States are also members of the Organization of Islamic Cooperation, and there are about 27 member states of the latter that are members of the African Union.

The OIC was born at the height of the Cold War, which was reflected in the positions of the member states, which were characterized by divergence

and contradiction regarding basic issues, since the birth of the organization and till present.

Although the arson of Al-Aqsa Mosque in Jerusalem was the direct cause of hastening the establishment of the Organization, some countries objected to the participation of the Palestine Liberation Organization in the first Islamic summit, on the grounds that Palestine was not an independent and sovereign state, which was rejected by the majority of the participating countries, expressing surprise at the rationale for discussing the issue of Jerusalem in the absence of Palestinian representation. As a compromise, the summit allowed the Palestine Liberation Organization to participate as an observer. The Palestine Liberation Organization participated as an observer from 1969 until 1974, when it obtained full membership after that date.

In the framework of preparations for the first summit, during their preparatory meeting, the foreign ministers were divided into a group that believed that the agenda should be limited to discussing the crime of burning Al-Aqsa Mosque and staying away from discussing the entire Arab-Israeli conflict question. This group included Saudi Arabia, Morocco, Iran, and Turkey, all of which had special relations with the United States of America at the time. As for the other group, led by Egypt, Algeria, and other countries, it adhered to the necessity of addressing all aspects of the Palestinian cause during the summit. As a compromise, the preparatory meeting agreed that the summit agenda should comprise a number of items, including: the situation in Jerusalem; the withdrawal of Israeli forces from all the occupied territories; the restoration of the national rights of the Palestinian people; and full support for the struggle of the Palestinian people for the liberation of their country (Ihsanoglu, 2013, p. 50). As a result of the severe polarization that prevailed in the world during the 1970s and 1980s, the Soviet invasion of Afghanistan dominated the agenda of the organization until its invasion by the United States in 2001, along with the issue of Bosnia and Herzegovina, which received priority after the collapse of the former Yugoslavia.

The OIC was established at a later stage following the establishment of the League of Arab States (March 1945), then the United Nations Organization (October 1945) and then the Organization of African Unity (1963). The overlap of OIC membership with memberships in other international organizations has raised clear complications, especially with regard to the organization's role in the field of dispute settlement, as it did not interfere in the vast majority of disputes that have arisen between Islamic countries since its inception and till present. Rather, there is a stable practice

upon which the organization's work has been conducted, which is to avoid interfering in the disputes that arise between the member states of the League of Arab States or the parties to the conflict that are members of the African Union. Hence, some believe that the OIC has not managed to develop solid legal and political traditions in the field of dispute resolution (Selim, 1991, pp. 55-56). In fact, I do not see this as a defect or shortcoming on the part of the organization, as some believe, but rather a feeling in the Islamic organization that other international organizations may seem rather well positioned to play this role. If one considers the amended Charter of the Organization and the resolutions issued by it, he must easily notice the numerous references to the United Nations Charter and the emphasis on its principles and objectives as the main reference for the Islamic organization – whether with regard to its legislative foundations or its role in the real world. Indeed, UN membership is a condition for membership in the Organization of Islamic Cooperation. Thus, as an example, “commitment to the principles of the United Nations Charter, the present Charter and international law” came among the principles and objectives stipulated in the preamble of the OIC Charter. In another part of the preamble, it was emphasized that: “The Member States’ commitment to uphold the objectives and principles of the present Charter, the Charter of the United Nations and international law, as well as international humanitarian law, while strictly adhering to the principle of non-interference in matters which are essentially within the domestic jurisdiction of any State”.

THE OIC'S ROLE IN DISPUTE SETTLEMENT

There is no doubt that the effectiveness of any international organization depends on the extent of its ability to settle disputes among its member states and the extent of the tools it possesses to achieve such settlement. The OIC Charter stipulated peaceful settlement of disputes in Article (27), as follows: “The Member States, parties to any dispute, the continuance of which may be detrimental to the interests of the Islamic Ummah or may endanger the maintenance of international peace and security shall seek a solution by good offices, negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice. In this context, good offices may include consultation with the Executive Committee and the Secretary-General”. The OIC Charter's Article 28 added, in the context of its intrinsic link with the UN Charter, that, “The Organization may cooperate with other international and regional organizations with the objective of preserving international peace and security, and settling disputes through

peaceful means". The overlap of membership in the OIC with membership in other international regional organizations, such as the League of Arab States and the African Union, has led to the complexity of the role of the Islamic Organization in the field of dispute settlement. In this context, it is customary in the OIC to leave the process of settling Arab disputes to the League of Arab States and African disputes to the African Union, and to intervene only in disputes that do not fall within the framework of the direct regional jurisdiction of the Arab League or the African Union. The logical result of this situation was the modest role of the OIC as a mechanism for regulating relations between member states. As for the settlement of disputes between member states in the OIC documents, it is noted that these documents stipulate the issue of settlement in two areas: the first is the organization's Charter and the second is in the resolutions issued by the relevant Islamic summit conferences (Selim, 1991, p. 59). The Charter is a legal document binding on all member states of the Organization, which means the necessity for all decisions of the organization's organs to be in accordance with the Charter. As for the decisions of summit conferences, although they constitute the general framework of the Organization's policy, they do not have the same legal force as the Charter, and most of them are merely general recommendations guiding the work of other organs of the Organization. The Charter's Article 14 stipulates that the International Islamic Court of Justice shall be the principal judicial organ of the Organization upon the entry into force of its Statute. Article 5 referred to the Court as one of the eleven OIC Organs, but its Statute, which was approved at the fifth summit in Kuwait in 1987, was only ratified by a limited number of countries (Kuwait, Saudi Arabia, Qatar, Libya, and Jordan), and therefore, it has not entered into force till present, and this is not expected in the foreseeable future. This is mainly due to the fact that a significant number of member states of the organization do not trust the Islamic nature of the court, and specifically the text in its Statute stipulating that Islamic Sharia is the fundamental law of the Court. This means the member states whose constitutions stipulate, for various reasons, the secularism of the state or whose constitutions ignore the reference to Islam as a source of legislation. Attempts have been made to establish a political apparatus for the peaceful settlement of disputes since the eighth Islamic Conference of Foreign Ministers meeting in Tripoli in May 1977, which adopted a resolution (Resolution 19-8-P) stipulating in its fourth paragraph: "Decides to establish a specialized and permanent organ to deal with the divergences that might arise between the Member States by peaceful means". The resolution requested, in this context, the Secretary-General to prepare "a legal study on its creation, taking into account international bodies

of similar nature such as the Committee of Mediation, Conciliation and Arbitration". This issue remained on the agenda of the Conference of Foreign Ministers until its sixteenth session, held in Fez in 1986. However, it was not discussed in the following meetings. It is important to note that, with the exception of specific disputes, the organization has not intervened in the vast majority of disputes that have arisen between Islamic countries since its inception until the present, including the conflict between Pakistan and Bangladesh (1971-1974), the conflict between Iraq and Iran (1980-1984), the conflict between Mauritania and Senegal (1989), and the conflict between Iraq and Kuwait (1990-1991). As for the rest of the disputes, the organization preferred to leave their settlement to other regional organizations, such as the League of Arab States, the African Union, and its predecessor, the Organization of African Unity, on the basis that it only intervenes in disputes that do not fall within the direct regional jurisdiction of the two organizations. In the case of the Mauritanian-Senegalese conflict, the OIC intervened in a manner that did not conflict with the competence of the African organization. From this perspective, the disputes between the OIC member states can be divided into three groups of disputes, in which the roles of the organization vary in the areas of conflict resolution, preventive diplomacy, or even managing some crises and preventing their exacerbation (*Ibidem*). The group of disputes that the organization has ignored includes, for example, the Moroccan-Algerian conflict in 1974, the conflict between North and South Yemen in 1979, and the conflict between Mali and Burkina Faso in 1985. The group of disputes that the organization showed interest in their settlement process by referring to them in its decisions, even if it did not attempt to "interfere" in the settlement process. This group includes, for example, the Jordanian-Palestinian conflict in 1971, the Sudanese-Ugandan conflict in 1979, and the Libyan-Chadian conflict in 1987. Sometimes, as an expression of appreciation to the organization for its interest in working to resolve a certain conflict, it is invited to attend some related conferences, without actually engaging in their agenda. This took place on November 27, 2007, when the then OIC Secretary-General was invited by the US President to attend a meeting held in "Annapolis" that included Palestinian and Israeli leaders, a number of leaders of the Arab world, the European Union, the United Nations and Russia. This participation was seen as a recognition of the organization's vital role in the international efforts aimed at resolving the conflict in the Middle East (Ihsanoglu, 2013, pp. 151-152). It is established here that the OIC played a significant role in the process of Palestinian national reconciliation, following the tensions that prevailed between Fatah and Hamas, as the organization's efforts led to a ceasefire between the two sides

on December 19, 2006. The organization made subsequent efforts to maintain a commitment to the ceasefire and start a Palestinian national dialogue. These efforts continued until mid-June 2007, when Hamas resorted to military force to seize power in the Gaza Strip, forcing President Mahmoud Abbas to dismiss the national unity government. The organization also played a major role – through its 17 members in the Executive Board of UNESCO – in the latter’s admitting of Palestine as a full member. The first item on the organization’s agenda has always been Jerusalem and the Palestinian cause in general. It should be noted that the OIC Charter specified its temporary headquarters in Jeddah, with its permanent headquarters in the city of Jerusalem after its liberation. The organization also appointed one of the assistant secretaries to be in charge of the Palestine cause and Al-Quds Al-Sharif, in addition to establishing the Al-Quds Committee charged with following up the issue and its developments. With regard to the Iraqi-Iranian conflict, it has been referred repeatedly to the Islamic summit conferences, but Iran has boycotted these conferences. The UN Security Council was seized of the dispute and issued several resolutions on it, but this did not prevent the Islamic Organization from continuing its efforts to find a settlement for it, although it did not present its own vision for settling the conflict, satisfied with referring to the relevant Security Council resolutions. After the war stopped in August 1988, the Eighteenth Conference of Foreign Ministers held in Riyadh in March 1989 merely expressed its satisfaction with the cessation of hostilities between Iraq and Iran and commended the two parties’ approval of Security Council Resolution 598/1987, expressing hope that the two parties would multiply their efforts in direct negotiations under the supervision of the UN Secretary-General towards the comprehensive implementation of Resolution No. 598 (Final Statement of the Eighteenth Islamic Conference of Foreign Ministers, 2019). Some estimate that Iran’s rejection of the mediation attempts made by the Organization as well as the Non-Aligned Movement and the United Nations at first stemmed from its confidence in victory eventually, and consequently its feeling that a political settlement would lead to it losing the gains of a military victory (Saad, 2021). In addition, Iran felt that the Islamic organization was not completely neutral due to the presence of its headquarters in one of the Arab countries and the presence of an Arab majority in its membership, in addition to the fact that the Secretary-General during the early years of the war was Arab (Selim, 1991).

The organization attempted to intervene in their settlement process, including in the four aforementioned disputes. In addition, the roles played by the organization in calming internal tensions and working to prevent civil wars in some member states should not be ignored. For example, playing

the role of mediator between Sunnis and Shiites in Iraq in 2006, when bloody sectarian confrontations between them plunged the country into a cycle of revenge and vengeance. The Organization's efforts in this regard culminated in the birth of the "Makkah Al-Mukarramah Declaration" following a meeting between Shiite and Sunni scholars in the city of Jeddah on October 20, 2006, which is considered a document that is the first of its kind historically, according to which Shiite and Sunni scholars addressed sensitive issues related to sectarian differences between them and defined the general framework for the principle of religious compatibility between the different sects (Ihsanoglu, 2013, p. 165). The organization also played an equally important role in Somalia when the civil war erupted in the country in 1991, which was exacerbated by droughts and famine that prevailed in the country and claimed the lives of more than one million people. The contact group established by the organization continued to follow the conflict until 2006, then participated in the peace talks and negotiation process that led to the signing of the Djibouti Agreement in August 2008 between the Transitional Federal Government of Somalia and the Alliance for the Re-Liberation of Somalia. The organization continued to play its role by participating in all meetings and activities of the International Contact Group on Somalia, being one of its active members. However, with the escalation of the conflict in Somalia and the complication of chances for a solution, the organization's role has changed to become limited to humanitarian support, whether directly or through contributing to financing aid or even financing the forces of the African Union Mission in Somalia. In general, the organization has worked during the last decade to establish "contact groups" to assume mediation roles in some issues such as "Jammu and Kashmir", Somalia, Afghanistan, Muslims in Europe, or the situation in Niger, etc. The situation in these countries has remained the same on the organization's agenda. In sum, the role of the organization in settling disputes between the member states remains limited, as it is used to avoid interfering in disputes that fall within the jurisdiction of the League of Arab States and the African Union. It is also noted that the organization did not manage to settle the limited number of disputes that it attempted to settle. Nevertheless, the OIC had an important role in restoring calm and preventing the exacerbation of tensions within some member states, roles which should not be underestimated within the framework of the organization's preventive diplomacy. Some countries, especially Egypt, have called for strengthening the organization's general secretariat and creating the necessary tools to activate the organization's role in the field of dispute settlement. For example, Egypt emphasized this point in its speech before the 48th session of the OIC Council

of Foreign Ministers held in Islamabad on March 22, 2022, when Foreign Minister Sameh Shoukry referred to a number of disputes that the organization must swiftly address – starting with the Palestinian cause and passing through the conflicts in Libya, Syria, Somalia, and Afghanistan – affirming that “addressing the current challenges requires all to seriously consider the need to review and reform the work of the secretariat, develop its working mechanisms to keep pace with the realities of the modern era, and unite the visions of member states to achieve their common interest and reject any attempt to employ the organization for narrow interests” (Text of the speech of Egyptian Foreign Minister Sameh Shoukry, 2022, March 22). The final declaration issued by the 48th session of the Conference of Foreign Ministers included a paragraph calling for the full activation of the OIC Peace and Security architecture, “We commit to finding durable solutions to the problems faced by the Muslim world” and “We welcome in this regard the proposal by the Islamic Republic of Pakistan to convene an OIC Ministerial Conference during 2022-23 to deliberate and develop mechanisms as well as tools for conflict prevention, mediation, reconciliation, and peace-building” (Islamabad Declaration, 2022, March 22). It is obvious that the statement is devoid of any binding legal value, as it contains a kind of “undertaking” that completely contradicts the actual obligations of the overwhelming majority of member states. For example, the reference to “Turkish Cypriots”, which was almost certainly made in the declaration under pressure from Turkey, contradicts the fact that almost all member states of the organization, except Turkey, do not recognize the so-called Turkish Republic of Cyprus.

THE ROLE OF THE ORGANIZATION IN CARING FOR MUSLIM COMMUNITIES AND MINORITIES ACROSS THE WORLD

Muslims exist across all continents of the world, as estimates and statistics indicate that there are more than 500-550 million Muslims – about a third of the *Islamic Ummah* – who live outside the borders of the member states of the OIC. Since its inception, the organization has paid significant attention to issues related to Muslim minorities in non-member states as one of the priorities that top its agenda (Ihsanoglu, 2013, p. 175; Saad, 1986). This commitment on the part of the organization stems from some articles of the Charter. In its preamble, the Charter states that its utmost aim is: “To assist Muslim minorities and communities outside the Member States to preserve their dignity, cultural and religious identity”. In paragraph 16 of Article 1 of the Charter, regarding the objectives and principles of the organization, it is stipulated that its objective is: “To safeguard the rights, dignity and

religious and cultural identity of Muslim communities and minorities in non-Member States". Concerning the texts relating to Muslim minorities, we note the following in particular: "It is a matter of a "moral" commitment on the part of the OIC member states towards the Muslim minorities in the non-member states, especially in light of the fact that the OIC Charter affirms the principles of non-interference in the domestic affairs and respect of sovereignty, independence and territorial integrity of each Member State" (Preamble-art. 1/3-art. 2/4). The organization has not established, since its establishment until now, any bodies to protect the rights of these minorities. Rather, with regard to the protection of human rights in the member states, the Charter merely stipulated the establishment of the "Independent Permanent Commission on Human Rights" (Article 15), which was entrusted with the task of "promoting" the civil, political, social, and economic rights enshrined in the organization's covenants and declarations and in universally agreed human rights instruments, "in conformity with Islamic values". Thus, the Charter excluded any possibility of "protecting" minorities and placed all human rights within one basket, assigning member states the task of merely "promoting" them. In the above context, the practical approach to protecting Muslim minorities in non-OIC member states was consistent with the provisions of the Charter. The organization's intervention in this regard can solely be carried out with the approval of the concerned state or states to which these minorities belong and in close coordination with them. It is worth noting that the United Nations system did not adopt a special system for the protection of minorities in general, in light of the revealed facts that led, in part, to the outbreak of World War II. Instead, international, regional, and global human rights instruments have adopted the principle of nondiscrimination on the basis of race, religion, color, or "belonging to a minority" (Bossuyt, 1976). For example, Article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which entered into force on September 3, 1953, stipulates, "that the enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status". The Multilateral American Convention on Human Rights, which entered into force on July 18, 1978, adopted the principle of nondiscrimination in more than one place (Art. 22/8, Art. 24). As for the African Charter on Human and Peoples' Rights, which entered into force on October 21, 1986, it was keen to affirm the principle of nondiscrimination in more than one place (Charter's Preamble, Art. 2, Art. 12/5, Art. 18/3, Art.

28), meaning that the rights and freedoms recognized in it are conferred on the human being as such, regardless of whether he belongs to a minority or not. Although there is an article regarding the protection of minorities in the International Covenant on Civil and Political Rights (Art. 27 of the Charter), African states were not really willing to establish an international system for minorities, but rather initially emphasized satisfaction with the mere principle of nondiscrimination as it would eventually lead to equality between the minority and the majority (Humphrey 1970, p. 165).

The United Nations Charter also affirmed the principle of nondiscrimination in several texts (Articles: 1/3, 13/1, 55/2, and 76/2), and the Universal Declaration of Human Rights affirmed the same principle in Articles 2/1 and 7, so that the principle of nondiscrimination became one of the established rules in many international agreements issued by the United Nations, although its Charter is devoid of any texts related to minorities (Vierdag, 1973, p. 176). The organization's communication with Muslim minorities was carried out with the express consent of the governments of the concerned countries and under their auspices, on the basis that the goal is to contribute to the settlement of any problems between these minorities and the countries they reside in. In order to play this role, the organization has adopted a number of mechanisms, most notably: appointing special envoys for some minorities and dispatching goodwill missions to and from the concerned countries; playing the role of mediator to resolve some international disputes; participating in negotiations between governments and representatives of minorities; and providing the necessary assistance to the establishment and development of various initiatives and programs, educational and other, so as to help these minorities protect their Islamic culture and identity. The OIC General Secretariat's Department of Muslim Communities and Minorities has been restructured and its human resources increased, thus improving its performance level and raising its efficiency. The organization has exercised its role towards Muslim minorities across the world in the context of the aforementioned controls. This includes, for example, Muslims in the southern Philippines, the Muslim community in the southern provinces of Thailand, and the Muslim Turkish community in Bulgaria (1948-1989). The role of the organization in this latter case is exceptional, as the climate of rapid developments and successive transformations in the former communist countries of Central and Eastern Europe allowed it to escalate its diplomatic pressure on Bulgaria in 1989 to shed light on the suffering of the Turkish Muslim minority in Bulgaria, before the Bulgarian government fell in November of 1989, in the context of the collapse of the communist regimes at the time. Moreover, the issue of the Muslim "Rohingya" group in Myanmar

has become a permanent item on the agenda of the organization, as resolutions are issued by the OIC to support their basic rights, put an end to their targeting, and call on the Myanmar government to allow the return of the non-sheltered and displaced from this group to their country, including those who were forced to obtain shelter in Bangladesh, and facilitate their return. With regard to Muslims in the Chinese province of Xinjiang, the situation of this minority is being addressed through quiet contact between the OIC Secretariat and the Chinese central authorities. It is noted in this context that the overwhelming majority of the member states of the organization did not respond to the pressures of the United States of America and its European allies to condemn China's record in this regard. In the cases where the issue was brought before the United Nations Human Rights Council, the organization's states usually do not support the US position in this regard, stressing that they refuse to politicize the human rights file. Finally, and accordingly, the OIC is concerned with the phenomenon of "Islamophobia", as the OIC countries played an active role in the adoption by the United Nations General Assembly on March 15, 2022, of a resolution proclaiming the fifteenth of March an "international" day to combat "Islamophobia", in a manner that enhances awareness at the international level of the prohibition of hatred and intolerance against Muslims, and encourages the international community to take concrete measures to combat this phenomenon and promote tolerance and peaceful coexistence across the world (Draft Resolution, 2022, March 8). Unfortunately, the attacks of the far right against Islam and its symbols in Europe and North America have become a normal practice in international life, the latest of which is the burning of copies of the Qur'an – the Holy Book of Muslims – and its insult in Sweden on April 18, 2022, by a right-wing extremist called Rasmus Paludan, also of Danish citizenship. It is no secret that the motives for this act are political, as the man invests in this heinous act, which he is doing in order to get more votes in his favor, allowing his political party to enter the parliamentary election race in Sweden, after Denmark banned many of his activities (Al-Saeed, 2022, April 20). In conclusion, the special nature of the organization and the overlap of its membership with the membership in the international and regional organizations that arose before it, has raised clear complications that negatively reflected on the role of the organization, especially in the field of dispute settlement, as it did not interfere in the vast majority of disputes that have arisen between the Islamic member states since its inception till present.

However, the role of the organization in the areas of preventive diplomacy and crisis management within many member states and its success in restoring calm and stability in some of them should not be ignored. On the other hand, the affiliation of the OIC member states to

highly diverse ethnic, cultural, and economic backgrounds, not to mention their different political and ideological orientations, and thus the discrepancy or conflict between what the organization expects to achieve in line with the national priorities and interests of each of them. This led to its easy polarization by major powers, at the expense of an active role for the organization. What contributed to this was the fact that the organization's Charter was formulated in a manner characterized by ambiguity and generality, and the lack of accurate legal wording with regard to the basic articles, which led to a great deal of lack of clarity in the responsibilities of the organization's member states and agencies and the role assigned to each of them to achieve the organization's objectives. Many estimate that the organization is characterized by the weakness of its institutions, as its organizational structure is not up to dealing with the major issues that concern the organization and the hopes pinned on it by the member states and Muslims across the world. All of this is added to the organization's chronic budget deficit, which is due to the failure of some member states to meet their financial contributions regularly, which does not deprive them of voting rights, as is the case in other international organizations, which is normal in light of the fact that more than 20 member states of the organization are among the least developed countries globally. Accordingly, it is important to note that the Islamic Development Bank, one of the main OIC organs, represents a substantial incentive to attract countries to the organization's membership to benefit from loans, credit facilities, and projects financed by the Bank in the member states. In fact, the economic, commercial, and humanitarian roles of the Organization have grown in recent years, and these roles have become clear not only in the field of providing humanitarian assistance to some member states and providing the necessary financing for enhancing cooperation in the areas of science and technology, technical assistance, and the provision of vaccines, but also in intensifying the organization's economic inter-cooperation through the Standing Committee for Economic and Commercial Cooperation of the Organization of the Islamic Cooperation (COMCEC), the Islamic Development Bank, the Islamic Chamber of Commerce, Industry and Agriculture and other OIC subsidiary and specialized organs. It is expected that this developmental role of the organization will grow in the coming period. The declarations issued by the summit meetings and the foreign ministers of the OIC countries indicate, automatically and continuously, that the member states renew their "commitment to promote and uphold the rights of Muslim communities and minorities in non-OIC member states" (Islamabad Declaration, 2022, March 24). Consequently, the latest meeting

of the Council of Foreign Ministers of the OIC, which was held in Islamabad, “condemned the systematic and widespread policy of discrimination and intolerance against Muslims in India.” Otherwise, this discrimination has led to the political, economic, and social marginalization of Muslims, which has caused corresponding negative reactions and calls for India to immediately revoke all discriminatory laws and other acts in order to ensure the rights of Muslims in India and to protect their religious freedom.

CONCLUSIONS

The OIC emerged as a reflection of the concept of Islamic solidarity. Today, it includes countries from Africa, Asia, Europe, and even Latin America. Since 1982, efforts have been made to reform the organization, improve its effectiveness and avoid duplication in its work, but such efforts have generally been unsuccessful, despite efforts by some members, particularly Egypt, to encourage Islamic countries to participate in the crystallization of a new international system following the collapse of the Soviet Union. Since 1990, there have been divisions within the organization just as there have been with the position of the League of Arab States. The reasons, of course, were political because of the crisis in the Middle East. Almost two decades later, the OIC Charter was revised. The new Charter was approved on March 14, 2008, during the 11th Islamic Summit. In addition to the preamble, the Charter contains 39 articles divided into 18 chapters, including texts relating to the purposes and principles of the organization, membership provisions, and organs of the organization (11 organs). The member states have fled to open resident diplomatic missions in Jeddah since the entry into force of the Charter, following a call from the OIC General Secretariat to revitalize and activate the role of the organization. In the present analysis, the author has tried to explain the features of the OIC, its role in resolving disputes, and protecting Muslim and minority communities in countries that are not members of this organization.

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THE ORGANIZATION OF ISLAMIC COOPERATION AND HUMAN RIGHTS

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Abstract: Today, regional human rights organizations, although they have appropriate mechanisms for the protection of human rights, often prioritize their priorities in monitoring the state of human rights in member states and taking appropriate measures to address human rights violations in those countries. The Organization of Islamic Cooperation (OIC), as a regional organization, has gone through various changes in respect of human rights law. In short, it could be described as an attempt to expand the standards of respect for human rights in Islamic countries. This paper analyzes the OIC's approach to human rights in three separate phases, including ignoring human rights, encountering international human rights law, and paying attention to human rights. Finally, the paper concludes that the documents and procedures of the OIC reveal that this organization has taken an extrinsic approach with an emphasis on the human rights situation of Muslims in non-member countries. Deviating from the traditional approach, the OIC, in its recent practice of monitoring the human rights situation in some member states, has shown a tendency towards a substantive approach of posting human rights law. And yet, the discriminatory response of this international organization to the violation of human rights in the member states leaves great anxiety and concern.

Keywords: OIC, Human Rights Law, Islamic countries, international organization, international convergence.

INTRODUCTION

International organizations are often established at a time of profound and rapid change in international relations (Hooshmand & Mardani, 2022). An extensive and inexperienced set of international organizations was

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established immediately after World War II (Katzenstein et al., 1988, p. 650). International organizations saw themselves as embodying the characteristics of a mixed actor, capable of acting independently (Volker et al., 2012, p. 4). The solidarity of states in international relations essentially arose when a change in the principles of power and influence of each disturbed the balance of power relations between them. Therefore, in order not to exalt a superior power among them and consequently impose its will on others, a kind of intellectual solidarity arose among the states to balance power, which often had the same thinking in solving general socio-social problems and in overcoming world culture and civilization (Falsafi, 2004, p. 33). During the two world wars, efforts were made to develop the theory of Islamic unity as a political ideology. Some of these efforts have been made in the context of international meetings and conferences, including the Mecca Conference (June 1924), the Cairo Conference (May 1926), the Mecca Conference (June-July 1926), the Jerusalem Conference (1931), and the Geneva Conference (1935). The end of World War II brought the Islamic world into a new phase with unique features in its political life. Some of them are the independence of some Islamic countries such as Pakistan, the emergence of a new state called Israel, the emergence of nationalism as a new political force in the international arena, and so on. In this regard, several efforts were made by some Islamic countries or important Muslim personalities, which gradually paved the way for the establishment of an international Islamic organization. Finally, the OIC was established on the basis of the decision of the historic summit that took place on September 25, 1969, in Rabat. In this study, in addition to the pathology of convergence in the organization, we evaluate the positions of this regional international organization in the face of human rights. In this regard, we first examine the factors affecting the role of the OIC in the face of international issues and then evaluate the obstacles affecting the convergence in the Organization of Islamic Cooperation. Finally, we analyze the organization's position on human rights.

FACTORS AFFECTING THE ROLE OF THE OIC IN DEALING WITH INTERNATIONAL ISSUES

The Islamic world represents the identity of at least 1.7 billion people who share a common religion rather than a geographical location. Although the charter of the OIC defines the formal decision-making process of the organization, it also defines the informal factors affecting the decision-making process within the organization, which is due to the heterogeneous context of the political and economic power of the member countries. According to

Article 29 of the Charter, the expenses of the organization must be covered by the members according to their national income, and in addition to the quotas set for each country, the organization also uses the voluntary contributions of the members. However, Saudi Arabia and Kuwait provide the largest budget for the organization. Therefore, the rich countries of the Persian Gulf will play a key role in financing the organization and, as a result, will have a high level of influence in the organization. This has influenced the political-cultural orientations of the organization and has provided a conservative approach to the issues and problems of the Islamic world (Fawzi Tuyserkani, 1998, p. 73). The dependence of the member states on the global power blocs has made the cohesion within the organization a function of cooperation or competition between the two superpowers and has left effects such as instability within the organization, which play a good role in dealing with the Palestinian issue. The side of the member states is evident. Also, for example, during the Soviet invasion of Afghanistan and the collective position of the organization to hold a special conference in this regard, it was opposed by Libya and Syria, and the mentioned countries, while boycotting the summit, considered it an action in the interests of imperialism. Support for Muslim minorities and Islamic liberation movements is also affected in many ways (Fawzi Tuyserkani, 1998, p. 60). Economic dependence, low level of per capita income, and unfair distribution of income and scientific and technological weakness are the main characteristics of Islamic countries (Arbabian, et al., 2013, p. 98; Hooshmand & Fateh, 2014, February). Since the impact on global equations and the adoption of positions in the form of international organizations depends on the economic system and the economic dispersion of the members of the organization, it seems that in addition to the fact that only a few countries influence the positions of the organization, other countries also cannot help the organization to take positions in this regard. In general, in terms of economic status due to oil revenues, oil-rich countries have the highest incomes and have higher economic power among other members and other countries due to a lack of access to sufficient mineral resources, poor industrial structure, or poor agricultural situation. They cannot play a role in this regard. The majority of the member countries of the organization are Arabs, and they are members of the Arab community, which has brought them closer together. The influence and quantitative and qualitative power of the Arabs within the OIC has caused the Arabs to also be approved by the organization. In general, it can be said that the positions of the OIC are, in many cases, reflections of the positions of the Arab League (Fawzi Tuyserkani, 1998, p. 68).

OBSTACLES AFFECTING CONVERGENCE IN THE OIC

The main purpose of the organization was to converge and coordinate political affairs, but in terms of content, little was achieved and the member states differed on major issues. The member states should use the OIC as a place to implement a part of their unilateral diplomatic strategy (Ghaemmagham Farahani, 1998, p. 186). In examining the goals, principles, and policies of the organization, there are some issues that are in line with the interests of all members, and the organization moves towards integration around those issues. There are also some goals that the organization is fragmented to achieve. Issues such as advocating for the Palestinian cause, combating racial discrimination, emphasizing Islam, emphasizing international law and the UN Charter, and expanding economic, scientific, and technological cooperation among the member states have been areas of unity and cohesion. The way of fighting Israel has always led the organization to division (Fawzi Tuyserkani, 1998, p. 58). Political differences are the biggest obstacle to the convergence of Islamic countries and are the main reason for the failure of convergence measures and plans among Islamic countries. These differences are mainly due to differences in the political systems and structures of countries and, consequently, differences of opinion and conflicts of interest between countries, which lead to different orientations (Navakhti Moghadam, 2011, p. 200). The existence of a diverse governance structure in these countries has made it impossible for them to achieve structural unity and to succeed in bringing social systems closer together (Ghasemi, 1991, p. 284). Overall, the vast majority of governments in Islamic countries are either politically unstable or unstable. The objective manifestation of this can be sought in the occurrence of coups, revolutions, armed conflicts, continuous crises, ethnic and racial conflicts, and so on (Ghasemi, 2002, p. 94). Basically, proximity is one of the factors affecting culture, the economy, trade relations, political relations, and convergence between countries. The cultures of neighboring countries, due to their historical background, political-geographical divisions of countries, racial and linguistic, are moving towards interaction with each other, which leads to greater harmony in this field (Pirasteh et al., 2006, p. 51). Although Islamic countries share the essence of Islam, they have different views and perceptions of Islam and have different religions, which can always delay the intellectual context of any kind of unity of action. Of course, the OIC has understood this issue and has tried to fight to solve it as a major problem. One of its goals is to eliminate the misconceptions that have been spread by foreigners in Islamic societies (Fawzi Tuyserkani, 1998, p. 101). Religious

differences between the two main Sunni and Shiite axes pose the organization's performance against this factor, and as a result of the impact of this factor, the role of the organization in reducing tensions in the Middle East is small (Jansiz & Ahmadi Khoi, 2014, p. 110). Tensions between Shiites and Sunnis have led to unofficial ideological polarization stemming from religious differences and sectarianism among Islamic countries.

THE OIC'S POSITION ON HUMAN RIGHTS

In 1991 and 2005, the organization drafted the Cairo Declaration and the Convention on the Rights of the Child. Examining the content of these two documents and comparing the rights specified in them with how they refer to Islamic law and the way of looking at the government makes it possible to know more about the human rights approach of the organization at that time. Simultaneously with Secretary-General Ehsan Oglu, a ten-year action plan was prepared to face the challenges of the Islamic Ummah. In 2008, the organization's charter was amended to pave the way for the establishment of an Independent Permanent Commission on Human Rights in 2011. Examining the significant relationship between these three events and each on the complementarities of the other and the impact of these developments on the institutional activity of the organization in the field of human rights promotion has a significant role in understanding the recent approach of the organization.

The approach of turning away from human rights

In the early years, human rights did not have a place in the priorities of the OIC. The Declaration of the Islamic Leaders of Rabat and the former Statute of the Organization make brief references to human rights, and only the final section of the 1969 Rabat Declaration refers to the Charter of the United Nations and fundamental human rights (Declaration of the Rabat Islamic Summit, 1969, September 25). But this declaration is more concerned with Islamic law than with human rights (Gunn & Lagresa, 2016, p. 18). The former charter of the organization also states that the organization will be committed to the UN Charter and fundamental human rights, and this is the only passing reference of the organization to human rights in this document (Moinuddin, 1987, p. 18).

The approach to dealing with international human rights

The OIC has not been able to bring about a change in human rights for many years due to the unfavorable records of Islamic countries (Petersen, 2012, p. 14). After overcoming the reversal phase, the organization faced many challenges with international human rights to put human rights issues on the agenda (Tirado Chace, 2015, p. 6). Until 2005, the organization rejected international human rights standards and sought alternatives to design an approach that was in line with Islamic teachings. At this point, the organization challenged the universality of human rights, prioritizing the establishment of alternative Islamic human rights rules. Due to its favorable relations with the United Nations and the resulting considerations, the organization did not directly reject international human rights, but rather, from the indirect orientation of the organization and the direct positions of some Islamic countries, the approach to international human rights can be inferred (Javid & Makrami Qartavol, 2012, p. 63). Based on this, the organization adopted the Cairo Declaration of Human Rights in 1991 and revealed its menus in it (Saden, 2010, p. 26). The Cairo Alam (Ekmeleddin, 2010, p. 181), which combines Islam and human rights, offers a special concept of human rights that contradicts the principles of the Universal Declaration (Kayaoglu, 2015, p. 9). The organization introduced the Cairo Declaration to the international community at the Vienna World Conference on Human Rights as the global Islamic consensus on human rights (Mayer, 2007, p. 31). The Declaration allows governments to implement their interpretation of Shari'a in their domestic law and practice (Adam, 2014, p. 1). One of the reasons for the organization's failure in human rights before 2005 was the lack of a clear plan for reconciliation between international standards and the current conservative policy among most member states (Kayaoglu, 2013, p. 3).

The approach to paying attention to international human rights

A different approach to Islamic human rights should be sought from the time of Ehsan Oglu's administration in 2005 and the promising developments after that (Cismas, 2011, p. 1148). The organization, like many regional organizations, has witnessed significant changes in recent years (Gunn & Lagresa, 2016, p. 267). The organization's Charter was amended in 2008 by Islamic leaders, and special attention was paid to international human rights (Monshipouri & Kaufman, 2015, p. 5). The Charter included a set of structural reforms that provided a more normative and institutional

role for the organization in the field of human rights. (Bozorgmehri, 2017, p. 75). The new statute unveiled the organization's intention to promote good governance, the rule of law, and democracy in the member states. Further attention to human rights in the statute provided a good platform for the establishment of the human rights pillar of the organization. With this development, the organization expressed its willingness to communicate and cooperate with civil society organizations and non-governmental organizations in the field of human rights (Adam, 2014, p. 1). Normalization is the first step towards the realization of human rights. The OIC has taken a different approach to regulating human rights by drafting documents that define human rights policy. In the context of the organization's extensive reforms, the Ten-Year Action Plan for the Promotion of Human Rights is a very important document. (Monshipouri & Kaufman, 2015, p. 5) All aspects of the organization, especially human rights, have a special place in this program (Hausler et al., 2016, p. 145). Any norm that lacks a systematic structure is meaningless (Saffarinia, 2019, p. 41). Accordingly, the process of human rights regulation of the OIC without the establishment of an institution to monitor the implementation of human rights standards was a significant shortcoming in the human rights mechanisms of the organization. From this perspective, another sign of a change in the organization's human rights approach is the attempt to design and institutionalize human rights. Perhaps the culmination of human rights developments in the organization is the establishment of a human rights pillar. In 2011, the organization established the Standing Committee of the Independent Commission on Human Rights, with the aim of promoting human rights and assisting member states in fulfilling their human rights obligations (Mayer, 2015, p. 5). Another desirable development in human rights is the emergence of signs of the organization's tendency to defend human rights in the member states. Given that this practice is in the early stages of formation in the organization and its scope does not include human rights violations that have occurred in all member states, it should be evaluated from a position of fear and hope (Petersen & Kayaoglu, 2019, p. 123). However, in an interesting development, the organization has recently responded to human rights violations in several member states. The commission reviewed the human rights situation in Syria and called on the Syrian government to end human rights abuses immediately and unconditionally. At the 16th session of the Human Rights Council in 2011, the organization encouraged the Syrian government to restore peace and establish peace in the country, blaming it for human rights violations (Statement by Ambassador Zamir Akram, 2010, September 13–October 1).

In a move away from the organization's usual practice, the Summit on Human Rights Violations in August 2012 decided to suspend Syria's membership (OIC Islamic Summit Conference Resolution, 2012, August 14-15). The organization also endorsed the excessive use of force against citizens by the Libyan government at a meeting of the Human Rights Council on February 25, 2011, and agreed to a resolution against Libya and an invitation to establish a commission of inquiry to investigate human rights violations (UN Human Rights Council Resolution, 2011, February 25). In response to the human rights situation in Central Africa in 2014, the Commission acknowledged human rights abuses by the government and called for an end to widespread human rights abuses (Adam, 2014, p. 11).

CONCLUSIONS

Despite the fact that the declaration of the Islamic leaders in Rabat and the former statute of the OIC referred to human rights, the organization did not pay attention to human rights in the first years of its activity. Not only did it fail to establish mechanisms for the protection of human rights, but it also failed to develop human rights instruments. Not even the preparation of the Declaration on Human Rights in Islam, the ten-year action plan, the amendment of the organization's statutes, the establishment of a permanent commission for human rights as the organization's supervisory body, and the preparation of the human rights charter. It did not provide a standard approach to human rights and human rights issues. The focus was on the protection of human rights outside the borders of the member states. After a period of disrespect for human rights, the organization undertook innovations towards the reform of the existing system. Recent favorable approaches to human rights reflect the organization's determination to take more seriously the protection of human rights and to revise the Cairo Declaration and the Convention on the Rights of the Child in line with this year's Universal Declaration of Human Rights. In doing so, the UN system should serve as a good model. This should be contributed to by the meetings of the Commission dealing with issues of human rights protection in the member states (as well as their violations in Syria, Libya, Afghanistan and the Central African Republic) by applying restrictive measures against the perpetrator states. This raises the hope that the organization is ready to deal more seriously with the state of human rights and to face their violations in the member states.

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THE POSITION OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) IN REGIONAL INTEGRATION IN AFRICA

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Abstract: Given the current circumstances, the phenomenon of regionalism is not surprising because it is evolving at a rapid pace on a global scale. Regionalism as a process continues to expand and take on multiple roles that ultimately shape global trade cooperation, geopolitics, and diplomacy among states. Today, a large number of regional international organizations perform specific institutional functions based on specific preferences and the internal logic of functioning of the member states. The Economic Community of West African States (ECOWAS) is an example of a regional organization on the African continent. Like most intergovernmental or interstate organizations, the ECOWAS is a political union among West African states, originally created by the Lagos Agreement in 1975 to promote economic cooperation and integration among the member states. With the development of international relations on African soil, there was a demand for an accelerated revision of the founding treaties of ECOWAS. In 1993, the mandate of this regional organization was expanded, so the organization generally expanded its scope of action to include the preservation of regional peace and security. However, its effectiveness and efficiency in this domain have been subject to serious criticism. On the other hand, efficiency and effectiveness in terms of regional integration were apparently somewhat more successful. This issue is given special attention in this paper, which points to specific challenges and risks associated with this process, as well as with the implementation of the ECOWAS Agreement.

In addition, the analysis is focused on general issues related to the ways and effects of the functioning of regional organizations at the global level.

Keywords: ECOWAS, international organizations, regional organizations, Africa, regional integration.

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INTRODUCTION

The need for a more engaged world is increasingly becoming part of the crucial reasons for regionalism or intergovernmentalism and is essentially shaping trade collaborations, diplomacy, and geopolitics between continents, regions, and countries. There has been an increased number of regional and international organizations entrusted with various roles, which are usually underpinned by certain preferences and internal logic of member states. Similarly, there is a lot of interest in what roles interstate organizations play and how effective they are. This, in addition to environmental, economic, and social changes, has critically made such organizations a subject of public scrutiny (Igwe, Ochinanwata & Madichie, 2021, pp. 203-308; Nwedu, 2022). Likewise, debate embedded in rationalism, which is essentially concerned about the rising incidence of intergovernmentalism in modern politics, has topically emerged (Smeets & Beach, 2020). By itself, rationalism is a process capable of leading to a particular state of affairs and attainment “within a territory, of a sense of a community, and of institutions and practices strong enough and widespread enough to assure, for a long time, dependable expectations of peaceful change among its population” (Laursen, 2002, pp. 1-22). Therefore, rationalism is viewed as a symbol of international politics (Copeland, 2011, pp. 441-450). The Economic Community of West African States (ECOWAS) is a reference point for regional organizations on the African continent. The ECOWAS is currently a union of 15 independent West African states formed under a treaty-based multilateral agreement with an initial primary focus on economic cooperation and integration.¹ Former heads and governments of 16 member states signed an original treaty on May 8, 1975, in Lagos, Nigeria (ECOWAS Treaty, 2022). The formative treaty has been revised and signed in Cotonou, Benin Republic, on July 24, 1993, as a result of increased mandates and a need to meet up with new developments. Since then, the ECOWAS role has broadened and is frequently pontificated in various typologies, such as “trading hub,” “economic bloc,” and “borderless region” based on democratic principles, the rule of law, and good governance. The ECOWAS constitutes a total area of 5.12 million km² and a population of about 397.21 million people, of which Nigeria has over 2 million people (World Data, 2022). The lingua franca in which it operates is English, French, and Portuguese. These official languages, somewhat

¹ The ECOWAS currently consists of 15 member states: Benin, Burkina Faso, Cabo Verde, Côte d’Ivoire, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo.

essentially, underpin the histories of colonization of the member states. Today, uncertainties or challenges to regional governance have remarkably pushed organizations to now operate a complex-based approach and institutional structures in facilitating the performance of their roles. The ECOWAS has developed six institutions and 10 specialized agencies with varying responsibilities (ECOWAS Institutions, 2022).² Even with such a number of institutions and agencies performing certain roles, most views have portrayed the ECOWAS as non-effective and in a more general description of “failure”. This paper primarily analyses the role of the ECOWAS in regional integration in Africa and the current debate about its effectiveness. The need for an understanding of the increasing roles of interstate, regional, or international organizations has never been more crucial than now, as humanity continues to face mega problems and science is being challenged by novel diseases, such as the 2019 coronavirus disease (COVID-19) pandemic. The foregoing provides a key rationale for this paper and is accordingly justified, as the emerging debate over the effectiveness of the ECOWAS has to be tested. The paper has four sections. The role of the ECOWAS is examined in section two. The next section carefully analyses the current debate and interconnected challenges. The key points and lessons are finally summarized.

THE ROLE OF THE ECOWAS IN REGIONAL INTEGRATION

Every nation that is joining a regional organization has a peculiar internal logic tied to socio-cultural, economic, political, and historical differences (Harvey & Cushing, 2015). More so, openness to the diversity of local needs and extraordinary geo-historical circumstances is a core reason

²The various institutions and agencies of the ECOWAS include the ECOWAS Commission, the Community Court of Justice, the Community Parliament, the ECOWAS Bank for Investment and Development (EBID), the West African Health Organization (WAHO), Inter-governmental Action Group against Money Laundering and Terrorism Financing in West Africa (GIABA), and the West African Monetary Agency (WAMA), the West African Monetary Institute (WAMI), the ECOWAS Youth and Sports Development Centre (EYSDC), the ECOWAS Gender Development Centre (EGDC), the ECOWAS Brown Card, West African Power Pool (WAPP), the ECOWAS Centre for Renewable Energy and Energy Efficiency (ECREEE), the ECOWAS Regional Electricity Regulatory Authority (ERERA), the Regional Agency for Agriculture and Food (RAAF), and the ECOWAS Infrastructure Projects Preparation and Development Unit (PPDU).

for forming intergovernmental organizations by sovereign nations (Laursen, 2002). These core rationalities help to fairly understand what role interstate, regional, or international organizations perform, and they are presumably what heads of states and governments of the member states of the ECOWAS believe in and agree to work together as a West African regional organization. Therefore, the role of the ECOWAS is analyzed as follows.

Economic role

The revised treaty of the ECOWAS underlines what could be seen as a core priority, which is aimed at fostering economic cooperation and integration towards raising living standards, maintaining and enhancing economic stability, fostering relations among member states, and contributing to the progress and development of the African continent at large (ECOWAS Treaty, 2022).³ This spans a broad economic sphere, such as “industry, transport, telecommunications, energy, agriculture, natural resources, commerce, monetary and financial, social and as well as cultural matters”. There have been major efforts made, including macroeconomic policies and the promotion of the private sector, to achieve the intended economic integration and cooperation. To boot, a roadmap for implementing a single currency program, monitoring and evaluating performance and macroeconomic union, and managing the ECOWAS Macroeconomic Database and Multilateral Surveillance System (ECO-MAC), as well as cooperation with new regional and international institutions are notable and important initiatives (ECOWAS Basic information, 2022). The integration of the West African region into a world economy with trade policies is no doubt a wider part of the role of the ECOWAS. For instance, in 2010, it adopted a “West African Common Industrial Policy”, which is an ambitious reform implementation strategy lasting well into 2030. A key target is the removal of tariff and non-tariff barriers to trade in fostering free trade and unrestricted movement of productive factors. The United Nations Conference on Trade and Development (UNCTAD) has reported that ECOWAS intra-trade products include petroleum products and by-products of roughly 48.3 percent, corresponding to US\$4,847 million; fabrics, cement, and lime of about 3.4 percent, equivalent to US\$342 million; tobacco 25 percent or US\$250 million; edible products and preparations of around 2.4 percent, equivalent to

³ ECOWAS Treaty 1975, Article 3 (1) (revised 24 July 1993).

US\$242; cosmetics and perfumery with the exception of soaps 2.3 percent; fixed crude and refined oils and vegetable fats about 2.2 percent; plastics and articles roughly 2.2 percent; electrical current nearly 1.8 percent; and footwear accounting for 1.5 percent (UNCTAD, 2018). Further, it reveals an increase in exports and trade activities in each member state and intra-regional blocks, which quadrupled between 1975 and 2010, with Nigeria and Côte d'Ivoire accounting for 44.6 percent and 25.7 percent, respectively. There was a relative distribution of exports among some member states, comprising Ghana, Côte d'Ivoire, Nigeria, and Burkina Faso. More so, ECOWAS adopted a strategy in 2012 for regulating informal trade, leading to a Regional Informal Trade Regulation Support Program (ITRSP/PARCI) developed by the ECOWAS Commission (ECOWAS Trade Information System, 2022). For an enhanced informal trade information system, an ECOWAS Informal Cross Border Trade (ECO-ICBT) has been developed. In 2018, a collaboration between the ECOWAS Commission and Permanent Interstate Committee for Drought in the Sahel and the West African Association for Cross-Border Trade in agro-forestry, pastoral, fisheries, and foods was initiated, mainly to work harmoniously in implementing a sub-component of the STRSP/PARCI for informal cross-border trade data collection. The pursuit of a common market by the ECOWAS is intended to remove obstacles to the free movement of people, goods, services, and capital and to foster trade liberalization. Thus, it has developed a trade liberalization scheme for duty-free trade and a customs union among member states. This has proven to be significant in terms of intra-regional trade volume, accounting for nearly 12% of total ECOWAS trade in 2016 (African Development Bank, 2022). Effectively, a 40 percent increase in 2030 is targeted as support for a solid industrial structure based on global competition, environmental friendliness, and the ability to effectively improve the standards of living of the ECOWAS member states' citizens. On July 10, 2014, the ECOWAS heads of states announced a decision to support a European Union (EU-ECOWAS) as well as a Mauritania Economic Partnership Agreement, which has already been signed by both parties. Expectedly, it is a partnership capable of opening up Ghana's market to 75 percent of the tariff lines and 65 percent of the value of imports from the EU by 2035 (World Bank Group, 2015). Among the existing initiatives is the ECOWAS's Common Investment Code and Policy. It is largely a framework designed to offer fair treatment and operation of investment in the ECOWAS common investment market. There has been a tangentially political response to monetary integration. On April 20, 2000, the erstwhile political leaders of six West African non-CFA countries declared an intention

to join the West African Economic and Monetary Union (WAEMU) in January 2003 (WAEMU, 2022).⁴ Based on the early plan, it was considered an initial part of two stages to an inclusive monetary union of all ECOWAS member states in 2004. The countries politically agreed to commit to a reduction of central bank funding of budget shortfalls to 10 percent of the first year of government revenue; a reduction of budget shortfalls to 4 percent of GDP by 2003; the creation of a convergence council for coordination of macroeconomics; and the creation of a collective central bank (Masson & Pattillo, 2001). But non-WAEMU countries, including Ghana, Guinea, Gambia, Nigeria, and Sierra Leone, needed to build a monetary area, known as the West African Monetary Zone (WAMZ), as part of a second stage (Diop, Tillmann & Winker, 2017). The success of the first and second stages, as expected in 2015 and 2020, respectively, was meant to bring the WAEMU and the WAMZ into a unitary ECOWAS monetary zone for the adoption of a common currency in 2020. Unfortunately, several rearrangements between 2003, 2005, 2009, and 2014, which are justified on grounds of unpreparedness and a lack of convergence among the member states, have stalled the realization of not even the first stage (Asongu, Folarin & Biekpe, 2019). Effective realization of a monetary union requires seamless integration of existing economic structures and financial institutions based on diligent, meticulous, and robust planning and a common framework. There is no doubt that existing state institutions and structures facilitate the effective shaping of regional governance (Söderbaum & Sbragia, 2010, pp. 563-582). Though in principle, ECOWAS's planned monetary union ideally represents a bold step towards economic integration and arguably has potential benefits. These benefits, especially in international economic relationships, include addressing issues linked to a multiplicity of currencies, exchange rates, and trade promotion; increasing trade or business income-earning prospects for citizens in improving standards of living; creation of a larger market; and easing of regional free movement and labor by removing barriers and strengthening socio-economic, cultural, and political collaboration with a common central bank, parliament, and judiciary (Saka, Onafowokan & Adebayo, 2015). They could also include creating a more promising market environment for resource pooling toward critical regional

⁴ The WAEMU is an economic and monetary union established in Dakar, Senegal, on January 10, 1994, by the heads of states and governments of seven West African countries using the CFA Franc in common.

infrastructure development, increasing economic attractiveness, gaining economies of scale, and lowering transaction costs.

Peace and security

Article 4 of the ECOWAS Revised Treaty provides for non-aggression among the member states, maintenance of regional peace, stability, security, and the peaceful settlement of disputes among member states (Aminu & Raja, 2021).⁵ The ECOWAS was formed at a time when political power tussle characterized civilian and military supremacy in West Africa, and the majority of the member states gained independence (The Conversation, 2017, February 1). This might be one reason for engaging in peace and security, as a lack of which could strain any effort to realize sustainable economic development. One more reason is that integration is equally seen as a political process (Laursen, 2002). This means integration, whether regional or international, can benefit countries in non-economic areas such as peace and security. But in any case, weak institutions and poor policies are likely to generate bungling results (Igwe, Ochinanwata & Madichie, 2021). During the ECOWAS summit on May 30, 1990, in Banjul, the Gambia, a five-member standing mediation committee (SMC) was established to look into disputes and conflicts in Liberia (ECOWAS Decision, 1992). The SMC adopted Decision A/DEC.1/8/90 on the establishment of an ECOWAS Monitoring Group (ECOMOG) as a cease-fire monitoring group for Liberia. More generally, it was created as an alliance of the armed forces of the member states for the purposes of ensuring peacekeeping, restoring law and order, and effective implementation of the cease-fire. Then, a protocol on conflict prevention, management, peace, and security was adopted on December 10, 1999. At face value, it aims to provide peacekeeping and humanitarian support, address solid peace-building competencies and intolerable cross-border crimes, and was followed by a supplementary protocol on democratic governance. Furthermore, a protocol on mutual assistance defense (MAD) against armed threats and aggression against the member states was signed in May 1981. Most member states have had unstable political and multiparty systems, such as multiparty democracy, one-party systems, and military autocracies, with a growing reputation for military coups d'état more than any other region or continent globally (Kabia, 2011). Earlier in 1978, a treaty on non-aggression was adopted, which

⁵ ECOWAS Treaty 1975, Article 4 (d) (e) (f).

called on the member states to cease threats and use of force or aggression against everyone, and is seen as an entry point into the security mission by the ECOWAS. Bad governance, human rights violations, corruption, poverty, marginalization of ethnic groups, and small arms proliferation have contributed to some conflicts related to power tussles in West Africa (Annan, 2014, pp. 1, etc.). Therefore, it is no surprise to see Article 3 of the Treaty, *supra*, requiring the member states to recognize, promote, and protect human and people's rights as provided by the African Charter on Human and People's Rights. The ECOWAS launched a Plan of Action on Conflict Prevention Framework on January 28, 2019. This framework lays out mechanisms for peacebuilding and tools for bolstering national and regional capacities in preventing violent conflicts or the reoccurrence of them in West Africa (Kabia, 2011). For effective realization, the ECOWAS Conflict Prevention Framework Focal Point Directorates are expected to work on strategies for improving conflict prevention plans and enhance cross-department collaborations and inclusive capacity building. To a very marginal degree, it has been revealed that the institutionalization of a stable democracy is one of the biggest achievements of the ECOWAS, with the exception of the coup d'état in Mali in 2012, in which case a 72-hour ultimatum was given to perpetrators to relinquish power or face sanctions (Igwe, Ochinanwata & Madichie, 2021). This is arguable, as democratic governance in the member states is fraught with abuses and has not even generated life-changing impacts.

THE CURRENT DEBATE

The institution of the ECOWAS is beginning to attract the attention of scholars and policymakers, and as such, it could be viewed in different dimensions. First off, the emerging debate reveals that the ECOWAS lacks clarity of preferences and objectives (*Ibidem*). The revised treaty generally stipulates certain aims and objectives, but it is not clear where a focus is given or prioritized. Essentially, understanding interstate priorities and objectives helps to provide a direction and effort for organizations to realize the full benefit of regionalism. This means interactions among states require the sharing of preferences for "relative, absolute, or individual benefits" (Koehane, 1986). Even as challenges and needs might define the drivers of regionalism in today's world, economic and geopolitical interests remain two major reasons for joining regional organizations (Moravcsik, 1998). The second aspect of the emerging debate extensively deals with the effectiveness of the ECOWAS (Dwyer, 2015, pp. 206, etc.). Overall, divergent

views signify that the ECOWAS has had little or no real impact since its formation. For example, while a number of commentators show that peacebuilding and security missions are one area in which success has been achieved among the member states, some also believe it has not been successful, regardless of any life that might have been spared (Rodriguez, 2018). Trends in power tussles within the member states continue to occur more recently, for example, in Mali on August 18, 2020, which prompted a delegation of the ECOWAS peace envoy for mediation (Premium Times, 2020, July 14). By inference, it suggests mediation has not been effective in resolving such a political situation. The most argued challenges to ECOWAS peacekeeping and security include inadequate support, a lack of mission force preparation and training, and a lack of timely understanding of conflict severity, which may weaken the morale of peacekeeping forces (Dwyer, 2015). Besides, a weak engagement strategy in peacekeeping has also been identified (Igwe et al., 2020). There are alleged instances in which the member states attempted to benefit from crises rather than solve them (Marchal, 2013, pp. 486, etc.).

Experience shows increasing inter-state and intra-state vices and insecurity are today's common trends in West Africa. Typically, drug trafficking, conflict, violence, piracy, cross-border smuggling, extremism, and farmer-herder conflicts are on an incremental, proportional rise (Marc, Verjee & Mogaka, 2015). The current security crisis in Nigeria might, in part, lend credence to the current debate over the ECOWAS's failure in peacebuilding and security. Nigeria has faced one of the world's most challenging security threats, including but not limited to terrorism, banditry, and new forms of internal insecurity. Terrorist groups, such as Boko Haram and Fulani herders, have remained the most deadly, posing both national and international security threats. These groups have wider regional networks in Africa and are believed to have unimpeded entry into Nigeria from other African countries. Thus, an increasing spate of terrorism amongst the member states is one implication of the ECOWAS borderless region. The United States has recently alerted Nigeria of potential penetration by Al Qaeda into its northwest region (Homeland Security Today, 2020, August 8). Emerging radical activities of independence-seeking or separatist groups, such as Biafra or Indigenous People of Biafra (IPOB)'s Eastern Security Network (ESN), also pose serious national security risks. These persisting intra-state security problems demand regional intervention, yet the ECOWAS has not been moved. This is arguably a manifestation of its failure in managing internal conflicts in member states, or instead a clear indifference and disregard for its treaty mandates. There is generally an

observed poor performance in economic, monetary, trade, and regional growth. More pointedly, it is considered that the principle of free and open border trade upon which the ECOWAS economic integration mission was founded is rendered non-effective by existing informal cross-border trade activities within West African borders. Although the Overseas Development Institute (ODI) reports that the ECOWAS provides a seemingly feasible framework for actions likely to drive structural transformations with the trade benefits of regional integration as a trading bloc or single market for member countries, trade costs in the region remain astronomical (Haysom, 2014, March 5; Chambers, Foresti, & Harris, 2012, March 30). Evidence reveals again that most member states have maintained a very low record in business performance rankings, particularly with regards to getting credit and electricity (World Bank Group, 2016). There is quite a slow pace of or unsatisfactory institutional change to bring about desirable, far-reaching social transformations and economic integration of member states' economies (Igwe, Ochinanwata & Madichie, 2021). Contextually, West Africa has a long history of corruption, porous borders, regional trade, weak border enforcement, and most importantly, a lack of coordination of economic policies between neighboring countries (Golub, Mbaye & Golubski, 2019, October 29). These issues ultimately facilitate the smuggling of goods and undermine the economic policies of concerned states. In particular, a high rate of smuggling of goods is remarkable between Benin and Nigeria, with rice and petroleum being the major smuggled goods across Nigeria's border (Bouillon, 2019, October 22). Because of over-dependence on foreign rice over local products by her citizens, rice smuggling into Nigeria is rising. Though the ECOWAS single passport reflects success, major failures prevail. For example, it has no centralized, accurate migration database regardless of an early proposed harmonized system of immigration and emigration in 1992 by its Council of Ministers (Odobo, Andekin & Udegbunam, 2017, pp. 143-153).

These scenarios are rather a measure of unsuccessfulness. Effective economic cooperation and integration would mean providing a solution to such challenges. Therefore, it is no surprise to see Nigeria close its border on August 19, 2019, which is a clear manifestation of utter violation of the ECOWAS treaty principle on a borderless region and further and varying national interests of the member states. There are more member states placing a ban on all trade import-export with neighboring countries. The ECOWAS protocols remain widely unimplemented. This signals a lack of effectiveness, and so with undetectable efforts in promoting compliance with the protocols where a compliance committee exists (Igwe et al., 2020). The ECOWAS

protocol on Democracy and Good Governance remains debated as unproductive. Democratic regimes in most member states are worse than military regimes when carefully compared, as ballooning corruption, human rights violations, and disregard for the rule of law are common trends. Effective regional economic integration would be better realized with a zero-tolerance of corruption because corrupt political leaders are likely to have entirely unaligned regional economic policy objectives. There is an ECOWAS court, yet citizens of the member states arguably do not feel its impact. The ECOWAS money laundering policy also exists, but illicit flows of funds across the region are remarkable, in addition to secret financial sponsorship of terror groups by some persons in the member states. The lack of power delegation mechanisms within the ECOWAS institutions has come into debate as a challenge to effective functioning. This builds a high degree of reservation about a bureaucratic process among its institutions.

CONCLUSIONS

This paper examines the ECOWAS ideological role in regional integration in West Africa and wider participation in geopolitics. The paper also analyses the current debate about the effectiveness of the ECOWAS. Theoretically, interstate organizations are majorly shaped by economic and political priorities. They are accordingly dictated by the internal logic of member states based on liberal conventions of international cooperation, economic, and political policies. Therefore, it is on this basis that the ECOWAS was formed. The existence of the ECOWAS and its role suggests a bold attempt in tackling Africa's problem and of the member states, in particular (Nwedu, 2020). Moreover, it represents a geopolitical alignment by which it partakes more in world roles and with new regional or international organizations. The ECOWAS has made some progress, but it is difficult to see any detectable, far-reaching impact achieved within West Africa or the member states. Both experience and research show most of the programs and policies of the ECOWAS, such as the liberalization program, have not resulted in any measurable economic gains or transformations. As a manifestation of failure, economic development remains poor in the West African region or more specifically, in the member states. There has been massive corruption, smuggling of goods, and internal crises among the member states. The progress of regionalism in West Africa is certainly in the making. However, stronger political will and action are required for the full benefits of the ECOWAS to be felt and celebrated. The world is becoming more interested in understanding not just the various roles of international

organizations but also how effective they are, which is part of why interstate organizations are now increasingly under public scrutiny. The extent of the participation of a regional organization in wider geopolitics might require an understanding of how effectively it has managed its core beliefs or regional affairs. Thus, a better African-centric regional organization would depend on a clear delineation of state preferences to drive result-oriented policies and decisions. Effective regional organizations are purpose-driven and supported with clear implementation, monitoring, and evaluation mechanisms. Therefore, it is difficult to conclude that the ECOWAS has effectively implemented its treaty mandates.

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THE AFRICAN POLICE COOPERATION ORGANIZATION (AFRIPOL)

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Abstract: The author dedicates his work to the regional police cooperation of African countries, which is a reflection of the global security concept on the African continent. This connection between regional and global is presented as a special mechanism of the African Union dedicated to the member states' national police forces' cooperation. The author emphasizes the parallel between the African Police Cooperation Organization (AFRIPOL) and the International Criminal Police Organization (INTERPOL), through introducing the organizational, normative, and police aspects of the AFRIPOL's activities. We are introduced to the AFRIPOL's independent and collective governing and decision-making bodies in the organizational segment, such as the President of the General Assembly, Executive Director, General Assembly, Executive Committee, and Permanent Secretariat. The normative part of the paper is dedicated to documents that are of fundamental importance for the establishment and existence of the AFRIPOL and form its legal basis, which the author cites as the Algiers Declaration of 2014, the African Union Agenda 2063 of 2015 and the AFRIPOL Statute of 2017. Finally, the author presents the police activities of the AFRIPOL through an analysis of the African Union member states' strategy for combating cybercrime. The intention of the author is to point out the importance of international police cooperation in his work, considering the role of the AFRIPOL, regardless of whether it is a part of regional or global levels that are complementary manifestations of the same phenomenon.

Keywords: International police cooperation, AFRIPOL, African Union, Algiers Declaration, Agenda 2063, cybercrime, INTERPOL.

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INTRODUCTION

The matter of global police cooperation is based on an international police network focused on combating both transnational and organized crime phenomena. Nowadays, national police services collaborate on a regional, continental, and international level. This kind of cooperation is quite daily as being maintained through various kinds of models such as: the global issue of International Criminal Police Organization (ICPO-INTERPOL); some continental associations like the European Police Office (EUROPOL), the Police Community of the Americas (AMERIPOL) and the AFRIPOL; as well as a couple of regional initiatives like the Southeast European Law Enforcement Center (SELEC), the Police Cooperation Convention for Southeast Europe (PCC SEE), the Southeast Europe Police Chiefs Association (SEPCA), the Caribbean Community Implementation Agency for Crime and Security (CARICOM IMPACS), the Association of Caribbean Commissioners of Police (ACCP), the National Police Organization for the Association of Southeast Asian Nations (ASEANAPOL), the South Pacific Chiefs of Police Conference (SPCPC), the West African Police Chiefs Committee (WAPCCO), the Central African Police Chiefs Committee (CAPCCO), the Eastern Africa Police Chiefs Cooperation Organization (EAPCCO), the Southern African Region Police Chiefs Cooperation Organization (SARPCCO), and others (Uljanov & Ivanović, 2010; Uljanov 2013; Sciarabba & Sullivan, 2010; Hughes, Hunt & Curth-Bibb, 2013). This structure of global security is created through interoperable communication, information-exchanging systems, and regional hub offices, including liaison officers' operational activities in the field (Barnett & Coleman, 2005). Core social values are harmed by international criminal activities in the way of endangering global economic and political stability. Hence, the common goal of joint efforts of many national police services, law enforcement units, and security agencies is to combat illegal acts through consistent police cooperation worldwide using, *inter alia*, innovative information technology (Szumski, 2015). Just like the others, African leaders have been challenged to make certain choices to stand for the idea of intensifying mutual police collaboration in Africa, although with very low commitment (Williams, 2014). In the post-Cold War era, African countries faced misbalanced conditions for achieving peace and security, and therefore the Organization of African Unity (OAU) was established to address the major concerns (Robinson, 2014). The collaboration of the national police services of African states was required to protect the goal of continental stability and to avoid criminal perspectives as a *cul-de-sac* of socio-economic development and progress. Subsequently, national police forces

in Africa got together to consider two essential steps forward to be taken, such as enabling rapid response and enhancing modern technology logistics. Both steps are inevitably solid ground for new dimensions of police work to be boosted. However, the absence of a police association to follow the OAU political and security schedule was overpowered by tailoring different normative and law enforcement standards through numerous peace and security summits in Africa (Van der Spuy, 2009). So, it helped African leaders integrate economic and political goals regionally. Yet, stability on the continent was still to be accomplished, but not through poor police cooperation (Sunshine & Tyler, 2003). Actually, that state of play triggered the AFRIPOL to be established as an African Union mechanism for police cooperation *per se*. Having in mind that the AFRIPOL is not just a formal organization or some part-time *deus ex machina*, let us get to know its organizational structure, normative framework, and both police and security capacities and issues.

ORGANIZATIONAL STRUCTURE

According to the Preamble of the AFRIPOL Statute, African sub-regions are suffering from an emerging scale of crime that affects technologies of communication and information, illicit ways of transferring capital, as well as smuggling and trafficking of natural resources illegally. Therefore, there has been an evolving specific converged poly-criminalized phenomena reflecting the correlative consequences of money laundering, corruption, arms smuggling, drug trafficking, people smuggling, and kidnapping for ransom increased by terrorist networks and organized criminal syndicates. To have an effective police response to the various *modi operandi* of criminal activity affecting African states, the following steps are required through the AFRIPOL connectivity: strengthening of police capabilities, harmonization of police methods, and exchange of best practices in the matter of investigative techniques, forensic expertise, prevention, constant education, and intensive training. The success of the AFRIPOL mission, to enhance coordination in combating and preventing existing and potential forms of transnational organized crime, relies on the functionality of its organizational structure, though. First and foremost, the AFRIPOL is required to follow the following principles (Article 5 of the AFRIPOL Statute). It is forbidden to interfere in the international affairs of any member state and not to respect both their sovereignty and national laws. Human rights, democratic standards, good governance and the rule of law have to be respected, as well as the presumption of innocence, integrity, neutrality and ethics in performing police

duty. Essentially, as an organization, the AFRIPOL is under African ownership with headquarters in Algiers, the capital of the People's Democratic Republic of Algeria, and has Arabic, English, French, and Portuguese as working languages (Articles 24, 25, and 29 of the AFRIPOL Statute). The AFRIPOL organizational structure consists of several organs, such as the General Assembly, Steering Committee, Secretariat, and National Liaison Offices (Article 7 of the AFRIPOL Statute). The supreme one is the General Assembly in both consulting and technical ways. Member states' chiefs of police are delegated to the General Assembly (Article 8 of the AFRIPOL Statute). This AFRIPOL major organ runs policies, creates guidelines and sets strategic priorities, appoints and terminates the mandate of the Executive Director, recommends the amendments of the Statute, adopts its Rules of Procedures and elects five members of the Bureau on behalf of five African regions, having the roles of President, three Vice Presidents and Reporter for a non-renewable term of two years (Article 8 of the AFRIPOL Statute). These members of the Bureau, together with the Commissioner for Peace and Security of the African Union, the Executive Director of the AFRIPOL and the Heads of Regional Police Chiefs' Cooperation Organizations for West, Central, Eastern and Southern Africa, create the Steering Committee (Article 9 of the AFRIPOL Statute). The President of the General Assembly chairs the Steering Committee as well. The AFRIPOL Secretariat is headed by the Chief Executive Officer, assisted by proper staff, and has the role of the Director appointed by the General Assembly upon recommendation of the Steering Committee (Article 10 of the AFRIPOL Statute). This organ keeps the AFRIPOL's administration efficient, convenes and serves meetings, implements decisions of both the General Assembly and the Steering Committee, keeps contact with African and international law enforcement authorities, draws up the annual draft working schedule of the General Assembly, and submits to it AFRIPOL's annual activities and related financial reports (Article 10 of the AFRIPOL Statute). Last but not least, National Liaison Offices enable effective coordination and realization of the AFRIPOL activities being established in each of the member states (Article 11 of the AFRIPOL Statute).

NORMATIVE FRAMEWORK

The operational workflow of any organization is almost impossible if it is not built upon a solid normative framework. Legal sources that tailor the formal determinants of a particular association, institution, or organization are timely defined to be dichotomous. In the case of the AFRIPOL, one can sort out two exact types of legal sources having *ex tunc* or *ex nunc* effects on

the functional mainstream of this organization. The first group of pre-AFRIPOL period legal documents are dedicated to African regional police associations, such as the EAPCCO, the WAPCCO, the CAPCCO, and the SARPCOO, covering the eastern, western, central, and southern parts of this continent. East African countries recognized the need to enhance police cooperation in combating cross-border illegal activities as well as to put common efforts into sharing operational information, creating law enforcement strategies, and harmonizing laws against transnational organized crime.¹ Actually, the first member states have gathered their capacities through the cooperation of the heads of national police services.² Their major concerns, according to the Constitution of the EAPCCO, have been affecting East Africa through forms of economic and financial illegal offences; trafficking of drugs and arms; armed assaults; terrorism; stolen artifacts and stolen vehicles; as well as trafficking in human beings and cybercrime. Almost following the very same pattern, the countries of West Africa formed the WAPCCO as a regional police organization derived from the West African Police Chiefs' Collaboration.³ The aims of the WAPCCO are focused on improving cooperation among West African national police forces and increasing effectiveness in the matter of crime prevention and combating cross-border illegal activities. The WAPCCO mission relates to creating a regional strategy for countering crime, detecting emerging forms of crime, establishing the presence of organized criminal groups and coordinating the collaboration of West African countries' police services.⁴ The CAPCCO was initiated as a prospective organization, resulting from the joint efforts of the Central Africa Police Chiefs Committee.⁵ The main attention of police forces in Central Africa

¹ The first EAPCCO member states were: Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Seychelles, Somalia, Sudan, Tanzania, and Uganda. Later, they were joined by the Comoros, the Democratic Republic of Congo, and South Sudan.

² Formally, the EAPCCO was founded in Kampala, Uganda on February 19, 1998, but its Constitution was signed on June 20, 2000, in Khartoum, Sudan, and came into force on August 21, 2002.

³ The idea of the WAPCCO originated from resolutions adopted by the 1st and 2nd Meetings of West African Police Chiefs held on 20th and 21st March in Abuja, Nigeria; and from 18th to 22nd June 1998 in Ougadougou, Burkina Faso, the WAPCCO member states are: Benin, Burkina Faso, Cape Verde, Gambia, Ghana, Guinea, Guinea-Bissau, Ivory Coast, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo.

⁴ Article 2 of the WAPCCO Constitution.

⁵ The CAPCCO was created by the Central Africa Police Chiefs Committee in 1997 in Congo. It has the following member states: Cameroon, Gabon, Chad, Central African

is paid to enhancing police effectiveness and cooperation in combating illicit drug trafficking, using lost and stolen documents and smuggling of both weapons and stolen vehicles. Finally, the SARPCCO is a regional organization of police forces in Southern Africa, created to foster collaboration and mutual assistance among its member states.⁶ Its objectives are to promote cooperation, enhance strategies, disseminate relevant information, ensure efficient joint police operations, make recommendations to the member states' governments, and so on (Dissel & Tait, 2011, p. 2). As principles of cooperation, the SARPCCO respects national sovereignty, equality of police forces, non-political professionalism, mutual benefit, protection of human rights, non-discrimination and goodwill (Articles 14 and 15 of the Algiers Declaration). It should be noted that the SARPCCO's objectives and principles are governed by the Code of Conduct for Police Officials, which standardizes the following issues: human life, use of force, torture, protection in custody, victims of crime, rule of law, trustworthiness, corruption, abuse of power, the performance of duty, confidentiality, and property rights (Articles 1-13 of the Code of Conduct for Police Officials of the SARPCCO in accordance with the Harare Resolution from August 31, 2000). One can say that SARPCCO has an adequate normative ground to combat core security challenges in Southern Africa, such as organized criminal syndicates, cybercrime, terrorism, drug trafficking, violent crimes, illicit mercenary activities, trafficking in small arms, criminal intelligence networks, money laundering, people smuggling, trafficking in human beings, abuse and violence against women and children, illegal mining, and maritime piracy. As a result of the aforementioned legal documents and actions, the idea of the AFRIPOL as a roof organization to unite and coordinate all efforts of regional police bodies, such as the EAPCCO, the CAPCCO, the WAPCCO, and the SARPCOO, was born. Besides the Statute of the AFRIPOL, the other *ex nunc* legal source and needed part of the AFRIPOL normative framework is the Algiers Declaration on the Establishment of the AFRIPOL.⁷ Let us have an overview of the Declaration's

Republic, the Republic of Congo, the Democratic Republic of Congo, Equatorial Guinea, and Sao Tome and Principe.

⁶ The SARPCCO was established in Harare, Zimbabwe, in August 1995. This organization has the following member states: Angola, Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia, and Zimbabwe.

⁷ The Statute of the AFRIPOL was adopted by the 28th Ordinary Session of the Assembly of the African Union in Addis Ababa, Ethiopia, on January 30, 2017, and the Algiers Declaration on the Establishment of the AFRIPOL was signed at Algiers, Algeria, on February 11, 2014.

essential parts. The Algiers Declaration, as a legal instrument that triggered the formation of AFRIPOL, represents an important normative milestone in enhancing police cooperation among African states, regardless of region. Firstly, this legal source reflects the commitment of the African Union member states to enable peace, security, stability, and safety on the entire African continent (Article 1 of the Algiers Declaration). It demonstrates the Pan-African need to protect society from the menaces of both organized crime and terrorism (Article 3 of the Algiers Declaration). Influences of the INTERPOL, as a model organization, and the African Union, as a patron organization, were obvious in establishing the AFRIPOL. The African Union gave and supported the *raison d'être* of having the AFRIPOL created (Article 8 of the Algiers Declaration). Nevertheless, the INTERPOL offered logistical support and provided its services to increase the technical and communication capacities of African national police forces, ensuring a good start for the AFRIPOL operational methodology and coordinative network (Articles 5 and 9 of the Algiers Declaration). In the Declaration, it has been acknowledged that African regional police organizations have been achieving progress and have to be consolidated as an overall African framework of prevention and combating all modes of criminal activity (Article 10 of the Algiers Declaration). As major criminal threats for African states, besides terrorism and organized crime, the Declaration recognizes as the AFRIPOL priorities: smuggling of drugs; migrants and light arms; human trafficking; cybercrime; illicit trade of false medicine products; maritime piracy; environmental crimes; public disorder; and social unrest (Article 11 of the Algiers Declaration). According to the Declaration, African natural resources are a vulnerable category targeted by national and cross-border criminal networks, and it is of the AFRIPOL's special interest to prevent and counter their illicit trafficking and smuggling (Articles 12 and 13 of the Algiers Declaration). The final part of the Algiers Declaration tailors the AFRIPOL objectives at strategic, tactical, and operational levels to coordinate African states' police forces to detect, prevent, and combat major criminal threats and security challenges through risk assessments, criminal intelligence analyzing, planning actions, and accomplishing tasks in active collaboration with the INTERPOL and the United Nations Office on Drugs and Crime (UNODC) (Articles 14 and 15 of the Algiers Declaration). It is determined by the Declaration, as a crucial part of the AFRIPOL purpose, that the African Union Mechanism for Police Cooperation is to deal with harmonizing police methodology, exchanging of best practices, training and education, prevention, investigative techniques, matters of expertise and strengthening of police force effectiveness in Africa. One more document has its *ex nunc* effect, even though its goals are set as

wishing perspectives and guidelines for the future period still to come. Due to the fact that these perspectives are to be realized, the development of African society is predefined with major courses given already in the so-called Agenda 2063 (Agenda 2063, 2015, January 31). As an echo of the Pan-African vision, the Agenda is the normative sum of aspirations for a developed and progressive Africa in future times. One of the aspirations relates to the ideal of a peaceful and secure Africa and does have to do with the objectives and principles of the AFRIPOL (*Ibid.*, pp. 2, 6-7). Hence, the normative framework of the AFRIPOL has past, present, and future dimensions depending on the very legal source and the particular document as its own elementary factors.

POLICE AND SECURITY ISSUES

Having in mind the very role of the AFRIPOL, as directed towards future perspectives of global police cooperation among African countries, and according to the kind of criminal activities connected to the development of communication and informatics technology as well as to both transnational and organized crime, it deems necessary to point out the legal significance, security importance, and police strategic and operational values of the AFRIPOL Cybercrime Strategy (AFRIPOL Cybercrime Strategy, 2019, October 3). The Strategy has the purpose of enhancing the development of skills and capacities in fighting cybercrime and dismantling organized crime hubs and networks related to cybercrime illicit acts. The AFRIPOL Cybercrime Strategy refers to the next lines of action aiming to provide coherent control patterns considering smooth information exchange: fostering the capacities of the AFRIPOL cyber unit, just as of cyber units of member states, by developing logistic support in collecting relevant facts for running digital investigations; organizing specialized training courses of member states' police forces in combating cybercrime; harmonizing national legislation of the member states; and achieving effective threat assessment regarding the danger of cybercrime (*Ibid.*, pp. 3-4).

The problem of information gaps in communication among the AFRIPOL member states is to be overcome with the support of the INTERPOL informatics sources and technical capacities. Cooperation between the INTERPOL and the African Union is vital for the AFRIPOL to increase the degree of the success in the fight against cybercrime in Africa. Accordingly, there is a special Agreement between the INTERPOL and the African Union on having interoperability between the protected I-24/7 communication system for information exchange of the INTERPOL and the

African Police Communication (AFSECOM) system for information disseminating of the AFRIPOL. This cooperation is also intensified by the INTERPOL Support Program for the African Union (ISPA). So, the INTERPOL has a guiding role for the AFRIPOL in optimizing organizational consistency and operational effectiveness. Based on the AFRIPOL Cybercrime Strategy, the strategic priorities of this Pan-African police organization are designated as: enhancing the human resources and material possibilities of the AFRIPOL Cyber unit; implementing standard operational procedures for collecting and preserving digital evidence as well as conducting digital investigations; using standardized hardware and software; developing technical protocols and legal procedures in the matter of criminal proceedings for cybercrime offences; respecting methodology for collecting, storing, and analyzing of both digital traces and proofs; setting up digital laboratories for forensic expertise and analysis of cybercrime *modi operandi*; running advance training courses for cybercrime investigators; organizing workshops on digital fingerprints detection; launching the AFRIPOL e-learning platform to be hosted by support of the African Union; creating specialized investigative manuals with guidelines and best practices to be shared with the AFRIPOL member states; establishing working groups by having the member states' digital experts gathered to consider particular cases of cybercrime; developing tactical approach and operational actions in Africa and globally; intensifying relations between public and private sector to optimize results of countering cybercrime; promoting joint assignments of the member states' cyber units in the matter of having occasional task forces and mobile response teams; coordinating activities with the INTERPOL and the UNODC network; standardizing the use of communication channels among the member states' police forces; staying focused on cybercrime trends; creating a particular monitoring system to detect potential risks and possible cyber attacks; and establishing an operational alert system for disseminating warnings on cyber attacks (*Ibid.*, pp. 5-8).

CONCLUSIONS

One can say that the AFRIPOL's capacities are limited by the heavy burden of imposed balance between challenges and possibilities. African states' police forces are an important factor on the continent as being potentially formidable opponents to African and non-African organized criminal syndicates, illegal networks, criminal hubs, and illicit markets (Gyamfi, 2019, p. 51). Yet, financial difficulties, obstructive political

influence, cultural differences, traditional conflicts, colonial heritage, ethnical inequality, and the devastating impact of corruption on social life and the poverty of a vast number of citizens challenge African states in uniting efforts to evolve regarding Pan-African future perspectives. However, the INTERPOL and the UNODC support, constant education and training sessions, and a global approach to combating transnational criminal networks, terrorism, emerging illegal activities, and cybercrime forced African countries' governments to choose better solutions to enable the existence of their nations. This requires a serious commitment to change kleptocracy for the rule of law. As an organization, the AFRIPOL is like a lighthouse in the stormy seas of African controversies.

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AMERICAN ORGANIZATIONS

THE ORGANIZATION OF AMERICAN STATES (OAS) – CHALLENGES AND VISIONS FOR THE FUTURE

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Abstract: Over the years, the Organization of American States (OAS) has survived many challenges. More recently, the organization has been confronted by major threats arising from competing regional organizations and ideological fragmentation among its own membership. Will the institution be able to overcome these significant new challenges? The answer to this question requires an examination of how successful the organization has been in fulfilling its mission and achieving the objectives incorporated in its constitutive treaty. To do so, I trace the contours of the institutional design adopted by the OAS in 1948 and select two time-periods in which I examine the record of the institution in selected issue areas, taking into consideration the context in which the organization had to operate. The concluding remarks discuss the future of the OAS.

Keywords: OAS, institutional design, democracy, human rights, security, regional context.

INTRODUCTION

The OAS is the cornerstone of the institutional architecture of the inter-American system. As such, it cannot be shielded from the cyclical evolution of inter-American relations since the end of World War II (Mace and Thérien, 2007; Corrales and Feinberg, 1999) as periods of effervescence succeeded the periods of stagnation. The organization was also tasked with a multi-faceted mission, often without the necessary resources to accomplish that mission. The performance of the OAS has thus varied considerably over the years, depending on the time period examined and the issue area under

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consideration. This is why the literature has often found it difficult to arrive at a clear-cut, comprehensive assessment of the OAS's input on the management of inter-American relations. One finds, for example, a relatively positive view of the institution's contribution, particularly in relation to conflict resolution prior to 1989 (Shaw, 2004, pp. 59-93) and issues of democracy and human rights (Stapel, 2022, pp. 201-36; Gosselin & Thérien, 1999). At the same time, there are critical assessments of the organization regarding its results in defense of democracy, conflict management and, more generally, its role as a tool of US hegemony, which has led some to conclude that the OAS has lost its relevance, especially after 2005, in the context of increased fragmentation. (Legler, 2012, 2015; Herz, 2008; O'Keefe 2020; Morales 2018; Mariano, Bressan & Luciano, 2021, p. 13). Given these criticisms and the changing dynamics of regional relations since the early years of 2000, it is appropriate to reflect on the future of the OAS. The analysis requires an examination not only of the OAS's record but also of the context in which the organization has had to maneuver. In order to do so, the rest of the article first examines the performance of the OAS during the Cold War years. The second part deals with the post-Cold War period, followed by a discussion concerning the future of the organization.

THE COLD WAR YEARS

The OAS was created in 1948. Commentators consider it the oldest regional organization in the Americas because it succeeded the International Union of American Republics, established in 1890 and subsequently replaced by the Pan-American Union in 1910. The creation of the OAS was part of a reframing of the institutional architecture of the inter-American system, which was not unrelated to the reorganization of the international system in the context of a nascent Cold War. The OAS has often been considered an instrument of Washington's foreign policy designed to impose and secure U.S. hegemony in the region (Morales 2018, p. 142; O'Keefe 2020, pp. 196-7). Long has clearly demonstrated, however, that the impetus for the creation of the OAS and the restructuring of the inter-American system at the end of the 1940s really came from the Latin American governments themselves. They wanted an institutional framework that would offer them a voice in the management of hemispheric affairs while at the same time providing an instrument to help contain unilateralism on the part of the United States (Long 2020, p. 215; Long 2021). The inter-American system represented, in effect, a "grand bargain that institutionalized and extended U.S. influence while recognizing Latin

American demands" (Long, 2020, p. 215). The Constitutive Treaty of the OAS, the 1948 Charter of Bogota, gave the organization a diversified institutional structure that included the Inter-American Conference (now the General Assembly), the Meeting of Consultation of Ministers of Foreign Affairs, the OAS Council (now the Permanent Council), a General Secretariat, and the Inter-American Economic and Social Council, later transformed into the Inter-American Council on Integral Development (Connell-Smith, 1974, pp. 200-8). The Charter also stipulated four central missions for the OAS: the promotion of representative democracy, the protection of human rights, the strengthening of security for the hemisphere (Ch. V and VI of the Charter), and contributing to development in the member states (Ch. VII). Each mission, as we will see, was not given the same attention on the part of the organization over the years. Development is a multi-dimensional concept, including education, culture, the economy, the environment, and so forth. During the Cold War, development issues were not a primary focus of attention for the OAS, even though the organization was preoccupied early on with education and youth issues. An Inter-American Children's Institute, for example, was incorporated into the OAS in 1949 with the objective, among others, of helping develop public policies for the protection of the rights of children. But the organization had a limited budget, and the establishment of the Inter-American Development Bank (IDB) in 1959, with enormously more resources, made the IDB the privileged instrument to support development projects in the region. The OAS' role with regard to development issues thus became secondary, mostly limited to support for national policies. Not so with human rights, which became a central preoccupation for the inter-American system when the OAS was established. Issues concerning human rights had already been discussed at inter-American conferences during the 1920s and 1930s (Serrano 2010, p. 140), generally at the initiative of Latin American diplomats (Glendon 2003; Forsythe 1991, pp. 75-6). However, it is not until 1948 that human rights principles are officially incorporated into the inter-American system through the Charter of Bogota and, more specifically, the signing of the American Declaration on the Rights and Duties of Man. But only a minority of states at the time wanted a binding convention (Forsythe 1991, p. 77) so that the OAS could do little in terms of enforcement throughout the 1950s. It was only in 1959, during the Fifth Meeting of Consultation of Ministers of Foreign Affairs in Santiago de Chile, that resolutions were approved for the drafting of a Convention on Human Rights and the establishment of two institutions: the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court for the Protection of

Human Rights (Serrano 2010, p. 15). Despite the adoption of the statutes of the Commission by the Council of the OAS in 1960, little enforcement occurred during the following twenty years due mostly to the pressure of the Cold War context favoring U.S. support for conservative and military regimes in the region. These had little consideration for the protection of human rights. Nonetheless, during these years, the inter-American human rights regime will begin to take shape, with the 1967 amendment to the Bogota Charter incorporating the Commission into the OAS as a special organ with a clear mandate to protect and promote human rights. That was followed two years later by the adoption of the Convention on Human Rights, establishing the Inter-American Court of Human Rights. It was only when the Convention entered into force in 1978, however, that the legal basis of the regime was really in place. Consequently, the Cold War years constitute a period of institutionalization of the human rights regime in the Americas. The context of the Cold War, whose main feature in the region was the fight against communism, did not allow for the regime to have full force at the time but could not prevent its impact on the end of the dictatorships and the upcoming democratization in the hemisphere (Herz 2011, p. 28). Although not part of any official doctrine, security and democracy were nevertheless intertwined during the period as a result of the fight against communism, with security resolutely at the forefront. It is illustrative that the Charter of Bogota dedicated one chapter each to the peaceful settlement of disputes, collective security, and the rights and duties of states, but not to representative democracy. Representative democracy is mentioned in the preamble of the Charter and listed as one of its “essential purposes”, but it is ignored in the section dealing with the principles of the OAS. Democratic rule was thus conceived as a vague, undefined objective that the organization had no means to enforce. This is not the case for security issues, to which the future OAS members would dedicate two major conferences immediately after the end of World War II. Collective security and the peaceful settlement of disputes were the two major themes of discussion at both inter-American conferences, one on the Problems of War and Peace in Mexico in 1945 and the other on the Maintenance of Peace and Security in Rio de Janeiro two years later. The Inter-American Treaty of Reciprocal Assistance (or Rio Treaty) and the Pact of Bogota (never ratified) were signed at the Rio conference. The following year, the Charter of Bogota was adopted with articles dealing specifically with collective security (art. 28 and 29) and the peaceful settlement of disputes (Art. 24 to 27). The normative security architecture for the period was completed with the signing and later ratification of the 1967 Tlatelolco Treaty, establishing a

nuclear-free zone in all of Latin America (Herz 2008, p. 9). The OAS was thus instrumental in establishing a security architecture for the Americas comprising both norms and institutions. According to Herz (2008, p. 3), the system was not without flaws, particularly with regard to collective security because of the incapacity or unwillingness of the member states to create mechanisms for the collective use of force, as illustrated during the Malvinas/Falkland conflict between the UK and Argentina. But it was more successful in the peaceful settlement of disputes. Throughout the period, the organization was able in effect to use various instruments in order to reduce regional tensions and prevent conflicts from escalating in the Caribbean and Central America specifically. Looking at the OAS record more generally during this period, it is clear that the progress with the creation of norms and the establishment of institutions was not matched by equivalent success at implementation. Limited progress occurred during this period in terms of democracy promotion, development policies, effective protection of human rights and collective security. The hope for smoother inter-American relations that existed when the OAS was established disappeared only a few years later. The main reason had to do with the Cold War context that permeated the whole inter-American system during the period. Events and policy developments in the hemisphere were perceived and analyzed through the lens of the fight against communism. The instrumentation of the OAS by Washington for that purpose, most vividly apparent in the overthrow of the Arbenz government in Guatemala in 1954 and in the Dominican Republic episode in 1965, greatly reduced the confidence that Latin American governments had toward the organization. Latin American elites' subsequent perception of the OAS as a "puppet" of U.S. administrations largely explains the organization's low profile during the rest of the Cold War.

THE POST-COLD WAR PERIOD

Three factors are at the root of the OAS's revival during the 1990s: the wave of democratization initiated in the region at the start of the 1980s, the end of the Cold War, and the decision of Canada and the Anglophone Caribbean countries to join the organization. All these created a new dynamic in inter-American relations and the OAS specifically, in favor of a reassertion of democratic rules, a reorientation of economic policies, and the introduction of a new security paradigm. Similarly to the situation existing in 1947-48, the early 1990s were characterized by the hope that a new era was transforming the inter-American system, thus introducing more cooperative and somewhat

more equal relations between the United States and its neighbors. The three most salient elements on the agenda of the “new” OAS during this period are those dealing with democracy, human rights, and security. Even though representative democracy was listed in the 1948 Charter as one of the guiding principles of the OAS, the era of military regimes in Latin America made it imperative to reassert the importance of the democratic ideal for the inter-American system in the context of a democratic revival throughout the region. The member states of the OAS thus adopted a series of protocols and resolutions to entrench the role of the organization as a standard bearer for democracy. The first significant step in that direction was the adoption of the 1985 Protocol of Cartagena, which entered into force in 1988 and consecrated the promotion and consolidation of democracy as an “essential purpose” for the organization (OAS 1985). The protocol did not create any enforcement mechanisms, but it was nevertheless a game-changer because it created a legal basis for supporting future OAS action in the defense of democratic norms. This was followed, six years later, by the adoption of the Santiago Declaration, calling for a prompt reaction to a threat to democracy in a member state. The implementation of the Declaration occurs through Resolution 1080, adopted at the same meeting, stipulating that the Permanent Council must be summoned whenever a suspension of democracy occurs in a member state (OAS 1991). The Permanent Council can then decide that a meeting of ministers of Foreign Affairs be called upon no later than ten days following the event. Resolution 1080 thus constitutes a turning point in comparison to previous OAS behavior because the obligation of a formal meeting leads necessarily to a subsequent action or at least to a condemnatory statement.

The Protocol of Washington, adopted in 1992, is another significant stepping stone in the reinforcement of the OAS democracy regime (OAS 1992). As an amendment to Article 9 of the Charter, the Protocol, which came into force five years later, stipulates that a member state in which a “democratically constituted” government is overthrown by force may be suspended from participation in the organs of the OAS. Except for the case of the Cuban government, expelled for other reasons in the early 1960s, the Washington protocol represents the first instance whereby, according to the rules of the OAS, a member state may be suspended due to a severe breach of democratic rule. The inter-American democracy regime was completed in 2001 with the adoption of both the Democratic Clause and the Inter-American Democratic Charter (OAS 2001). The Charter is a strategic addition to the regime because it provides a definition of what democratic practices are (Articles 3 and 4) and it replaces the traditional vote by consensus with a two-thirds majority vote for suspending a member state in cases of an “unconstitutional alteration of

the constitutional regime that seriously impairs the democratic order (...)" (Article 20). The Charter thus represents, as Mônica Herz (2011, p. 67) quite aptly writes, a paradigm shift in the history of the organization. The Inter-American Democratic Charter has been criticized for what Legler (2007, p. 122) has identified as "design flaws". These include an imprecise definition of what constitutes "constitutional interruptions" and "constitutional alterations" along with the absence of clear benchmarks determining when the OAS intervention should occur. This lack of precision has the effect of impeding the subsequent OAS action confronting some member states' undemocratic behavior, particularly in gray areas where democratic rule is progressively debilitated without a coup occurring. The OAS's actions in the overall promotion and defense of democracy after 1990 were not perfect as the organization was unable to prevent authoritarian backsliding in some member states, most notably Nicaragua and Venezuela. But the OAS mediation was more successful in other cases where political impasses threatened democratic stability, for example, in Fujimori's Peru, Paraguay in 1996, and Bolivia in 2005 (Herz, 2011, pp. 67-73; Cooper and Legler 2006). Furthermore, the organization has been actively engaged in less visible but equally important activities related to democracy promotion. The former Unit for the Promotion of Democracy (UPD), created in 1991, is now replaced by the much larger Secretariat for Strengthening Democracy (SSD), which includes the Department for Electoral Cooperation and Observation and the Department of Sustainable Democracy and Special Missions. The SSD is involved in a host of practices in support of representative democracy, including electoral observation, training and educational programs, modernization of legislative work, participation of civil society, and special or fact-finding missions geared toward the stabilization of political systems, among others. It is difficult to assess precisely the impact of the OAS' continued and diversified activities with regard to the state of democracy in the Americas today because the organization is only one of the many actors involved. Nonetheless, one cannot underestimate the organization's positive role in the establishment of democratic rule over the years, just as one cannot deny its influence on the development of the region's human rights regime. The involvement of the OAS in the development of the human rights regime is mostly done through the work of the IACHR. This work has been facilitated by the adoption of new instruments during the 1980s, such as the Statute of the Inter-American Court of Human Rights (1979), the Inter-American Convention to Prevent and Punish Torture (1985), and the Additional Protocol to the Inter-American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (1988) (Thede & Brisson 2011, p. 13). The expanded

normative framework enabled the Commission to enter an intense phase of activity from the mid-1990s on. This period is mostly characterized by a change of strategy whereby shaming and denunciation of states' violations gave way to greater attention to individual cases. Under pressure from more active civil society organizations, the Commission's focus is now much more oriented towards individual complaints in new areas of law such as women's rights, children's rights, indigenous and immigrant rights, and, to a greater extent, freedom of expression (Thede & Brisson 2011, p. 17). The more active role of the IACHR in more diversified areas of rights results naturally in a greater capacity of the human rights regime to regulate domestic norms and practices. The success in developing a normative framework for the human rights regime in the Americas should not, however, underestimate the difficulties and obstacles remaining. The member states' professed commitments to regional norms are not always followed by actual compliance domestically (Turner and Popovski 2010, pp. 233-4). In extreme cases, such as that of Venezuela in 2013, the member states go as far as denouncing the American Convention on Human Rights in order to prevent scrutiny concerning violations occurring on their territory. There is certainly more work on the table for the OAS in the future. Finally, security is also at the forefront of the OAS's agenda during the post-Cold War period. The implosion of the Soviet Union made it necessary to abandon a strategic framework in which the main threat to the hemisphere was perceived as coming from outside the region and defined by the United States (Waffen 2010, p. 22). At the same time, governments had to face new threats, increasingly diversified and originating this time from the region itself. Drug-trafficking, international crime, migration and displacement of populations, health, poverty and the effects of environmental degradation, all generally inter-connected and affecting states as well as individuals, created a completely different security environment that needed to be addressed through a new paradigm (Mace and Durepos 2008; Diamint 2011, pp. 134-7; Thérien, Mace & Gagné 2012). Three channels were used to trace the contours of the new security paradigm: the OAS itself, the Summits of the Americas, and the Defense Ministerials of the Americas (Daly Hayes 2007). Although it is important to keep in mind that the three channels are intertwined, the article deals exclusively with the OAS, given the subject matter of the paper. The starting point of the security rethinking inside the OAS is the 1991 Santiago General Assembly, where a mandate was given to the organization to reflect on a new security framework for the hemisphere. In order to fulfill that mandate, the OAS established a special commission in 1992, which was transformed, three years later, into the Committee on Hemispheric Security

(CHS) (Weiffen 2010, p. 23). During the next ten years, the CHS was the main OAS institution tasked with discussing and proposing ideas on how to replace the collective security concept with a framework better adapted to the new reality of the post-Cold War world. The work of the CHS had to do with both the security of states and that of individuals, the last being clearly an innovation compared with traditional thinking on security in the region. The concept of cooperative security was introduced to address the security problems faced by the member states, ranging from potential border disputes to outright war, as was the case in Central America during the 1980s. Cooperative security is mostly concerned with the vast array of confidence and security-building measures (CSBMs) that can be used to diffuse potential conflicts (Mares 2007). This work led to the signing of important agreements during the 1990s, such as the 1999 Inter-American Convention on Transparency in Convention Weapons Acquisition and the establishment of landmark institutions such as the CICTE, the Inter-American Committee against Terrorism, created in 1998. Human security, for its part, was developed to address threats of various types that affect individual citizens. Human and cooperative security paved the way for the introduction of the concept of multidimensional security, initially proposed by the Caribbean states in 2002 and officially adopted at the Special Security Conference held in Mexico in October 2003 (Daly Hayes 2007, p.78). The Declaration that came out of the conference put forward a notion of security that was both innovative and encompassing. Multidimensional security not only extends the concept of security to dimensions previously excluded, such as economic, environmental, and health, but also calls for new forms of cooperation between states, sub-national governments, and international and non-governmental organizations (Herz 2011, pp. 40-1). As the organization responsible for the implementation of the Declaration on Security, the OAS subsequently introduced significant institutional changes, the most important being the creation in 2005 of the new Secretariat for Multidimensional Security. Also of importance was the incorporation into the OAS of the Inter-American Defense Board (IADB) in 2006. An independent entity until then, the IADB's role in the OAS family is to provide essential technical advisory services (Weiffen 2010, p. 28). The OAS's mission with regard to security was thus extended considerably following the 2003 Conference, but the fulfillment of that mission was somewhat handicapped by the increasing ideological fragmentation among its member states and the central place occupied by the war against terrorism in U.S. foreign policy. For the hemisphere, the dramatic events of September 2001 had the effect of replacing the war on communism

with a war against terrorism, thus significantly reducing the impact of the new approach on multidimensional security.

CONCLUSIONS

The performance of the OAS with regard to its central objectives, as established in the 1948 Charter, has certainly been uneven over the years. The Cold War context and the U.S. fight against communism considerably reduced the organization's margin for maneuver, particularly from 1965 to 1985, to the point of threatening its legitimacy in the eyes of many Latin American governments. The revival and activism of the 1990s and early 2000s were followed, again, by a period in which OAS action was severely constrained. All in all, the major success of the organization has been its ability to develop and put in place a normative framework with regard to security, human rights, and democratic practices. On the downside, implementation has often been a significant problem due to longstanding obstacles and recent difficulties, the most acute being the ideological opposition among the member states, the competition from other regional organizations, and a discrepancy between what is asked of the OAS versus the resources provided. These obstacles have brought some scholars to express doubts concerning the continued relevancy of the organization (Legler 2015, p. 312). The creation of the ALBA (*Alianza Bolivariana para los Pueblos de Nuestra America*) group of countries in 2004 was a game changer for the OAS because it signaled a profound ideological fragmentation among the organization's own members, not only concerning the functioning of the OAS itself but also with regard to the inter-American system as a whole. This critical assessment of the organization by several of its members is partly responsible for the creation of parallel, competing organizations such as the UNASUR (Union of South American Nations) in 2008 and the CELAC (Community of Latin American and the Caribbean States) in 2011, with the potential of eventually sidelining the OAS. It is not clear what the fate of these two organizations, one currently dead and the other moribund, will be in the coming years. But even in the eventuality that they are reborn or replaced, the overlapping of regional organizations is not necessarily a problem, as Nolte aptly writes (2014, pp. 17-8), if a functional division of labor between them can be found. Since all the countries of the hemisphere are facing common problems, it is clear that a diplomatic forum like the OAS has an important role, but the question is how to do it successfully. The OAS, like every other regional organization, cannot do more than what its members want it to do. It still faces a challenging future in a context of extremely limited resources. The regular budget of the

organization has in effect remained the same during the past thirty years, hovering at around \$85 million. Furthermore, the OAS is considered with mistrust, if not outright hostility, by some of its members. Despite the present obstacles, there is a vision according to which the OAS could occupy a significant place in the complex of regional administration in the Americas. To fill that position effectively, the OAS needs the full support of its most important members, especially the United States. Support would have to be provided in the form of additional material resources with a deeper, longer-term engagement of the regional hegemon. Despite all its shortcomings, the OAS has remained a useful political forum and an indispensable instrument for managing inter-American relations.

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THIRTY YEARS OF THE SOUTH AMERICAN INTERNATIONAL ORGANIZATION OF THE SOUTHERN COMMON MARKET (MERCOSUR)

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Abstract: In the course of the prolonged economic and political crises fuelled by the COVID-19 global pandemic, cooperation among countries in different areas is perceived as a discouraging or re-encouraging factor necessary for handling the crises. Since the 2008 global financial crisis, Latin American countries have been faced with many sensitive issues. One of them relates to furthering long-term cooperation in economic and political matters as a prerequisite to avoiding the possibility of inter-state conflicts. This paper aims to evaluate the nature and validity of multi-level cooperation among the member states of the international intergovernmental organization officially known as the *Southern Common Market* (in Spanish – *Mercado Comun del Sur* – MERCOSUR), in conditions that are not at all easy to overcome the current crisis. The paper emphasizes the necessity of the MERCOSUR action to stop any turmoil and violence within the states, especially in countries with weak democracies. Relying on the fact that in the last thirty years there has been a change in the political climate in the member states of the MERCOSUR, the paper examines the causes of the decline in mutual cooperation. The author came to the conclusion that the current relationship between these member states should be redefined in the spirit of non-ideological belief. To provide an argument in favor of redefining relations within the MERCOSUR, the author pointed to the example of divergent Brazilian policies towards Argentina after 2018, which

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threatened the survival of the MERCOSUR, especially with the outbreak of the COVID-19 pandemic.

Keywords: MERCOSUR, economic and political crises, co-operation, Brazil, Argentina, COVID-19 pandemic.

INTRODUCTION

The overall impression is that the world has been in one crisis after another since 2008. The global financial and, more broadly, the economic crises, have led to a severe economic downturn and global recession (Martin, 2009, Rogoff, 2002).¹ Shortly after the global economic crisis, political crises followed, which only deepened in the coming years.

The outbreak of the global migration crisis in 2015 brought about both the deepening and prolongation of political crises in some parts of the world, including Latin American countries. Good-neighborly cooperation among countries on migration was a litmus test for political stability in countries receiving immigrants and for sub-regional integration processes. It was a test of political stability, which may explain why, for example, after many years of delay, the United States (US) erected a wall along the border with Mexico to prevent illegal immigrants from entering not only from Mexico but also from Central and South American countries (Eichstaedt, 2014; Grandin, 2019; Sistema Económico Latinoamericano y del Caribe – SELA, 2009; Dujčić, 2020, pp. 733-752).² Apart from the migration crisis, 2015 saw significant changes

¹ While it is a widespread belief that the global recession began after the global financial crisis, Rogoff, citing Martin, points to the emergence of the recession as early as 2001. In his explanation given on the occasion of the publication of the document “World Economic Outlook” for 2002, published by the International Monetary Fund (IMF), Rogoff points to a sharp drop of 12 percent in world trade from 2000 to 2001.

² Apart from immigrants from Mexico and Central American countries, immigrants from South American countries, including the MERCOSUR member states, also come to the US, though to a lesser extent. As a result of its geographical distance from the MERCOSUR member states, the US conducted a different foreign policy in relation to Mexico and Central American countries. This is evidenced by the fact that, compared to Mexico and Central American countries, before the global economic and migration crisis, the US reported fewer deportations of criminally prosecuted immigrants from South America. The extent to which the Mexico-US border was a sensitive issue during the global economic crisis can be seen in the US efforts to find an answer to the question of authority to operate and control the border with Mexico. The view was adopted that only the US, as a single federal country, had authority to control and manage the border

in the political climate in Latin American countries. The decline of the Left and the rise of the Right created a different political climate compared to the one at the turn of the 20th century and during the first 15 years of the 21st century. This shift is especially noticeable in the South American countries, characterized by solid and close ideological ties between their presidents. In the years of the global migration crisis and changes in the political climate among Latin American countries, there was a regional-scale Zika virus outbreak with an epicenter in Brazil (Hempel, 2018, pp. 175-176). However, thanks to the measures taken and timely comprehensive international cooperation, the possibility of the Zika virus spreading to all countries of the New World and reaching global dimensions was avoided. However, nobody expected that the coronavirus, now known as COVID-19 or SARS-CoV-2, would appear later and grow into a global pandemic, leading to a new crisis with an uncertain outcome – the global health crisis (Osler, 2020).³ Fuelled by the global financial, migration and health crises, protracted economic and political crises have occasionally contributed to the weakening of close cooperation among Latin American countries, especially South American ones, which have pursued convergent policies to avoid possible inter-state conflicts. The aim of this paper is to provide an answer to how steady the cooperation of the MERCOSUR member states is during the global health crisis – thirty years after its founding. At the same time, it focuses on assessing the nature and effectiveness of this cooperation at different levels. Finally, the paper emphasizes the need for the MERCOSUR to remain a significant factor in preventing all forms of instability within the member states, especially in politically unstable states with weak democracies. Relying on the fact that the political climate has changed noticeably in the last thirty years, the dynamics of inter-state cooperation in South America has been reflected in the intensity of cooperation among the MERCOSUR member states. This fact is crucial to comprehend why changes in the political climate are a challenge to a deeper and broader understanding of the importance of relations among the MERCOSUR member states from the viewpoint of global migration and the health crisis. The paper draws on the hypothesis that the global crises from 2008 onwards and COVID-19 as a health crisis, as well as changes in the political climate, encourage the MERCOSUR member

with Mexico. Finally, the global migration crisis after 2015 caused the US to erect a wall along the border and the Rio Grande towards Mexico.

³ It is interesting that Osler published his work on the development, spread, and protection against the coronavirus epidemic back in 2019.

states' cooperation aimed at confronting the crises. Even though the global financial crisis seems to have been overcome, the paper uses the methods of comparison, historiography, and statistics to analyze the state of affairs within the MERCOSUR to answer whether COVID-19 makes it (im) possible for the MERCOSUR to survive. Since it is a prominent political actor on the international scene, the MERCOSUR's task is to postpone the intra-state turmoil and violence and, in general, to delay inter-state conflicts. The conclusion summarizes the main points given in the paper and points to the significance of Serbia's cooperation with the MERCOSUR member states.

THE MERCOSUR FROM 1991 TO 2021 - CRISIS RESISTANT COOPERATION

The global crises since 2008 have disrupted the normal sequence of events in both complex and different inter-state relations and relations among states, including the MERCOSUR member states. In the global health crisis period, the sequence of events is influenced by the ongoing fight against COVID-19, which is trying to hinder the accelerated development of the Fourth Industrial Revolution. At first glance, COVID-19 poses a severe threat to the overall industrial progress in the 21st century, particularly in the time of blockchain technologies, which tend to be an important factor and part of the Latin American economy and political culture. Could Latin American countries, including the MERCOSUR members, become more politically stable by adopting blockchain technologies and thus raising their political culture to a higher level? The example of Venezuela, which became the fifth member state of the MERCOSUR illustrates that greater political stability and better political culture are not naturally occurring phenomena (Institute for the Integration of Latin America and the Caribbean – IDB-INTAL, 2013, p. 168). Attempts to advance political culture in Venezuela with a view to joining the MERCOSUR have failed due to the deep and protracted crisis following the death of President Hugo Chávez de Frías (International Crisis Group, 2020, p. 1). The extent of the Venezuela crisis can be seen in the Democracy Index, published annually by the Economist Intelligence Unit (EIU). According to the latest data for 2021, Venezuela is ranked 151st and classified as an authoritarian regime, which is a low ranking compared to the MERCOSUR founding states. For example, Uruguay ranked 12th, which is very high according to the Democracy Index, meaning that it is classified as a full democracy country (EIU, 2022, pp. 12, 16). Argentina, Brazil, and Paraguay are found between Uruguay and Venezuela as two extremes in democratic development. While the first

two countries are classified as flawed democracies, ranking 50th and 47th, respectively, Paraguay is ranked 77th in the Democracy Index table that includes hybrid regimes, from countries with authoritarian regimes to countries with flawed democracy (EIU, 2022, pp. 13-14). Which countries are considered the founding states of the MERCOSUR, and have they had a stronger democracy in the last three decades of the twentieth century when viewed collectively? In 1991, four South American countries, Argentina, Brazil, Paraguay, and Uruguay, prepared the ground for long-term mutual cooperation by creating the MERCOSUR (Arieti, 2006, p. 764). To this end, on March 26 of the same year, these states signed the Treaty of Asunción (Tratado de Asunción) when they became signatories and founders of the MERCOSUR from the standpoint of public international law (Dirección de Tratados República del Paraguay, 1991, p. 11, Artículo 24; Dujic, 2016). The MERCOSUR covers a common area of 14.87 million square kilometers (MERCOSUR, 2021). The first step in paving the way for multi-level cooperation among the MERCOSUR founding states was to break with dictatorships, which gradually strengthened democracy that prevailed as political discourse in Argentina and Brazil. These states have taken the first step towards establishing mutual cooperation by signing the Declaration of Iguazú (*Declaración de Iguazú*), confirming the multi-level cooperation discourse. Following the fall of the dictators, Argentina and Brazil turned to each other with the intention of establishing, strengthening, and deepening mutual cooperation and developing mutual trust (Agencia Brasileño-Argentina de Contabilidad y Control de Materiales Nucleares – ABACC, 1985, p. 7, Para, 18). The second step towards mutual cooperation, which would later expand to Paraguay and Uruguay, implied a seemingly impossible vision of creating a common space for international trade and implementing economic and other decisions. This vision was concretized by creating the MERCOSUR, which survived despite crises both within and among member states. However, it turned out that Argentina and Brazil, as the first initiators of the MERCOSUR, did not allow their mutual differences to prevail and, accordingly, led to the weakening and possible termination of the MERCOSUR, especially in the case of disagreements on further implementation of convergent policies. The same holds for the period without intra-state political turmoil and violence during the presidency of Raúl Alfonsín and Mauricio Macri in Argentina as well as the presidency of Jose Sarney and Luiz Inácio Lula da Silva in Brazil. The end of Lula's term of office did not mean the end of the tacit manifold influence of Brazil in the South American countries. The victory of Dilma Vana Rousseff in 2010 resulted from Lula's further efforts to maintain the foreign policy course

with the goal of giving Brazil hegemonic status. Until 2015, when Rousseff's second term began and when the global migration crisis broke out, Mauricio Macri was elected in Argentina (De Kirchner, 2019, p. 21). Argentina and Brazil, equally capable of founding the MERCOSUR, seemed to have taken a significant step towards political development, leaving behind a period of dictatorship and the Cold War. However, reality has shown that both Argentina and Brazil plunged into political crises during the period from 2015 to 2018 – with the Right entering the political scene. The fact is that the wrong economic and political decisions made by Cristina Fernández led to her losing her popularity, which resulted in the Right's victory (Barrera, Leiva, Martínez-Toledano, and Zúñiga-Cordero, 2021, p. 6). Was the victory of the Right in Argentina and its gradual rise in Brazil at the time of the global migration crisis outbreak a hint of reconsideration and/or weakening of the rooted values underpinning the MERCOSUR? When Michel Temer took over the office of President of Brazil in 2016 from Rousseff, political crises raised the question of the long-term survival of the Left in power but also of sustainable political stability. According to the Fragile States Index for 2021, political stability in Argentina and Brazil is not the same – the former is ranked 137th and classified as a more stable state, while Brazil is ranked 70th and classified in the elevated warning group (Fund for Peace – FFP, 2021, pp. 6-7). Were Argentina and Brazil ranked the same by the 2016 Fragile States Index in the year when the global migration crisis occurred? Based on the factors that affect a country's stability, in 2015, Argentina and Brazil were placed 140th and 119th, respectively, by the Fragile States Index. This means that at the onset of the global migration crisis, Argentina was already in the group of more stable countries, while Brazil was better ranked and classified in the warning group of states (Fund for Peace – FFP, 2016, p. 6). Unlike Uruguay, which ranks 158th in the Fragile States Index and belongs to the very stable countries group, Paraguay is ranked 105th and classified in the warning group. As for Venezuela, which became a member of the MERCOSUR 21 years after the signing of the Treaty of Asunción, it ranks 25th in the Fragile States Index and is classified among the countries with alert (Fund for Peace – FFP, 2021, pp. 6-7). However, the International Crisis Group report for 2022 states there is a chance to overcome the long-lasting economic and political crisis in this country. Analysis of the Venezuelan political milieu shows that the economic and political crisis are the aftermath of not only the authoritarian regime established by Nicolás Maduro after the death of Hugo Chávez but also of serious disagreement in global public opinion over whether Maduro's survival in power should be supported. A prolonged crisis in the form of food shortages, a halt to oil

and oil products refining, on which Venezuela's economy depends, as well as the financial and, more broadly, economic sanctions imposed by the US and finally the coronavirus, have made Venezuela lose its "land of hope" status. Nevertheless, restoring the state's activities, reviving the judicial system, and opening the way to free and fair elections could be achieved if the US lifts sanctions (International Crisis Group – ICG, 2022, p. 29). A deeper analysis reveals that Venezuela has not solved the perennial problem of pursuing an appropriate economic policy. Its economy should not rely solely on the export of oil and oil products or on their refining, but also on, for example, digital technology development – the basis of the Fourth Industrial Revolution. In their research, Di Tella, Donna, and MacCulloch (2014, p. 409) note that the Venezuelan economy's dependence on oil is associated with adopting a discourse on the Left or Right. Current economic and political decisions regarding oil show that the prevailing political discourse favors the Left, which since the beginning of this century, especially during Hugo Chávez's service, has used oil revenues to support social policies and conduct "social power diplomacy" towards some South American countries not being members of the MERCOSUR (Kennemore and Weeks, 2011, p. 272). Overall, the MERCOSUR member states differ not only in the development of democracy and political stability but also in the level of human development. According to the statistics from the Human Development Index (HDI) for 2020, the MERCOSUR member states have not pursued a policy of reducing disparities in this regard. Visible differences are observed in the cases of Argentina and Uruguay, which took 46th and 55th place, respectively, and are classified as countries with a very high level of human development (UNDP, 2020, p. 241). Unlike Argentina and Uruguay, Brazil, Paraguay, and Venezuela rank 84th, 103rd, and 113th, respectively, and are among the countries with a high level of human development (UNDP, 2020, p. 242). Uneven human development within the MERCOSUR member states is a result of different circumstances that characterize them, including historical ones. Occasional crises and wars from gaining independence in the early 19th century to the Fourth Industrial Revolution indicate that these countries have fought against dictatorships and social inequalities to advance human development. The key question here is: Has the human development level in the MERCOSUR member states changed compared to 1991, 2008, and 2015? The HDI published in 1992, the year of the MERCOSUR establishment after the Cold War, differed from the most recent one. In 1991, Uruguay was ranked 29th, while Argentina and Venezuela were placed 43rd and 44th, respectively (UNDP, 1992, p. 20). It is noted that Uruguay and Venezuela were ranked better than

in the crisis periods since 2008. Brazil and Paraguay were significantly lower-ranked, ranking 59th and 78th, respectively (UNDP, 1992, p. 20). It should be pointed out that in 1991, according to the HDI, the MERCOSUR member states were not classified as countries with very high, high, medium, or low levels of human development. Instead, they were ranked in descending order. According to the HDI published in 2009 and referring to 2008, when the global financial crisis began, Argentina, Brazil, Uruguay, and Venezuela were classified in the group of countries with a high level of human development. While Argentina and Uruguay were placed 49th and 50th, respectively, Venezuela was ranked 58th and Brazil 75th. Only Paraguay, which came under a medium level of human development, took 101st place (UNDP, 2009, pp. 143-144). The beginning of the global migration crisis found the MERCOSUR member states unequal in terms of human development, which is confirmed by statistics from the 2016 Human Development Index. Of the MERCOSUR member states, only Argentina was classified as a country with a very high level of human development and was ranked 45th, while other countries were ranked among countries with a high and medium human development level. Even though they shared the same space with non-MERCOSUR member states, as well as with non-Latin American countries, Uruguay, Brazil, and Venezuela were in the group of countries with a high level of human development. Again, only Paraguay was classified as a country with a medium level of human development, ranking 110th (UNDP, 2016, pp. 200-201). Statistics for 1991, 2008, and 2015 indicate that Argentina was classified as a country with a very high level of human development in all these years. In general, in periods of occasional economic crises and political changes, Argentina managed to maintain a very high level of HDI, while in other MERCOSUR member states, there were significant changes in terms of further progression, stagnation, and regression that reflect the level of human development. Moreover, the end of the second decade of this century was marked by obvious changes in the human development level within the MERCOSUR member states. While Argentina held the same rank, owing to appropriate policies, Uruguay managed to restore its place among the countries with a very high level of human development. Entering the group with Argentina and Uruguay as countries with a very high level of human development would not have been possible without the appropriate policies of President Tabaré Vázquez. Thanks to his policy of preventing a decline in real gross domestic product (GDP), employment rate, total factor productivity, and capital stock, Uruguay has managed to avoid the fate of Brazil and Paraguay and regain its position among the countries with a very

high level of development until the beginning of 2020 (IMF, 2021, p. 16).⁴ It is debatable whether Luis Alberto Lacalle Pou, who was elected President of Uruguay in the first quarter of 2020, will be able to maintain Uruguay's high position on democracy development during the global pandemic, as well as the results of Vásquez's policy in the field. Research dealing with the negative impact of the COVID-19 pandemic shows that there is a possibility of democracy weakening (EIU, 2021, p. 14), as well as regressing in human development, which occurs in the "full-fledged human development crisis" (UNDP, 2022, p. 120). At the time of fully-fledged crises, solutions are always sought to overcome them. From international relations' standpoint, the ability to avert crises so as not to impair inter-state relations presupposes the state's capacity to act for the benefit of international relations. In the case of the MERCOSUR member states, this means the tacit commitment of each state to deal with its own crises. However, from the beginning of the global migration crisis until 2022, the resolution of economic and political crises in each of the MERCOSUR member states gradually became less dependent on mutual ideological proximity and shared support of the Left, as was the case during the first decade of this century. This is evidenced by the change in Brazil's political climate in the period from 2016 to 2018, which culminated in the election of a president from the Far-right party. The victory of Jair Messias Bolsonaro in the 2018 elections was an indication that the Brazilian Left has weakened since the termination of Rousseff's second term and her resignation, as well as during Temer's short-term mandate. The Brazilian Left's decline was nailed down by additional weakening "(...), democratic institutions, as well as of the main political parties and leaders that had been running for the Presidency of the Republic since the mid-1990s, were (in the meantime strengthened and again) consolidated" (De Macedo Duarte and de Assis César, 2020, p. 5). In short, the continued survival of democracy and its institutions within the MERCOSUR member states is possible provided that the Treaty of Asunción, which ensures close and multilateral cooperation among the member states over the long term, is not called into question. This cooperation should be retained and even strengthened in the period of the global health crisis. With a stable MERCOSUR, neither democratic institutions will deteriorate, leading to intra-state turmoil and violence, nor

⁴ The same goes for Argentina and Brazil. See Figure 13 in the IMF document for the seven Latin American countries in which the largest decline in GDP of 4.85 percent was recorded by October 2021.

will COVID-19 suffer in the long run as a result of inter-state conflicts among its member states.

CONCLUSIONS

Why is cooperation among the MERCOSUR member states necessary? Considering the spread of the global COVID-19 pandemic, as well as the equally significant concerns about climate change, the MERCOSUR member states are not interrupting the cooperation they have nurtured for decades. For the survival of the MERCOSUR, they continue to work on harmonizing their decisions. As such, they should be a challenge for Serbia to strengthen cooperation with that part of the world. The argument for strengthening Serbia's cooperation with the MERCOSUR member states should not be boiled down exclusively to economic issues. It should also include issues related to promoting and protecting human rights, the environment, and intellectual property as crucial factors in the dynamic development of the Fourth Industrial Revolution. Furthermore, through more extensive cooperation, Serbia could get closer and directly learn about the different levels of development of democracy and political culture in the MERCOSUR member states. As an observer of the activities of the MERCOSUR and other international organizations of the New World, Serbia should create in its foreign policy a clear vision of learning from Latin American countries with established democracies how to become a country with a stronger political culture. Even in the established democracies of the MERCOSUR member states, Serbia could recognize a pattern for its own development, even though the MERCOSUR member states are achieving different levels of overall development. The fight to overcome the global crisis since 2008 should direct Serbia towards more substantial and deeper cooperation with, for example, Argentina, and especially Uruguay, with the aim of promoting democracy and human development. This is especially important if one bears in mind that, according to the Democracy Index, Serbia is ranked 63rd (EIU, 2022, p. 13), and by the HDI, it is placed 64th and 65th with Kuwait. Currently, Serbia is at the very bottom of the table of countries with a very high level of human development (UNDP, 2020, p. 242). Intensified multi-layered cooperation between Serbia and Uruguay could improve Serbia's ranking in the table. On the other hand, in the period of the global health crisis, Paraguay and Venezuela are faced with the seemingly unsolvable task of strengthening democracy and improving the level of human development. This would make it easier for the MERCOSUR as a whole and as an actor in international relations to cope with current crises as it would

reduce the existing disparities on these issues. Once the differences in democracy and the human development level among the MERCOSUR member states are mitigated, the MERCOSUR, as an international inter-governmental organization and trade block, will appear on the international stage with indisputable values.

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**INTERNATIONAL
ORGANIZATIONS
IN CONTEMPORARY
INTERNATIONAL RELATIONS
AND THE CHANGED PARADIGM
OF INTERNATIONAL SECURITY**



THE EMERGENCE OF NEW ORGANIZATIONAL FORMS OF INTERNATIONAL STRATEGIC COOPERATION IN CONTEMPORARY INTERNATIONAL RELATIONS

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Abstract: The globalized world is characterized by the significant interdependence of states, international organizations, and other actors, as well as institutional forms of cooperation. Accelerated technological development has led to significant changes in the global power structure, resulting in the emergence of new forms of multidimensional cooperation and competition. New organizational forms of international strategic cooperation would therefore have to be adapted to the times in order to respond to all the challenges of the modern world. The emergence of new forms of international strategic cooperation should enable the development of the international legal order and the strengthening of institutional mechanisms for collective action. This paper considers a list of key issues that require prompt collective action based on a resilience perspective and critical infrastructure protection. The paper describes the actions that are currently taking place at the international level of international institutional evolution.

Keywords: Critical infrastructure, cyber diplomacy, collective action, competition, standards, resilience.

INTRODUCTION

The world is entering a new phase requiring collective action and decision-making, regardless of the underlying tensions and rivalries animating the principal subjects of international relations, the sovereign states. The long-running process of globalization, establishing global

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divisions of labor on the basis of differences between countries and regions and on the back of advances in transport technologies and techniques and communications technologies, has led to significant growth in trade in goods and services, the proliferation of technologies of all kinds, and the mobility of capital and people. However, this system has also proven to be prone to systemic shocks in recent decades, with crises that propagate outward from their point of origin and spread to other countries and regions, leading to escalating losses and uncertainty about their duration and impact. Other crises also originate from the functioning of globalized and interdependent systems and are the result of complexity, systemic stressors, and accumulated errors (Gheorghie et al., 2018). The former includes the global COVID-19 pandemic and the war in Ukraine, and the latter may include the global financial crisis of 2008. The effects of these transborder crises include uncertainty at multiple levels; the risk of knee-jerk national policies that aggravate situations; economic losses; human casualties; and supply and production chain interruptions, potentially with escalating results. While individual countries strive to protect their own citizens, prevent disasters and mitigate damage while anticipating future problems, the transborder and trans-sector nature of systemic crises means that solutions can only be found through collective decision-making and action (Georgescu et al., 2020, September). The manufacturing of new avenues towards prosperity is also impossible to do at a national level and requires a further international organization with the role of harmonization, resource concentration, complex project implementation, and the management and protection of the resulting interlinks in order to ensure resilience. This has usually been done within the framework of existing international organizations and bodies, taking advantage of their political capital, pre-existing organizational heft, and the habit of cooperation through them. This article argues that, increasingly, the complexity of the issues we are faced with and the vagaries of international cooperation and competition patterns are leading to the emergence of new organizational forms of international strategic cooperation for advancement and resilience – not as a replacement, but, more often, as an issue-specific addendum to the existing instruments of contemporary international relations.

These issues are analyzed and argued through the lens of the framework of Critical Infrastructure Protection, incorporating an emerging technology perspective.

A CRITICAL INFRASTRUCTURE PERSPECTIVE

At the foundation of the functioning of our societies lies an interlocking array of sociotechnical systems called infrastructures, composed of technical assets, organizations, regulations, and communication and coordination channels, involved in the provisioning of goods and services and in reducing the frictions of human activity (Gheorghe et al., 2018). They make the economic, political, and social lives of our societies possible and also facilitate interaction between different political units across vast distances, which is an important part of life in a globalized society. These infrastructures range from pipelines to power plants, ports, roads, water systems, financial systems, public administration, agriculture, and more. Their breadth and depth are determined by the economic and technological sophistication of the society they support, and they eventually incorporate a wide range of technologies in accordance with the rate of innovation, thereby allowing them to become more efficient, more interconnected, and more numerous. These infrastructures are critical if their disruption or destruction would cause significant loss of human life, material damage, loss of prestige, and loss of confidence in the authorities on the part of citizens, investors, partners/allies and markets (Georgescu et al., 2020).

These infrastructures are interdependent, meaning that a change in the status of one will affect infrastructures that are dependent on it, which leads to the compounding of efficiency and productivity, but also to the propagation of risks and disruptions. These dependencies range from geographic (due to proximity) to physical (products and materials input and output), logical (as part of a functioning chain of systems) and informational (the information produced by one system serves as input for another and *vice versa*) (Gheorghe & Schlapfer, 2006). This is especially important since the advent of digital communications and the increased reliance on automated systems communicating online to enact minute and delicate coordination across infrastructure systems dispersed over large distances and multiple jurisdictions. Infrastructures may fail from common causes or can fail serially based on their interconnection map. They can also register an escalating failure if the relationship is bidirectional and they keep influencing each other for the worse during a crisis event. Ultimately, a sufficiently strong disruption event can lead to a cascading disruption that affects many more critical infrastructures than decision-makers could have anticipated, given the complexity of the interrelationship, compounding damage and prolonging crises (Pescaroli & Alexander, 2016). This is a critical issue for the subject of international relations as the economic organization

of the world entails flows of raw materials, capital, people, intermediary goods, finished goods, technology, and know-how mediated by critical infrastructures that are increasingly transborder and continental or global in scope. The previously mentioned trends of digitalization and automation have co-evolved with globalization to create an even greater fragmentation of global production and supply chains with the attendant complexity of infrastructures (Keating and Bradley, 2015), with critical products such as electronics and vehicles requiring inputs from dozens of countries to efficiently manufacture, deliver, and service. Since a chain is only as strong as its weakest link, it stands to reason that, no matter how strong national Critical Infrastructure Protection frameworks become, a weakness in another jurisdiction with corresponding infrastructure systems can vitiate system viability and sustainability. There is also the problem that even high-performing national CIP systems have problems dealing with the threats and vulnerabilities that appear in the interstices between national systems and awareness, especially from a lack of communication, coordination, and trust. The global nature and traceability problems of cyber-attacks are the best example, with national police and other response forces hampered by the need for cooperation and exchanges with counterparts in other nations and cultures, thereby forcing the creation of ad-hoc and then permanent structured cooperation to address these issues. Something similar is happening in the wider scope of CIP, since countries are “condemned to cooperate”, regardless of geopolitical and systemic rivalries.

The following factors, as interpreted by the authors, have contributed to the creation of a dynamic, complex, and uncertain global security environment with regard to CIP:

- Greater economic integration between nations;
- A greater division of labor, which may lead to critical shortages during crises, as experienced during the pandemic;
- Digitalization and digital interconnectivity between critical infrastructure systems;
- The proliferation of weapons and advanced know-how among non-state actors, including terrorist groups which can attack critical infrastructure. These include not only cyber-attacks but also jamming and spoofing attacks with commercial-off-the-shelf hardware (Georgescu et al., 2019a);
- The rise of actors who are capable of disrupting CIs for pecuniary reasons, including transborder organized crime groups, lone wolves, activists, and state proxies with financial motivations. The rise in

ransomware attacks locking data and systems in exchange for cryptocurrency payments is a relevant example (Georgescu, 2018);

- The development of hybrid warfare, new generation warfare and war without limits theories that target not only enemy armies, but also civilian infrastructure systems, to degrade their capability to provide economically, disrupt supply chains, coerce adversaries and decrease their reliability in the eyes of citizens and partners (Georgescu et al., 2019b);
- The potential for high-impact, low-frequency events that manifest locally, like epidemics and natural disasters, to have global consequences;
- The high requirement for infrastructure investment to ensure convergence between the developing states and the global average, including through integration into global supply and production chains. Inadequate infrastructure and other stressors, such as “youth bulges”, political instability, and water and food insecurity, combine to create crises with global reverberations;
- The manifestation of inter-state competition not just in the economic and technological fields, but also in the area of critical infrastructure design, construction, and management, as a new source of state influence and structural power.

An important factor is the role of emerging technologies, especially digital ones like Artificial Intelligence, quantum computing, 5G communications, and blockchain, as well as those in other fields, such as biotechnology (Musetescu et al., 2020). They create the premise for more equal competition between established powers and challengers, and their dual use becomes not just a source for economic growth, new efficiency, and domination of supply and production chains for advanced goods, but also a fundamental for greater state power. At the same time, emerging digital technologies especially have the capacity to lead to a redesign and reorientation of critical infrastructures, affecting the logic of international dependencies, the technical standards used, and the embedded advantages of first movers, which can give successful states an overwhelming edge in geopolitical competitions. One such example is the 5G communications revolution, which saw a developing “cyber diplomacy” battle between the US and China for the promotion of preferred standards and producers within international organizations and supply chains. In the words of a US Department of Defense report, “the rest of the world will likely be driven to implement the 5G network design and infrastructure of whichever country

leads 5G. China is the current leader, and U.S. allies have taken different stances on how to respond to the Chinese drive to set 5G standards” (Medin and Louie, 2019), linking critical information infrastructure security to economic, technological, and international relations issues.

The pandemic, with its impact on supply chains, production chains, existing cross-border investment projects, including infrastructure, and the general functioning of numerous infrastructure sectors, including finance, public administration, and education, underscored the global scope of CI dependencies and the need for collective action to avert the compounding errors of knee-jerk individual reactions. The issue of technology and international relations also came to the fore, as countries promoted their preferred vaccine technology and producers and worked together with blocs and through international organizations to establish restrictive vaccine approvals and regulations for the movement of people that favored certain vaccines and vaccination regimens over others. Just as importantly, the drawdown of the pandemic restrictions, which saw immense disruptions to economic processes, saw new issues stemming from lingering economic distortions, such as the impact of rapid contraction and expansion of demand on national and cross-border energy and logistical systems, among others. In conclusion, CIP and CI issues in general (involving resilient design, implementation, and operation), as well as emerging technology issues, are important subjects on the agendas of all stakeholders in the international community, and international organizations play a role in defining these agendas and catalyzing actions and norm/trust-building.

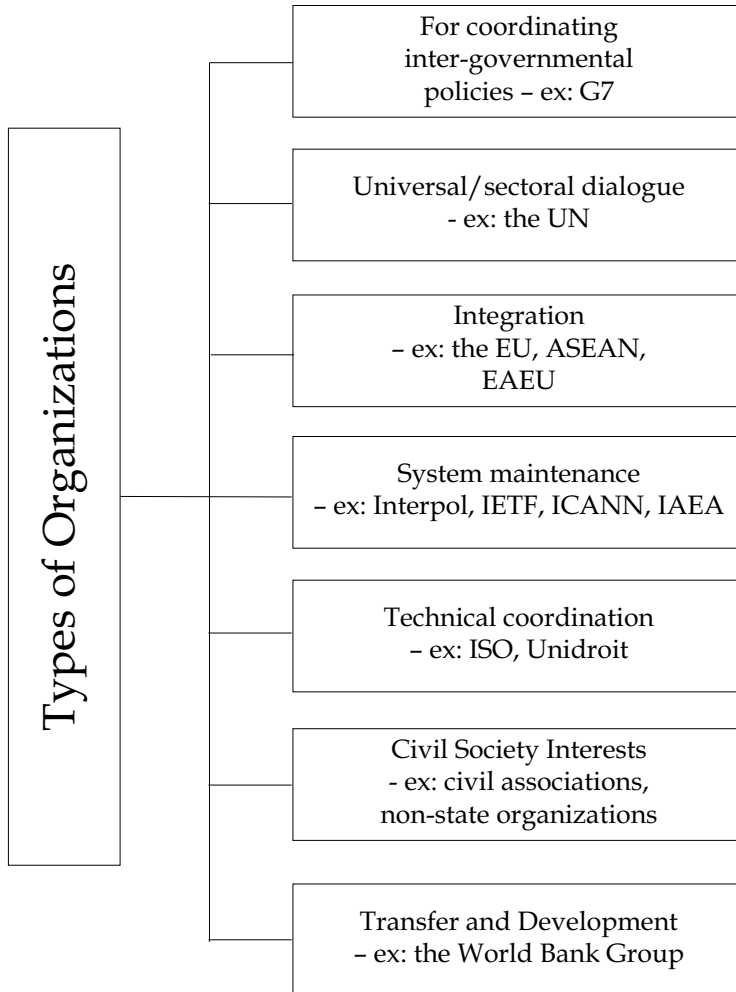
MANIFESTATIONS IN EXISTING ORGANIZATIONS

As mentioned in the introduction, at the forefront of dialogue, collective response, and decision-making on these issues have been the existing international organizations, on the basis of:

- Existing political capital;
- The ability to expand with new departments and working groups;
- The presence of core institutional expertise on various issues;
- Mandates that could be linked to issues related to CIP, such as counter-terrorism or technological issues;
- The convenience of introducing new topics into an already set agenda of discussions and schedule of meetings.

It should also be noted that both the states and the organizations find it useful to expand their work to include emerging issues.

Figure 1 - Types of international organizations, from the perspective of CIP and emerging technologies



(Source: Authors)

Figure 1 presents the authors' vision of what the taxonomy of international organizations would look like from the perspective of tackling systemic issues related to critical infrastructures and emerging technologies. While instruments may vary, from a CIP perspective, an organization can belong to multiple groups, especially if we look at component agencies. This section will give examples from each category and also indicate where emerging technologies are applicable.

Organizations that coordinate inter-governmental policies give center-stage to states and act as a venue for like-minded countries to discuss common interests and formulate priorities and policies without an actual organizational mandate to impose or enforce commitments on members. These institutions have limited formalization and often provide no more than a Secretariat and semi-regular conferences between state representatives on various issues. The G7 is an example, as is the OECD, which has also developed a significant research and publishing arm to support the Member States. Their influence has also been felt in CIP and emerging technology issues. The OECD has published research and recommendations on, for instance, "Good Governance for Critical Infrastructure Resilience" (OECD, 2019). This issue was a natural fit for an organization purporting to represent advanced states, which have, by extrapolation, higher inventories of critical infrastructure and greater local and global interdependencies. Following an initiative by Canada and France during their respective G7 Presidencies, a Global Partnership for AI was launched by the OECD with 13 other founding members and with a Secretariat hosted within the OECD (Plonk, 2020). Previously, the OECD had launched the "OECD AI Principles" (OECD, 2022) as a Recommendation during the OECD Council Ministerial Meeting on 22-23 May 2019 (OECD, 2019), which became the basis for the G20 AI Principles (*Ibidem*). The involvement of the OECD in governance issues for emerging technologies goes back further in time, with examples such as the 1980 "OECD Guidelines for Privacy" (OECD, 1980).

Organizations that foster universal dialogue, such as the UN, and sectoral dialogue, such as the Paris Agreement, have a role to play when they can achieve some sort of common position or consensus among their constituents, who are generally heterogeneous, with different backgrounds, interests, resources, and perspectives that affect the degree to which they are willing to commit to binding commitments. Either a decision is not forthcoming, or the act of large group compromise leads to a race to the bottom of the lowest common denominator, resulting in ineffectual

agreements that have been significantly criticized for their inadequacy (Barrett, 2016). These organizations may contribute voluntary technical guidelines or declarations and resolutions that become a part of the corpus of law on international relations, steadily developing into norms, customs, and shared perspectives. Resolution 2341 (2017) of the United Nations Security Council referred to Critical Infrastructure Protection through “the growing importance of ensuring reliability and resilience of critical infrastructure and its protection from terrorist attacks for national security, public safety, and the economy of the concerned States as well as the well-being and welfare of their population” and stated that “as a result of increasing interdependency among critical infrastructure sectors, some critical infrastructure is potentially susceptible to a growing number and a wider variety of threats and vulnerabilities that raise new security concerns” (UNSC, 2017). On the technical side, we can give the recent example of the technical guidelines to facilitate the implementation of Security Council resolution 2370 (2017) and related international standards and good practices on preventing terrorists from acquiring weapons (UNIDIR, 2022), which also included segments on the threat of unmanned aerial vehicles to critical infrastructures.

Integrative organizations, of which the most notable representative is the EU, provide inspiration and models to others, aiming to move many state functions to the supra-national level, harmonizing legal and administrative frameworks, establishing common policies, freedoms, and even common binding governance structures. Security, especially of the non-military variety, is a natural direction of expansion for an organization that unifies markets and trading zones with various types of free movement. At a systemic level, these generate new risks, vulnerabilities, and threats because jurisdictional issues limit national agencies within their borders, allowing for interstices into which accidental and deliberate threats may grow. The European Union initiated a European Program for Critical Infrastructure Protection through Directive 114/2008 (EC, 2008), which was transposed into the member states’ legislation for national CIP but also enabled the identification and designation of European CIs in the fields of energy and transport. More recent evolutions, with the impact of the pandemic in hindsight, include the proposed Critical Entities Resilience Directive (EC, 2020), which enlarges the taxonomy of European CIs to ten fields. The EU has also been very active in developing internal capacity and external partnerships for the development and governance of all emerging technologies, under the banner of “European strategic autonomy”, “European data sovereignty”, and “European technological sovereignty”

(Csernaton, 2020). To the extent that they can summon the political will to do so, other such organizations will follow in their footsteps.

This category is self-explanatory. Organizations with narrow mandates, most of them technical, are empowered by member states or by other stakeholders to fulfill, in an independent manner, an important systemic function for the stability of the interdependent world. The best examples are the organizations dealing with the Internet, such as the Internet Engineering Task Force, the Internet Corporation for Assigned Names and Numbers, and others; organizations dealing with non-proliferation (International Agency for Atomic Energy), or dealing with international crime, including cybercrime (Interpol). The extent of their authority differs, especially when intruding on sovereign executive power, with police organizations like Interpol and Europol facilitating communication and cooperation between national police forces. Interpol can also create Incident Response Teams for disasters that include terrorist attacks, potentially on CIs.

Governance refers to the mechanisms, norms, methodologies, and practices on which normal activity and decision-making are based. In the case of CIP and emerging technologies, governance also includes the setting of standards, which is why standards organizations have such an important systemic role. They do not monopolize the standard-setting agenda, which is also done by states with vested interests engaging in regulatory and cyber diplomacy on a multilateral basis, but they often provide the most widespread standards, borrowing from best practices in the field, ultimately affecting CIP and other areas of governance. Examples include the International Standards Organization in the widest possible variety of fields, Unidroit (the International Institute for the Unification of Private Law) in the area of commercial law, and many others. These have a systemic effect by enabling better system interconnectivity through similar procedures, technical standards, and governance models, thereby reducing friction between actors from different countries.

Civil society associations can also fulfill an important supporting role by acting as focal points for particular sectoral interests and perspectives, often as an alliance of national organizations that want to act globally or pursue goals directly or through advocacy. One less-known example is the International Association of Critical Infrastructure Protection Professionals (IACIPP), which organizes yearly specialty events in North America, Europe, and Asia, bringing together experts and companies to discuss the latest developments.

Entities engaging in financial transfers and in development feature an important component related to the funding of new critical infrastructures, the raising of capacity in existing ones, including in public services and administration (a CI field in European taxonomies), and indirectly assisting in technology transfers and leapfrogging development by applying the latest technologies from the start. Organizations include those in the World Bank Group but also the various national development banks with an international outlook, such as the China Development Bank or the Development Bank of Japan.

It is important to note that many new entries on the list of international organizations with a CI or CIP orientation, including as part of strategies for the global advancement of states' interests, will fit into one of the categories, even as they are perceived to be in competition with them. A clear example stems from the institution-building undertaken by China under its Belt and Road Initiative, or the BRICS, which also included multilateral financial institutions such as the Asian Infrastructure Investment Bank (AIIB) and the New Development Bank (perceived as adversarial towards the supposedly Western-led World Bank) or the Chang Mai Initiative (an alternative to the IMF). Often, there is clear or hidden cooperation between such entities, at least in the beginning, as transfers of knowledge and best practices are required to improve outcomes. The World Bank and the AIIB signed a cooperation protocol in 2017 and are co-funding five projects (AIIB, 2017). Members such as Germany signed up for the AIIB, publicly stating, in the face of US opposition towards what it sees as a challenge from China, that its membership will allow the transfer of good practices in international project selection, funding, and management (Stanzel, 2017). Lastly, we should note that the inclusion of CIP and emerging technology issues in the purview of existing international organizations also involves new methods and instruments, such as cyber diplomacy, which is the use of traditional diplomatic tools to solve issues relating to digitalization and cyber security and which is becoming a new field of study in International Relations (Georgescu et al., 2020).

NEW FORMS OF ORGANIZATION

In addition to the new individual entries into the roster of existing international organization types with systemic roles related to CIP and emerging technologies, there are also a series of new models for

international strategic cooperation on CI issues and emerging technologies. On average, we would summarize that these types of organizations are:

- Low on formality – they do not feature extensive attached organizations, with large departments and permanent expert contributors;
- Non-exclusive – in the fluid state of international relations following the rapid advancement of technology and the changes in the source of state influence and power, the most powerful states have only a limited ability or willingness to coerce absolute adherence to their preferred models and development tracks. States can, and often do, try to play various sides off of each other to get better funding opportunities, bespoke attention and other concessions, as well as try to balance various interests to maximize economic gains;
- Multistakeholder – state-only forms or venues of cooperation are possible, but only as a component of a wider system that inevitably has to include other stakeholder types, from the business world, academia and civil society, especially where these bring to the table expert knowledge and insight into the problems at hand, where they are necessary for legitimizing measures, and where they are powers unto themselves when it comes to the technological issues (ex: the tech giants or large industrial concerns which are key to the rapid adoption of emerging technology – ex: automotive companies and AI) (Musetescu et al., 2022);
- They are often spearheaded by a state but become multilateralized – states may formulate competing visions, standards, and projects in fields that are still open to this competition to generate advantageous path dependencies, but they find it difficult to unilaterally achieve technological domination or other forms of exclusive influence when peer states can mobilize similar resources. Attracting and retaining partners becomes vital, not just in terms of resources but also for credibility and, ultimately, international backing. The US Department of Defense warned that, on the 5G issue, the US would not be able to sustain by itself the level of investment necessary in maintaining innovation rates should it fail to achieve domination or at least parity in market control with the Chinese-preferred standards – that “China is on track to repeat in 5G what happened with the United States in 4G” and “Chinese internet companies will be well-positioned to develop services and applications for their home market that take advantage of 5G speed and low latency. As 5G is deployed across the globe in similar bands of spectrum, China’s handset and internet applications and services are

likely to become dominant, even if they are excluded from the US” (Medin & Louie, 2019). It would inevitably fall behind, with an impact on security capability, not just economic outcomes, similar to how the field of operating systems for personal computers and smartphones (and other devices) has registered a growing concentration. Another example is that of the Belt and Road Initiative becoming, gradually, more multilateral as other sources of capital are required to maintain capital allocation and investment growth rates, provide credible governance, and reduce criticism (Ding et al., 2020). The founding state’s influence will probably remain very strong in how the organization views things and plans its approach;

- Single issue - except for strategic infrastructure expansion and integration initiatives, which cover geographic areas (like the Belt and Road Initiative), most new forms of strategic cooperation will tend towards being single-issue organizations because their agendas, instruments, and action plans will require highly specialized knowledge and multistakeholder bases, which are not always compatible with generalist organizations and oversight.

We can give the following examples of new forms of international strategic cooperation, without attempting to formulate an encompassing taxonomy to cover them all:

- The Belt and Road Initiative - while strongly hampered by the pandemic effects and by Western political maneuvering that rightly sees a very strong systemic value, the BRI is a multi-sector strategic initiative for Eurasian integration (although it now touches on East Africa as well) which relies on the Chinese capacity for long-term mobilization of resources to achieve technically complex tasks, such as infrastructure design, funding, technological sourcing, building and operation, through comprehensive partnerships with numerous state and non-state stakeholders (Caba-Maria et al., 2021). It is designed to leverage Chinese advantages in these fields and to support internal Chinese goals, such as shifting the economic development model to avoid the “middle-income trap”, exporting excess infrastructure building capacity, becoming an exporter of technology, capital, and innovation, and securing critical resources and markets (Caba-Maria et al., 2021). It has an extensive diplomatic and international relations background, relying on integrating visions for Chinese regional initiatives and promoting lockstep cooperation along its mainland corridors and maritime belt in order to increase connectivity. With the launch of the Health Silk Road,

Digital Silk Road, and the BRI Spatial Information Corridor, a strong emerging technology component has been introduced to the practice of comprehensive partnerships (Liu, 2017);

- The Blue Dot Network – the main US answer to the Chinese BRI, leveraging US strong points in the creation and maintenance of international partnerships to influence governance at a strategic level. The network does not aim to build infrastructure but rather to create a set of standards in terms of sustainable infrastructure creation in areas such as labor, environmental impact, resilience, and sustainable financing that incorporate its criticisms of Chinese-led projects, forcing standards-adopters to limit cooperation with China or forcing China to adapt its projects to these new requirements. A prior example of this is how China is trying to green the Belt and Road Initiative project, in response to European criticism and pressure over the funding of polluting energy projects;
- 3GPP – the 3rd Generation Partnership Project is an umbrella organization for standards groups in the communications industry which has a growing influence over the 5G standards competition;
- The Partnership for Defense initiated by the US includes an AI dimension and partners with NATO states (the UK, Canada, Denmark, Estonia, France, and Norway) as well as non-NATO like Australia, Japan, and South Korea in the Indo-Pacific region and Israel, Finland, and Sweden in the general European area (the latter two prospective NATO members). Drake (2022) noted the overlap with the EU, relevant to the following point, and suggested that this useful cyber diplomacy tool can be extended towards Africa, as a foil to Chinese efforts, including on emerging technology issues;
- We would also include here the EU-US Trade and Technology Council, as a transatlantic forum that has to manage entrenched differences and leverage common perspectives to achieve collective action on issues such as supply chain security and communications technology, related to critical infrastructure protection, but also emerging technologies, like AI (which has a dedicated working group) (Muşetescu et al., 2022).

Future modes of organization of international strategic cooperation will have to be flexible enough to keep up with rapid technology-induced shifts in agendas, interests, and relative strengths while being strong enough to nevertheless establish norms, standards, and homogenize security

perspectives to promote cooperation despite rivalries and generate the premises for collective action.

CONCLUSIONS

Recent events, such as the pandemic, the energy and logistics volatility, and the serial financial contagions, have confirmed that a strongly interconnected and globalized world is not only a richer, more productive, and more efficient place, but also one exposed to new risks, vulnerabilities, and threats. These include both accidental ones derived from complexity and spontaneous malfunctions, but also deliberate ones coming from state actors and groups with the capacity and know-how to enact disruptive events for ideology and profit. The framework of Critical Infrastructure Protection allows us the concepts and tools to create a systemic view of world issues, which are undergoing rapid shifts, including as a result of emerging technologies. International organizations have to manage the challenges resulting from global interconnectivity and the challenges of sustainable adoption of emerging technologies in the context of inter-state rivalries. For the most part, existing organizations and organization types are handling these systemic roles. However, new forms of organizations are emerging, better suited to this specific type of international strategic cooperation in the current context. This article provides an overview of these issues and the current trends.

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EUROPEAN SECURITY ARCHITECTURE THIRTY YEARS AFTER THE END OF THE COLD WAR - EXPERIENCES, CHALLENGES AND LESSONS LEARNED

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Abstract: The European security architecture has undergone significant changes during the period after the end of the Cold War. It has been marked by various important characteristics that advanced it as a part of the European integration process. The enlargement processes of the EU and NATO have contributed most significantly to European stability. Its trans-Atlantic and trans-Asian dimensions guaranteed its conceptual and structural parameters. There have been various ups and downs in relations within the triangle of the United States, Europe, and Russia, which should be balanced and policy arranged in order to successfully address global priorities (climate crisis, migration, pandemic). Historical lessons show that the US and Russia have to be included in producing security on the broader European continent as well as that the OSCE, the EU, and NATO are the core multilateral pillars of this process. With structural changes after the adoption of the Lisbon Treaty, the EU has all the necessary instruments and capabilities to be an equal part of the global policy arrangement. During this period, Slovenia has been an active part of the discussed processes.

Keywords: European security architecture, OSCE, EU, NATO, European integration process, the end of the Cold War, Slovenia.

INTRODUCTION

The end of the Cold War brought outstanding structural changes in international relations, with a strong, perhaps decisive impact on its

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security architecture in Europe. For nearly a half-century, Europe was the epicenter of the Cold War divide, with all of its consequences. The demise of the Berlin Wall in the autumn of 1989, two hundred years after the French Revolution, marked this immense structural turnover. However, while the former was a typical revolution, brutal, consequential, and far-reaching, the latter was its most polar opposite: it was revolution without revolution, peaceful, without the use of basic force, and with a consequent absence of major atrocities, though even more far-reaching in terms of scope of change:¹ “The processes of change in the ‘revolutionary year of 1989’ in Eastern Europe” which were at the epicenter of revolutionary world changes, caused massive political shifts in the Eastern part of the European continent and unleashed “revolutionary events”, the consequence of which was a thorough change in the political map of the old continent, so “that simple post-war Europe disappeared” (Höll, 1989, p. 72; Dimitrov & Hofkirchner, 1995, p.76; Gyarfashova, 1995, p. 338; Kindley, 1995, p. 338; Jazbec, 2001, p. 18). The structural change of the Annus Mirabilis, as the year 1989 has been termed afterwards, was almost beyond parallel, having in mind “the territory involved (the whole of Central and Eastern Europe, the European part of the former Soviet Union, and Transcaucasia), the population (150-200 million), the time needed (three years), the number of countries involved (25-30), the social energy needed and the resulting political shifts (...), the intensity, the dynamics, and the extent of the changes” (Jazbec, 2001, p. 19). Briefly, the presented picture formed the theatre for creating a new European security architecture. The stream of change with its consequences that followed during the later period could be divided into three periods, namely: first, the revolution and its aftermath; second, the period of enlargements and their fixing; and third, the period of crises (financial, migration, pandemic, and global tensions, followed by the war in Ukraine).² Chronologically, they practically overlap with the previous three decades within the research period as a whole. The European security architecture has been a product of these processes. Its primary demonstration could be seen in the

¹The wars that followed the dissolution of the former Yugoslavia were the consequence of the end of the Cold War and not its cause.

²This paper was conceptualized before the war in Ukraine started. Therefore, we touch upon it only in the latter stages of the text. Additionally, we could understand it as a result of unsolved issues and controversies from the observed period rather than its primary characteristic.

enlargements of NATO and the EU, with the overlapping effect of the OSCE. Together with the Council of Europe (CoE) and the UN as a global frame, they present the European integration process. This is our point of departure in this paper. We then discuss the significance of NATO and EU enlargements in addressing the newly forged relations between the EU and the Indo-Pacific region as the way forward for the EU to deal with global trends. We wrap up with an overview and a comment on challenges for the European integration process. Throughout the text, we keep in mind – directly and indirectly – the issue of the Western Balkans and the necessity of its definite, formal, and complete inclusion in this process.

EUROPEAN INTEGRATION PROCESS

Centuries of turbulent European history, from the Peace of Westphalia in 1648 until the end of World War II (WWII), laid down the foundations for the emergence of structures that transformed the political outfit of the continent. Within the following decade and a half, basic integration seeds were firmly planted with the establishment of NATO and the CoE, as well as of the predecessors of the EU. Twenty years later, with the Helsinki Final Act, the integration process received the strongest push so far. However, it was the end of the Cold War that enabled the European integration process to reach its current structural stage. This epoch could be divided into three significant and topical periods: political history (from the Peace of Westphalia to the end of WWII); integration history (from WWII till the end of the Cold War); and structural history (three decades after 1989).

Basically speaking, and for the narrow purpose of this paper, the European integration process is a continual and structural output of complementary activities of major international governmental organizations on the broader European territory, pursued in the spirit of Article VII of the UN Charter (*Ibidem*). It presents one of the most important policy achievements in European history since the Peace of Westphalia, which received its major structural push during the three decades after the end of the Cold War. Its ability to produce and pursue values defines its very substance. There is the whole set of values that result from this synergetic integration effort, with the rule of law as the most significant, universal and all-encompassing, along with democracy, human rights, the market economy, free and fair elections, and freedom of the media at its core.

The main characteristics of the European integration process are complementarity and complexity, as well as synergy between the hard power approach: collective defense (NATO), and the soft power one: welfare state and crisis management (the EU), comprehensive security (the OSCE), and human rights (CoE), all within the collective security of the UN. This is a unique combination of soft power backed up with the strong support of hard power, which forms the backbone of the whole process and its efficiency. In addition to this, it all counts as a set of parameters that enabled its crystallization (expanded, strengthened, and synergized) during the last three decades. Last but not least, during this period, relations within the triangle comprising the EU, the US, and the Russian Federation received crucial geopolitical importance for the European integration process and its efficiency; since recently, relations with China are advancing with a progressive trend. The diplomatic aspect of this endeavor was accelerated following the adoption of the Lisbon Treaty in 2009, which formally established European diplomacy (the European External Action Service – EEAS). Since that time, the EU has also been represented in international affairs by its President (President of the European Council) and Foreign Minister (the High Representative for Common Foreign and Security Policy and Vice President of the European Commission). The EU's global appearance and activities were equipped with appropriate representatives and diplomatic tools.³ From one point of view, the European integration process enabled Europe to become a continent with the highest living standards, welfare, and environmental awareness; from another, it served as an example of a structural and complementary strive for peace and cooperation as a result of the resolution of historical conflicts and destruction. Only structural institutional complementarity within a set of related international governmental organizations, backed up by a vibrant civil society and resting on the previously elaborated values, is the condition for achieving it. Hence, this can become a universal, global policy lesson and approach.

THE EU AND NATO POST-COLD WAR ENLARGEMENTS

It is rather obvious that the enlargements of both the EU and NATO rest at the very heart of the previously discussed process, its nature, and

³ Figuratively speaking, it also provided Europe's phone number, if we paraphrase Kissinger.

philosophy. The membership dynamics in both the EU and NATO was high in the first part of the period after the end of the Cold War. In both cases, the first decade produced three new members, while the biggest expansion followed in the second decade: in the case of the EU, 12 new members in two rounds, and of NATO, 9 new members, also in two rounds; here, the 2004 dual enlargement stands out as a historical and unique one. In the third observed decade, the membership dynamics slowed down significantly: only one new member in the case of the EU (2012) and only two in the case of NATO (2017 and 2020).

We present the dynamics, members, and years of membership in the following two tables.

Table 1 – The Membership Dynamics of the EU

1995	1995	2004	2007	2012
Belgium, Denmark, Germany, Greece, France, Italy, Luxembourg, the Netherlands, Portugal, Spain, the United Kingdom	Austria, Finland, Sweden	Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia	Bulgaria, Romania	Croatia
12	3	10	2	1
12	15	25	27	28

Source: The Author

Table 2 – The Membership Dynamics of NATO

1999	1999	2004	2009	2017	2020
Belgium, Canada, Denmark, France, Germany, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Turkey, the United Kingdom, the United States	Czech Republic, Hungary, Poland	Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, Slovenia,	Albania, Croatia	Montenegro	North Macedonia
16	3	7	2	1	1
16	19	26	28	29	30

Source: The Author

The general picture of the future enlargement trend of the EU looks like this at the moment: the candidate countries from the Western Balkans, with Montenegro and Serbia already engaged in the negotiation process, as well as Albania and North Macedonia waiting for the date to start the negotiation process; Bosnia and Herzegovina with the Association Agreement; and Kosovo with its membership ambition. Turkey remains the candidate country, with the negotiation process practically at a standstill. There are also three Eastern European aspirant countries: Georgia, Moldova, and Ukraine. One policy comment has to be added here. It should be pointed out clearly that the EU enlargement to the Western Balkans remains the organization’s unfinished business. Additionally, the majority of its enlargements so far have been implemented with more than one new member. Having in mind the historical background, social, administrative, and political similarity, to name but a few common characteristics, this enlargement should be en bloc based as well (Jazbec, 2021). The EU’s tool box and approach practice

offer enough maneuver space for this to materialize. Slovenia, as a member since 2004 of both NATO and the EU, counts among those countries that offer continuous, genuine and systematic support for this goal to be achieved. It also has the most comprehensive and policy-founded experience in the region among the member states. Hence, one could speculate that this list of candidate/aspirant countries gives a very clear impression of the possible physical limits of the geographic enlargement of the EU. However, thirty years after the end of the Cold War, the broader usefulness of the EU's value system is coming to the forefront. It could be speculated that the value-based enlargement of the EU is gaining importance and implementation potential. Prospects for future NATO enlargement changed with the war in Ukraine. In the Western Balkans, Bosnia and Herzegovina as well as Kosovo further express this ambition, while, as it seems, the situation with Ukraine has changed. However, the biggest change – and till recently, rather unexpected – happened in the Nordic region. Finland has already officially applied for membership in NATO, and Sweden has expressed its clear intention to do so soon.⁴ The European security architecture is undergoing its most significant structural change since the Cold War's end.

THE EU AND THE INDO-PACIFIC REGION

During the previous two years, we saw an increase in policy, political, and diplomatic interest in the Indo-Pacific region and its importance to the EU, coinciding with the previous troika EU Presidency (Germany, Portugal, and Slovenia) and the current one (France, the Czech Republic, and Spain). The previous troika made significant institutionalized steps forward, with France leading the way with corresponding activities. Hence, it is important to note that the forthcoming Czech Presidency is also taking the same approach. We can state that an important series of documents were adopted as well as a variety of meetings organized with this topic in focus (State of the Union, 2021). Among them, the EU's Strategy for Cooperation in the Indo-Pacific was adopted and the Ministerial Forum for Cooperation in the Indo-Pacific was organized (2001 and 2022, respectively) (Jazbec 2022). There would be at least two reasons for this enhanced EU's interest and focus on the Indo-Pacific region.

⁴ Announced when this paper was finished.

The first reason is a definite global strategic shift from the transatlantic relations that dominated the last more than half a century. This has already been observable for at least half of the period after the end of the Cold War. It became a political fact as a result of the Trump administration's clear policy shift. At the very center of the change is the steady rise of China in global affairs. It has become increasingly obvious throughout the last decade. Looking at the span of the Indo-Pacific region, its rising global importance is obvious: generally stretching from the east coast of Africa to the west coast of the Americas, with the huge land and sea mass in between, the space is rich with competitiveness. With a handful of the biggest and most influential countries in the world and a variety of the most important minerals and other resources, it is going to be the center of world affairs, relations, and dynamics. The EU has no other choice than to take part in this dynamic. Another reason is the usefulness of experiences and lessons from the European integration process for this region. There are a number of open and frozen conflicts and tensions as well in the region. One would hardly see any more useful policy approach than this from the European experience. This would be in brief: bridging the historical gap of confrontation as the first step; establishing the multilateral frame that would produce circumstances for peaceful development, growth, and transformation; complementarity of the output of a variety of multilateral actors; compensation of tensions through such a web; production of values with democracy; resting on the rule of law; and no war as the consequent result.

When comparing European political history with that of the Indo-Pacific region as well as its current multilateral setting, it is clear what the necessary next steps are. Therefore, the EU can play an important role in the region for mutual benefit. The European integration process was globally determined by relations between the US and Russia (Soviet Union), while the strategic dynamics in the Indo-Pacific region was (and will be) primarily shaped by relations between the US and China. However, the issue of India remains open, and the role of Russia still has to be defined (it is not an integral part of the region, though). Last but not least, the EU is doing its part and, ideally, improving it as well. With a variety of structural changes after the adoption of the Lisbon Treaty, the EU has all the necessary instruments and capabilities to be an equal part of the global policy arrangement.

CHALLENGES TO THE EUROPEAN SECURITY ARCHITECTURE

Generally speaking, the European security architecture is witnessing the same package of challenges as the rest of the main global actors and processes. These challenges stem primarily from the characteristics of the contemporary global community. However, some of them, as far as Europe's security architecture is concerned, relate to the specifics of the EU. For the sake of methodological simplicity and topical clarity, we will in this part of the text use the EU in the meaning of Europe and its security architecture as well. In the first group, we would see the following challenges: the climate crisis (together with the warming of the temperature, the rise of the sea level, decarbonization, transition to green and digital economy); pandemic (the current one and similar future ones); food and water safety, production and distribution; global increase in migration flows; failed and dysfunctional states; the rise of autocratic regimes and the decrease of democracies; shortage of efficient global consensus to tackle those issues; growing discrepancy between the rich minority and poor majority, etc. (Jazbec, 2022, pp. 227-231). Along with the question of nuclear safety (nuclear weapons are still being developed and tested, though much less than during the Cold War), this forms the question of the survival of the global international community (i.e., mankind). Not counting natural disasters (basically all of them are at least partially stipulated by man-made activities), mankind is for the first time in its history capable of multiplied self-destruction (Benko, 1997, pp. 352-363). This is an entirely new situation and a challenge for decision-makers at the global level. From one perspective, for reasons related to the world, and from another, for the sake of its own wellness and functionality, Europe must deal with this extensively. We think the second group is divided into the inner and outer challenges.

Inner challenges relate to the question of the EU's institutional setting and decision-making activities. This system is well developed, balanced, and broad, but it is difficult to reach decisions in an adequate amount of time. In some cases, the member states can easily block the adoption of a decision for whatever reasons. It is increasingly worrying that the member states use this against candidate countries to significantly slow down their progress towards membership.⁵ More than a decade after the Lisbon

⁵ There is, of course, also the other way around: do candidate and aspirant countries do enough to proceed towards membership? But this would hardly pose any serious challenge to the EU and its functionality.

Treaty entered into force, some adaptations should be made. Here we can also see the issue of the enlargement that was basically stopped during the last decade. On the whole, no significant improvement has been achieved. Outside are those of a global nature, which directly influence the EU and its inner and outer positioning as well as functionality. Relations in the triangle of Europe-US-Russian Federation have been critical throughout the post-Cold War period. The lesson of the European integration process is very telling: cooperation, synergy, and complementarity at both the bilateral level and in multilateral fora are here of key importance. This structural balance that was providing balance rested on the so-called membership specifics: the OSCE has been the only multilateral structure with the participation of both the US and Russia; the EU is the only one without any of the two; NATO with the membership of the US only; and the CoE with the membership of Russia only. There is a strong policy impression that in the years following the double enlargement of the EU and NATO, this structural relationship started to lose its dynamics and pace.⁶ The decade of crises witnessed a continuous deterioration of this trend. There is, however, one issue that stands above all these challenges, although it is closely related to them – or they all relate directly to it: the issue of war. War is perhaps the most frequent topic on the human agenda. There is an obvious, significant, and globally important trend of reducing its demonstration towards the end of the Cold War and forward. The European integration process is a clear manifestation of this, and the EU as a highly unique structure in human history proves this as well. This proof stems directly from European history, as presented earlier, and has been enhanced by the globalization process. Hence, such structures are also not established to counter wars by traditional means or states that pursue wars.⁷ The only way to counter this is a structurally coordinated effort to indirectly minimize the war potential and capability of the aggressor. The broader this effort is internationally, the more chances there are to succeed and succeed soon. The war in Ukraine, as a consequence of Russian aggression – and *via facti*, its breach of international mutually accepted legal and other norms – is a clear case of this. Yet, it also shows

⁶ It would take too much research attention, space, and discussion to prove this here empirically.

⁷ The exemption here is, of course, NATO as the most developed defense structure in human history, but also that NATO shows high level restraint against the use of force.

something additional. The majority of documented wars following World War II have demonstrated that the aggressor never prevails. Today, it is essentially impossible to do this. The Vietnam War has shown that even a ratio of 1:10 in favor of the aggressor is ineffective (even this proportion is almost impossible to reach). Hence, this author would claim that this war is most probably the last one of its kind. But what still remains is the destruction (psychical, social, psychological, etc.) caused by the aggressor's activities in each war. Almost three decades after the signing of the Dayton Peace Accord, one can see how difficult the post-conflict reconstruction of society is. The issue of war is not only the issue of Europe, but it is Europe – with the Ukraine at its core – that is facing it most decisively now. This presents the biggest and most acute challenge to the international community at this stage. Europe is capable of finding some solutions to those challenges by itself. Here we have primarily in mind the enlargement process. In view of the so far presented context, circumstances, and challenges, this looks rather easy to accomplish. It will also be a test of the EU's capability to move ahead with its plans to become a global player. Its member states have to be clearly aware of this fact. Pursuing whatever narrow interests for whatever reason will just deepen the standstill and take Europe away from the center of global affairs. The European integration process and its experiences as well as applicability confirm this. Hence, further strong and continuous production of values and their spread is so immensely important. This is the most important global soft power advantage that Europe has in comparison with any of its competitors. This advantage seems unachievable by any of them in the near future. In this view, the responsibility of the EU member states, but also candidates and aspirants, grows. To see the bigger picture and to follow it would be the dividing line.

CONCLUSIONS

When discussing the European security architecture during the three decades after the end of the Cold War, one finding stands out in particular. It is the enlargement process of the EU and NATO that has contributed most significantly to European stability. This effect has been accelerated by the transatlantic and trans-Asian dimensions, which guaranteed its conceptual and structural parameters. Therefore, relations within the triangle of the US, Europe, and Russia played an outstanding role during that period. Consequently, this trend should continue in the future, especially for the sake of successfully dealing with global priorities

(climate crisis, migration, pandemic). However, the war in Ukraine puts a strategic and structural question mark on this. It remains to be seen what future trends there will be in the development of the European security architecture. For the time being, it seems that the inclusion and the role of Russia have changed dramatically, both structurally and conceptually. On the other hand, it also seems that the enlargement of both the EU and NATO, as fundamental multilateral pillars with strong bilateral effects, will remain one of the cornerstones of the same process. Even more, one could say they received important impetus as a direct consequence of the war in Ukraine (Western Balkans, Nordic, and Eastern Europe). This additionally supports our discussion on the European integration process and its production of values as the main characteristic and benefit of recent European history. Additionally, this offers further possibilities and outreach for Europe as a global actor, and its relations with the Indo-Pacific regions could serve as an illustration of this endeavor. Last but not least, the current stage in the development of European affairs in a broader sense, with a decisive stamp on its security, shows the constant and high dynamics of international relations. These processes have grown in complexity, but also in unpredictability, over the last decade and a half. This trend, including its unpredictability, will continue. Hence, an increased level of global cooperation and coordination is necessary to deal efficiently with issues on the political, diplomatic, and security agenda. The European security architecture, as it has been formed after the end of the Cold War, presents a solid foundation for Europe to play an important role globally. For this to be achieved, it should continue with its main trends, adapting them to the development of global affairs structurally but also influencing them with a value-based approach.

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REPOSITIONING OF THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE)

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Abstract: In many ways, the Organization for Security and Cooperation (OSCE) in Europe represents a specific international organization. *Inter alia*, it differs from others regarding the way of its creation and structure, the methods of work, instruments of action, composition, and the role of organs, as well as a number of other characteristics. From a legal point of view, it does not possess all the elements of a classic international organization. Yet, from the political point of view, it had become one of the most influential actors in the European system of security. It reached its peak in the era of detente, whose purpose it served, but with the fulfillment of that goal, it found itself on the margins of both global and regional streams. Other international organizations overtook it, pushing it aside and largely subordinating it to their interests. From the common security basket (set out in the Helsinki Final Act 1975), they took away the key topics and left the OSCE to tidy up and repair the disordered courtyards of the states that were transformed overnight from socialism to capitalism, or emerged from the ruins of federal states. During the search for a new role and the old influence, the OSCE underwent multiplex transformations. However, due to the change in the global balance of power and the new aggravation of the great powers' relations, it became clear that the so-called "Helsinki Process" had gone to history and that Europe should have to create and construct a new security concept. We would like the new European Security System to be achieved in a peaceful way, but the use of force cannot be excluded. Relations between the Republic of Serbia and the OSCE over the past 47 years have had ups and downs. Yugoslavia (1918-1992), the country that owes its statehood to the Kingdom of Serbia, was one of the creators

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of the Helsinki concept of European security. But it was also the only founder who was suspended from that organization. Despite that, the Republic of Serbia returned to the OSCE in 2001 as an independent state and even more successfully chaired the organization during 2015. In short, relations between the Republic of Serbia and the OSCE have crossed the path from the stars to the thorns and back, to the same extent as the OSCE in international relations. Without questioning the OSCE's significant contribution to peace in Europe, the author of this paper primarily points out the basic contradictions that have limited its work and reduced its role in preserving security in Europe.

Keywords: Organization for Security and Cooperation in Europe, Serbia, European Security.

INTRODUCTION

The OSCE is a specific organization of states, formed 47 years ago, at a time when two opposing blocs were on the brink of starting a war, but fortunately gained strength to start negotiations on preserving peace. The fear of a new world war brought the leaders of 35 countries to the table, and in the end, they created a mechanism to establish mutual security through the diplomatic conferences. Undoubtedly, the situation in international relations was crucial for the emergence of the OSCE. Also, further changes in the global power balance have always affected its status, mode of operation, and methods of action. The OSCE has tried to adapt to new circumstances without changing its identity and purpose. At the beginning, in its initial phase, it was more successful than later. The effects of global changes are reflected on the OSCE both in positive and negative ways, influencing the role and position of the OSCE in the European security architecture. Phases of cooperation and relaxation were replaced by the phases of aggravation and confrontation, and vice versa. Between 1990 and 2000, the OSCE reached its golden era. Since then, its ability to follow changes has been weakening. Over time, it has had its ups and downs. Sometimes it flew to the stars and sometimes it fell into thorns. Therefore, its history is full of contradictions and challenges. The greatest OSCE contribution to peace was made in its conference phase (1975-1994). It succeeded in establishing an authentic security system, which cooled down the Cold War heating up in Europe. That system was based on a generally accepted political platform, the so-called Helsinki Final Act, which interconnected three key segments of security: military-political, economic-technological, and democratic-humane. The European security system,

based on high-level diplomatic meetings, worked successfully until 1989, when crucial changes, triggered by the fall of the Berlin Wall, shook international relations. From Helsinki in 1975 to Paris in 1990, the CSCE did not fundamentally change. With the end of the Cold War and the disappearance of the bloc system of international relations in 1989-1990, the situation changed fundamentally (Aćimović, 2013, p. 8; Charter of Paris for a New Europe, 1990, November 11). Indeed, at that time, of the three key factors of the European balance of power from 1975, only NATO survived. The Warsaw Pact was dissolved, and the Non-Aligned Movement has lost its political power and influence. Of the two main goals of the CSCE, one has been fulfilled – detente. Unfortunately, the second goal – dissolving both military blocks – proved unrealistic because NATO has survived. The world became unipolar, and the US and its NATO allies established a new world order tailored to their own interests and values. As a picturesque illustration of the US hegemony, a new saying appeared: “From now on, the Sun rises in the West”. The OSCE tried to adapt to this new situation, find a new focus of work and invent some specific tools for dealing with the crisis that emerged. It decided to transform from a negotiating forum into a security institution starting in 1995. Hence, the conference was declared an international organization. The OSCE has established a permanent organizational structure and its forums have been transformed into bodies, with different competencies and hierarchies in decision-making and new fields of activities. “The OSCE established regular meetings of the heads of state or governments every second year, called summits, which should create the most important political guidelines and priorities for action. In between these two meetings, the OSCE is governed by the Council of Ministers, composed of the foreign ministers of the member states. The Council of Ministers meets once a year, in December. The next established body within the institutional structure of the OSCE was the Permanent Council, which consists of accredited heads of delegations of member states in Vienna. The Permanent Council meets weekly, discusses political issues and makes concrete operational decisions through the silence procedure.” (Dimitrijević, 2015, p.380). Since its reorganization, the OSCE has shifted its focus of action from general security issues to the pacification of local incidents and conflicts, and has put its capacity at the disposal of other organizations engaged in Europe. At the beginning of the 21st century, the constellation of power changed again in a very dramatic way. The concept of unilateralism has reached its zenith. The world has become multipolar. While Russia has recovered economically, militarily and politically, China has surpassed all other countries in terms of economic growth rates and the

speed of internal social transformation. The European Union has become not only a new and most powerful factor within the region, but a very important factor in world politics. At the same time, India and Brazil have made remarkable progress. U.S. influence began to wane. In such a structured global environment and under the influence of multilateralism, the OSCE's role and importance in European security began to dwindle. The Summit meetings have almost disappeared, while the Minister Council meetings have taken the lead. The Ministerial Council has become the most powerful decision-making body regarding political, military, economic, humanitarian, financial, budgetary, personal, and almost all other matters. However, newly emerged differences and significant divisions among the participating countries referred the OSCE's Ministerial Council to an insurmountable political wall that it could not overcome. Its ability to reach a consensus and create a common attitude toward critical political issues is also deteriorating. Several years later, the Ministerial final meeting could not approve a common statement or significant decision. In a changing global context, the institutional concept of European security has revealed its limitations and inability to respond to new challenges. The emerging multipolar balance of power makes it clear that, if not a new concept, at least a redefinition of the existing is required. The new vision and composition of security structures in Europe proved to be inevitable. Since 2008, Russia, as an emerging country, has been continuously launching initiatives for the development of a new model of mutual security and guarantees that would be based on an international agreement. However, the United States, as the leader of NATO and the whole Euro-Atlantic world, did not want to consider it or to start negotiations. NATO and the US persistently pursue their strategy for the 21st century, aimed at political and military expansion towards Eastern Europe, Russia, and Asia. They were not doing so, contrary to the previous promises and assurances given in 1990 that NATO would not, nor had any intention of spreading to the East. In spite of a huge redistribution of power in the last 15 years, the West-Atlantic alliance decided not only to maintain its hegemony, but to strengthen and expand it. Preserving US predominance in the world, according to western strategists, required the transposition of its military structure and offensive arms to Central and Eastern Europe and, in continuation, its deployment all around Russia. Although China was proclaimed the greatest threat to US security in the future, the NATO alliance assessed that at this moment, disassembling Russia and preventing its strengthening is the goal of the highest priority. The non-NATO member countries that surround Russia, such as Ukraine, Moldavia, Georgia, Finland, and Sweden, did not succeed

in avoiding being drawn into a plan. When faced with such turmoil, the OSCE tried to avoid opting for one or other party and left the door open for discussion. It was a unique way to escape a new political setback. Really, the OSCE's capacity for decision making was reduced, although the question of its survival is still hanging in the air.

THE BASIC CONTRADICTIONS THAT INFLUENCE THE OSCE ROLE AND ACTIVITIES

Shifting the gravity of the OSCE activities

The activities that the OSCE has developed since its creation could be divided into three groups: (1) own institution building, (2) normative-program activity, and (3) operational-implementation activity. (Aćimović, 2013, p. 11). As for institution building, that process was basically completed two decades ago. The OSCE Summit, Ministerial Council, Permanent Council, Forum for Security Cooperation, Chairperson-in-Office/OSCE Chair, and Troika are the main decision-making bodies. The executive structure of the OSCE is made up of the Secretary-General/Secretariat in Vienna, the Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw, the Representative on Freedom of the Media in Vienna, and the High Commissioner on National Minorities (HCNM) in The Hague. The related bodies to the OSCE are: the Joint Consultative Group, the Open Skies Consultative Commission, and the Court of Conciliation and Arbitration (OSCE, 2021, p. 6). Other structures that help the OSCE work are: the OSCE Parliamentary Assembly, the Economic and Environmental Forum, the Minsk Group, and the Personal Representatives of the Chairperson-in-Office. Later, the idea of introducing new bodies or establishing committees, each of which would be responsible for a special group of issues belonging to one of the three "baskets" of European security, was not accepted because the United States opposed it. Regarding normative and programmatic activities, up to now the OSCE has managed to adopt only four significant documents since the 1975 Helsinki Final Act: the Paris Charter for a New Europe 1990, the Challenges of Change (concluding document) of the 1992 Helsinki Summit, the True Partnership in a New Era – the 1994 Budapest Document and Charter for European Security-Istanbul Summit 1999 (Conference on Security and Co-operation in Europe Final Act, 1975, August 1; Charter of Paris for a New Europe, 1990, November 11; Budapest Summit Declaration, 1994, December 21; Charter for European Security, 1999,

November 18). During the past 23 years, it has failed to create and reach consensus on any long-term or visionary political document.¹ It looks like the OSCE's creativity and ability to come up with new ideas and answers to emerging challenges in a changing world have vaporized. The development of operational and implementation activities was unacceptably fast and wide. Moreover, these activities today represent the authentic trade mark for recognition of the OSCE as an international organization. Among them, so-called "field activities" are dominant, mainly under the name of the mission, although they are different types, names, and mandates of missions. There were only a few missions at first, but their number grew over time, eventually reaching 21. The number of staff engaged in missions was also increasing, and they became far more numerous than before, but in June 2022, their number dropped to 13.² Expansion of missions influenced the OSCE's annual budget distribution in favor of field operations.³ When expenditure overtook budget possibilities, the additional sources for the missing funding were funded. For decades, the greatest part of the OSCE's annual budget has been spent on the activities of missions, i.e., $\frac{3}{4}$ as well as the majority of the additional funds.⁴ Within each of the three fields of work above mentioned, there have been changes, stagnation, deviations, and even imbalances, all of which have diminished the OSCE's internal cohesion and weakened its international political position. The peculiarities of the OSCE political composition change and countries' status differences In terms of the structure of the countries involved in the European security process, there have been multiple changes. In the first place, the basic triangle upon which the security balance existed has disappeared.⁵ That is to say, the

¹ Some sectoral documents were approved, but they refer only to the technical aspect of soft arms control.

² Out of 15 at the beginning of 2022, two were canceled (Project Co-ordinator in Ukraine and Special Monitoring Mission to Ukraine);

³ Some missions engaged around 1,500 persons, while observer missions amounted to 1,900.

⁴ The costs are even higher when we consider that the OSCE budget for 2021 was 138 million euros, but for two missions in Ukraine (OSCE Special Monitoring Mission to Ukraine and OSCE Observer Mission at Russian Checkpoints Donetsk and Gukovo), 108 million and 45 million euros were provided for extra-budgetary or special projects, respectively.

⁵ Triangle consisted of the NATO members, the Warsaw Pact members and a group of neutral and Non-Aligned countries.

balance of powers has also gone to history. The main consequence of this change was the disintegration of three federal states in Europe and the emergence of many new subjects of international law. For that reason, the number of OSCE participating states has increased from the initial 35 to as many as 57. Secondly, regarding the status of countries, the OSCE has one characteristic that distinguishes it from all other international entities. The OSCE states do not have the status of a member but the status of a participant. Participation in the process, as an authentic form of connecting countries to the system of European security and its inclusion in the activities of the OSCE, has survived up to now without any change and regardless of the problems that arise from that fact. In addition, the OSCE temporarily introduced observer status for federal units of individual states that step up on a path of separatism from the federation. This was applied first to Slovenia and Croatia, then to Macedonia and Bosnia and Herzegovina, as well as to Armenia, Ukraine, Belarus, Moldova, and Uzbekistan, which proclaimed separation from the USSR. This observer status was later granted to some minor international organizations. From the point of view of the structure of participants, the third specificity is that the OSCE has granted the status of partner for co-operation to some countries outside of Europe. First, that status was granted to the so-called Mediterranean countries: Algeria, Egypt, Israel, Jordan, Morocco, and Tunisia. Later, the same status was granted to a group of countries from Asia: Afghanistan, Australia, Japan, the Republic of Korea, and Thailand.

From 3 baskets to 23 branches of activity

As for the Final Act from Helsinki, the competencies of the OSCE have been significantly expanded and qualitatively changed (Aćimović, 2013, p. 10). Initially, in 1975, it was devoted only to elaboration of the general political principles and achieving military relaxation. Since 1990, it has started to deal with specific, narrow issues and individual crises. From three baskets in 1975, it has come to the 23 branches of work today.⁶ Military-political issues were originally at the center of the OSCE's activities, while others were complementary (economic and human rights issues). The OSCE's economic activities have been neglected too early, and instruments for action are scarce. Today, these issues are completely overshadowed by

⁶ Web page of the OSCE Serbia has a list of 23 *Areas of Focus*, two more than the Vienna Center OSCE Factsheet document.

environmental issues. Activities in the fields of human rights, freedoms, and democracy have become a central focus of the OSCE's attention and observance. Some countries have become sort of "pre-paid" for such supervision and monitoring, especially those from the east and south-east parts of Europe. Furthermore, the OSCE has established broad competencies regarding the internal situation in (individual) states. Since 1990, general proclamations, guidelines, and standards pertaining to the third basket of the European security package have literally been transformed into recommended formulations of laws, political decisions, and practice in a number of countries. The OSCE competencies in this area have hypertrophied, and the fields of activity have expanded to such an extent that practically no segment of socio-economic life in the target countries has remained uncovered. These competences, for example, encompass border management, cyber/ICT security, education, economic activities, gender equity, environmental issues, migrant issues, youth and many others. The scheme of OSCE activities becomes highly diverse and voluminous. On the basis of such a wide range of activities, which in the OSCE promotion brochure were shown as branches of activities, the OSCE defined itself as a forum for political dialogue on a wide range of security issues and a platform for joint action to improve the lives of individuals and communities (OSCE, 2021, p. 3).⁷ This is by far the most general and least precise definition of the political and security items to be addressed by the OSCE. The question is, however, to what extent this tree of branch activities can be extended and why the priorities among them were not determined.

Lack of the OSCE international legal personality

Several significant international conferences were convened in European diplomatic history a long time ago with the intention of establishing or preserving peace. The most famous were the Peace Conference of Westphalia in 1648 (held in two cities, Osnabruck and Munster), the Congress of Vienna in 1815 and the Congress of Berlin in 1878. In the first half of the 20th century, powerful diplomatic gatherings were the Congress of Versailles in 1919 and the UN San Francisco Conference in 1945. Both decided to establish an appropriate international security organization. Thanks to them, Europe lived in peace for many years. In recent history, such a peace-building diplomatic conference was the Conference on Security

⁷ OSCE brochure shows its 21 fields of activities as the branches of the OSCE tree.

and Cooperation in Europe, 1973-1975. It started as the SCCE, i.e., a diplomatic forum for overcoming the risks of the new world, but unlike the two previous, it was converted into a permanent conference, which in 1995 became the OSCE. No previous conference had such experience. The first, second, and third ones have finished their existence upon signing the peace agreement between the lingering parties. The fourth and fifth conferences had only one session, but the Versailles Conference in 1919 adopted the foundation act of the League of Nations, while the Conference in San Francisco passed the Charter of the UN and formed the Organization of the United Nations.⁸ From the legal point of view, one of the unavoidable elements for establishing an international organization is the adoption of a founding act, statute, or agreement that defines the international legal personality of the newly created entity, its main bodies, organization structure, members' rights and obligations, etc. The fact that the CSCE only changed its name to the OSCE, without adopting a constitutive act, did not change its initial legal nature. The OSCE has remained an ambivalent subject, a kind of modern international centaur. It did not get out of the shell of the diplomatic conference in which it was born and has not been transformed into an international organization with the full legal capacity for which it was proclaimed fifteen years later. Its unchanged conference matrix is also confirmed by the fact that the status of participants was not altered by the status of member states. Only the second one is inherited by the international organization, while the first is inherited by the diplomatic meeting. The OSCE does not possess a founding act, which should specify its status as an international legal entity. The Helsinki Final Act of 1975, being a political proclamation, does not belong to the type of documents registered with the UN Secretariat. Regardless of the fact that some scholars define the Helsinki Final Act as a "*de facto* multilateral agreement or international act sui generis", the wording of Article 102 of the UN Charter contrasts with such extensive interpretation (Dimitrijević, 2015, p. 373). Political proclamations have no sufficient capacity to establish a legal entity per se. For that reason, the UN Charter does not recognize the OSCE as a subject of international law. Therefore, "no party to such an agreement or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this article may invoke that agreement or agreement before any United Nations body" (Paragraph 2, Article 102, the

⁸ The Treaty of Versailles, to form the League of Nations in 1919, and the Charter of the UN, to form the OUN in 1945.

UN Charter). The Helsinki Final Act was deposited with the government of Finland, which later on distributed it to all UN member states, but in spite of this bypassing of the UN Charter, no party can still refer to this document as a legally binding instrument. The absence of international legal personality has created major problems for the OSCE in terms of acquiring rights and obligations, as well as providing immunity to staff and granting the organization and its personal diplomatic protection during the implementation of decisions and commitments of the organization. The first attempt to overcome this problem was made by the Rome Minister Council Document of 1993, which was limited to a few suggestions (CSCE, 1993, December 1, pp.1-3). This document proved to be a really modest attempt, as "its recommendations related only to certain institutions, i.e., the SCCE Secretariat (now in Vienna), the Office for Democratization Institutions and Human Rights (ODHIR, Warsaw) and any other CSCE institutions determined by the CSCE Council". The Rome Decision "clearly failed to achieve its objective: it neither provided for an agreement (in the sense of an international treaty), nor did it grant anything - it limited itself to recommendations (Tichy, 2008, p. 461). The only thing that "could be granted in accordance with the Rome Decision was not international legal personality, which would be related to the legal status of the CSCE, but legal capacity, which is related to the capacity of performing domestic legal transactions of private law, and of being liable for such transactions". In addition, the beneficiaries would be only the mentioned institutions and not the CSCE (OSCE) or the CSCE missions in the participating countries (Tichy, 2008, p. 461). Implementation of these recommendations further contributed to the fragmentation of the OSCE legal system. The greatest number of the OSCE institutions and staff stayed out of any legal protection or were subject to the national law and legal will of each participant state. After the OSCE Secretariat in Vienna and ODHIR in Warsaw Later, some other institutions, including OSCE field missions, started to sign so-called Status Agreements with host countries or Letters of Understanding with non-state entities to assure some degree of diplomatic protection and immunity for their staff. On the basis of so-signed documents, some scholars assert that the OSCE's international legal subjectivity was in fact recognized in practice as customary international law. But the International Law Commission, at its 3.412th meeting, held on May 25, 2018, adopted the entire set of draft conclusions on the identification of customary international law. Conclusion 15/1 reads: "Where a State has objected to a rule of customary international law while that rule is in the process of formation, the rule is not opposable to the State concerned for so long as it maintains its objection" (Yearbook,

2018, p. 121). Subsequently, as long as there is an objection that refers to the legal personality of the OSCE, its existence would invalidate the argument that the OSCE has acquired international legal personality. During the decades that followed the Rome Decision of 1993, almost at every annual Ministerial Council Meeting, some sort of document that recommended strengthening of the OSCE legal capacity was distributed for discussion (Report to the Ministerial Council on Strengthening the Legal Framework of the OSCE, 2021, December 17). But the recommendation for adopting a document that establishes international legal personality for the OSCE has never materialized. Up to now, four options have been crystallized as a way of reaching its legal personality:

1. Adoption of the 2007 draft Convention on the International Legal Personality, Legal Capacity, and Privileges and Immunities of the OSCE;
2. Adoption of a constituent document (draft Statute of the OSCE) prior to, or in parallel with, adoption of the 2007 draft Convention;
3. Development of a Convention Plus (a hybrid solution consisting of elements of a constituent instrument incorporated into the 2007 draft Convention);
4. Implementation of the 1993 Rome Council Decision through signature and ratification of the 2007 draft Convention by a group of interested participating States (Hobek, 2020 p. 262). Unfortunately, the differences between states have deepened over the years instead of narrowing. Sweden's OSCE Chairperson in December 2021 could only conclude that "the four options for strengthening the legal framework of the OSCE remained tabled in 2021 without any perceptible progress towards consensus". It is obvious that in the near future, there is no chance for the OSCE to attain international legal personality. The latest conflicts in Europe have pushed aside the problem of the OSCE's legality. A new and crucial challenge has emerged – will the OSCE survive the Ukraine war?

Redistribution of the role of the international organizations in Europe

When it was established in 1975, the CSCE was the only forum in which East and West could have a global dialogue on general security issues on the continent. All initiatives for overcoming the security risks in Europe and for creating mechanisms for de-escalation were launched at this conference. At that moment, other general European organizations did not exist or were

at the margins of the main streams. The European Economic Community (which later transformed into the European Union) gathered only nine countries, whose main goal was to build a single market. NATO functioned only as a defensive military alliance of 12 countries. The Council of Europe had only 18 members, of which 11 were from Western Europe. That is why the OSCE had a leading role in defusing dangerous situations and was engaged in all three segments of European security: military-political, economic-technological, and democratic-humane. Today, there are a number of regional organizations of a general type in Europe whose strength and influence have far surpassed those of the OSCE and which keep the key to European security in their hands. The North Atlantic Treaty Organization, from defensive, has grown into an offensive organization while the number of members has increased to 30, with a tendency to further aggressive expansion.⁹ This organization is also concerned with political issues of strategic security, as it possesses a dominant force capable of resolving such a crisis. In practice, no country in Europe can have more soldiers or weapons than NATO allows as needed. The European Union has grown into an exclusive club of 27 countries with a single economic, fiscal, and monetary policy and a highly harmonized foreign and security policy. It has built instruments through which it can influence the policies of non-EU member countries, and in particular the policies of the candidate countries. Almost two decades ago (in 2003), it adopted the first strategic document on security strategy in Europe. But in 2015, taking into account a huge change in the security ambient, noticing the outbreak of new threats and assessing the multiplication of dangerous risks for its future, the EU adopted a Global Strategy for the EU's Foreign and Security Policy. In this new document, it pointed out its priorities, expanded the area of its political and security activities at a global level, projected the development of its own military forces and expressed its readiness to lead certain UN peacekeeping missions. The Council of Europe, with its 45 members, has become a key institution for considering, reviewing, and assessing states' democratic capacity and behavior in accordance with democratic development values and policies, as well as the protection of human rights and individual liberties.¹⁰ In the form of recommendations, it makes suggestions to the

⁹ Assessing that any crisis in the world can threaten its security, NATO has created an instrument for launching preventing activities all over the globe, called *Crisis response operations out of no. five article of the NATO Treaty* (Non-Article 5 Crisis Response-NA5CR OPERATIONS);

¹⁰ Russia has just stepped out.

member states on what to change and how to improve national laws and practice. A Recommendation does not have imperative power, but it represents a high moral obligation, and the majority of countries follow it. The consequences of non-compliance with these requirements can cause many problems for those who ignore them. Even a large state like Russia experienced the “soft power” of the Council of Europe’s recommendations. Russian neglect of some recommendations a few years ago resulted in its temporary suspension from the Council. In May 2022, Russia stepped down on her own, to avoid a new suspension. The decline of the OSCE’s political influence and importance in the contemporary constellation of power was inevitable because the three above-mentioned organizations took over a leading position in creating and maintaining European security. Redistribution of the roles on the European political stage resulted in entrusting the OSCE with the task of undertaking preventive diplomatic activities in the zone. The OSCE has developed instruments, mechanisms, and tools for potentially dangerous situations’ recognition, crisis prevention, diplomatic mediation, pacification and relaxation of tensions, observation, and control of the internal situation in host countries. It is the first to alert the other European security partners of a potential crisis and growing risk and turn on the red light of warning. In the event of conflict eruption, the OSCE gives way to other organizations to take appropriate measures, according to their capacities and competences. In other words, the OSCE’s activity is limited to giving political legitimacy and general support to partner organizations in the Euro-Atlantic zone of security. Upon the armed conflict’s termination, the OSCE comes again with the task of organizing and leading the overall activities of the so-called international community aimed at rehabilitation, rebuilding, and recovery of the social system and everyday life within a conflict-affected country. Given these processes, the OSCE’s role in the European security architecture has been redefined and supplanted several times. The goal of the diplomatic conference at the first summit in Helsinki in 1975 was to conduct a dialogue and contribute to détente (Conference on Security and Co-operation in Europe Final Act, 1975, August 1, p. 3, Para. 2). At the Paris Summit in 1990, the OSCE was explained as an “instrument of change... with the aim of making democratic gains irreversible.” (Charter, 1990, p. 4). At the Budapest Summit in 1994, the role of the OSCE was described as a “primary instrument for early warning, conflict prevention, and crisis management in the region” (Towards, 1994, p.2, para.8). The Summit at Istanbul in 1999 marked the OSCE as “a primary organization for the peaceful settlement of disputes within its region and as a key instrument for early warning, conflict prevention, crisis management,

and post-conflict rehabilitation” (Charter for European Security, 1999, November 18, pp. 2-3). At the last Summit in Astana 2010, the OSCE was sketched as a forum for promoting open dialogue, preventing and settling conflicts, building mutual understanding and fostering co-operation” (Astana Commemorative Declaration towards a Security Community, 2010, December 1, p. 2, Para. 5). There are many reasons why today the OSCE is characterized by a relatively “low profile”. Probably the most important reason is that the US had suspicions about transforming the OSCE into a pan-European security organization, since it would raise the question of the future role of NATO. France did not want the OSCE to take over too many responsibilities in the field of security, so instead it decided to strengthen the WEU. Also, France did not want to attach much importance to human rights because it could call into question the continued existence of the European Council. However, the comparative advantage and potential of the OSCE with respect to other European security institutions did not vanish (Zirojević, 2006, p. 215).

The OSCE main bodies’ repositioning

The organizations largely maintained the same structures and competencies of their main bodies, institutions, and assisting structures during the transition from the CSCE to the OSCE. There were some minor changes, but they are irrelevant to our theme.¹¹ The Summit formally remained at the top of the pyramid of OSCE power, as the most important organ of the OSCE. Meetings of heads of state or government of the OSCE participating states set priorities, take decisions, and provide orientation at the highest political level. At one time, the Summit really played the most important role. It reached its peak of power and efficiency in the middle of the last decade of the 20th century. In total, seven meetings were held during the past 46 years, the first in Helsinki in 1975. After 15 years, the second Summit was organized in Paris (1990). At that time, the idea of transforming the Conference into an organization was far from the agenda. But the fall of the Berlin Wall in 1989, then the collapse of the Soviet Union, the dissolution of the Warsaw Pact and the civil war in the SFRY imposed strengthening

¹¹ The predecessor of the *Permanent Council* was the *Committee of Senior Officials*, which has later changed its name. The *Review Conference* switched off after a dozen meetings, and its competences were transferred to a new body, the *Conflict Prevention Center*. Additionally, some new working bodies were introduced, which initially did not exist.

the OSCE, its structure and mechanisms. These events encouraged the heads of European states to gather again and consider how to fill the political and security vacuum that arose after the break-down of the communist world. The rule that meetings are held every two years was respected only in the period from 1990 to 1996 (Paris 1990, Helsinki 1992, Budapest 1994, and Lisbon 1996). Then three years passed before a new meeting was held, this time in Istanbul (1999). After that, another 11 years were to pass, and in 2010, the seventh Summit in a row was held in Astana (Kazakhstan). Almost 12 years have passed since then, but there are practically no indications or chances for holding a new summit. It is not excluded that, unless the conflicts in Ukraine end by the end of 2023, the summit in Astana will remain inscribed as the last in the history of the OSCE. Gone are the ideas and statesmen capable of creating a new security concept that would restore peace to the European continent. Europe needs a new vision, a new security architecture, and strong contractual guarantees, as well as a mechanism to implement them. The rule that meetings are held every two years was respected only in the period from 1990 to 1996 (Paris 1990, Helsinki 1992, Budapest 1994, and Lisbon 1996). After 1996, the next three years had to pass before a new meeting was held, this time in Istanbul (in 1999). But another 11 years were to pass, to convene the 7th Summit in Astana (Kazakhstan) in 2010. From that moment, no summit could be convened, even though 12 years had passed. As for the current situation, in the year 2022, there are practically no indications or suggestions for convening a new summit. Maybe the summit in Astana will remain the last one in the history of the OSCE. Thus, not a single person, politician or statesman, could create a new concept of security that would be acceptable to such divided countries in Europe. The European continent deserves and needs a new long-range vision, a different security architecture, and strong contractual guarantees, as well as a mechanism of implementation. Due to the lack of such leaders and concepts, the OSCE found itself in a situation where, instead of the Summit, other forums and bodies began to make decisions and shape the organization's destiny. The Council of Ministers, which meets regularly once a year, has objectively taken on the role of summit. The list of its conclusions became longer, the content of its conclusions more general, or related only to technical issues, while the obligations that are addressed to the host countries of the OSCE missions literally were repeated every December. In addition, even the importance of the Council of Ministers is gradually fading away. For the first time in history, the Ministerial Council did not succeed in approving a concluding document in December 2020, at the so-called millennium meeting. The same occurred in the period from 2003 to 2006.

An extreme case was noted at the 2002 meeting in the city of Porto (Portugal), when at the Ministerial Meeting, out of 25, only three EU Foreign Ministers attended. The presence of two was inevitable, from Portugal and the Netherlands, as the countries of the ongoing and next presidency. The United States and Canada also did not send their foreign ministers, and all of the participating countries from Asia (with the exception of Tajikistan) did the same. Due to the sharp divisions within the OSCE, such disrespect of the Ministerial Council could be seen many times later, with the result that conferences ended without any agreement on key matters. This was especially obvious in 2014, when the people of Crimea, upon referendum, decided to join Russia. As a result, the Euro-Atlantic group of states claimed that Russia illegally annexed Crimea, and a new stalemate ensued. The second wave of disagreements happened in 2017, when the consensus on prolonging the mandates of the four OSCE institutions could not be reached for six months (Secretary General, ODHIR Director, High Commissioner for Minorities and Media Envoy). The new persons had to be appointed at the end of the year because the work of the OSCE was almost paralyzed. Also, the process of nomination of the candidate countries for the future presidency (OSCE chair) experienced a lot of controversy. The gap is evident when it comes to the 2024 presidency. In December 2002, Poland will hand over its mandate to North Macedonia, which will lead the OSCE in 2023. But what will happen in 2024? Nobody knows. Namely, a few years ago, Estonia and Finland jointly proposed to chair the organization, Estonia in 2024 and Finland in 2025. But consensus was somehow made only regarding Finland's nomination in 2025. Estonia was not approved as a candidate for the presidency in 2024. Moreover, in the context of the new confrontations in Ukraine, it is unlikely that either of these two countries will be able to ascend the throne of the OSCE chairmanship. The Permanent Council is the third most important body in the OSCE decision-making system. They meet weekly in Vienna as a regular body and provide a framework for continuous political dialogue and decision-making by the permanent representatives of the participating states. Apart from regular meetings, the PC practices special and extraordinary meetings when needed. Sessions are convened and chaired by the Chairperson-in-Office or his/her representative. The Permanent Council is made up of delegates, mostly ambassadors, from the 57 participating states, 11 OSCE Partners for Cooperation envoys, representatives from the OSCE Parliamentary Assembly, and, on occasion, coordinators from the OSCE executive structures. The Permanent Council, as high executive and the most operational body, decides promptly and automatically, through the so-called "silence procedure", and directs the

activities of numerous institutions, subsidiary bodies, working groups, and the OSCE's mechanisms for action, especially field missions. Although it usually decides by consensus, the Permanent Council in very few situations resorts to the consensus minus one rule, which was introduced in 1992 (to prevent Yugoslavia from voting against its own suspension). The rules of procedure of this body explicitly state that the Chairperson-in-Office should set the meeting agenda list exclusively on the basis of consensus. But from the beginning of the conflict in Ukraine, several times the agenda was defined by the Chairperson in the Office or by the Secretary-General, bypassing the consensus procedure. In spite of often tough dialogue, irresponsible attitudes and opposing arguments, the Permanent Council plenary meetings are still going on without interruption or pause. The Forum for Security Co-operation, as the fourth and autonomous decision-making body, now suffers the consequences of a huge division among the main security actors in Europe. It is almost impossible to monitor and check the implementation of a series of arms control treaties. Unfortunately, its weekly meeting has no impact on military stability and security at the moment. In a formal sense, the Chairperson-in-Office, i.e., the OSCE Chair, as the Minister of Foreign Affairs of the host country, also belongs to the circle of decision-making bodies. He/she should have a very important role in the one-year period, especially in designing a political approach to the crucial problems and reaching consensus on sensible items. The OSCE Chair is authorized to coordinate the decision-making process and set the OSCE's priorities during its year in office. In practice, however, it was surpassed by the OSCE Secretary General, who has led the organization since its inception. The Secretary General in fact took over the second position in the whole organization, providing that his/her mandate lasts three years and is usually extended to the next six years. Finally, there is the Troika, as an *ad hoc* body which consists of representatives of the current, preceding, and future OSCE Chairs. It may have some influence on making a decision, but only in an indirect way.

Intertwining of regional, transcontinental, and global OSCE ambitions

As we have already noticed, the OSCE has no Statute nor a Foundation act. Its ambivalent position deprives the OSCE of recognition as a full-flagged international organization. There is one important segment missing – the capacity of legal personality in international relations. The basic document, the Helsinki Final Act, represents nothing more than a solemn

diplomatic statement. Nevertheless, the non-existence of its legislative wording, did not limit its political influence. The Final Act possesses both very strong political power and high moral significance. That influence surpasses and exceeds its regional European affiliation and reaches the shores of all five world oceans. The participating countries obliged themselves to adhere to the Helsinki ten principles (Decalogue). The OSCE sees itself as the world's largest regional security organization. But is such a definition quite correct in all its aspects? First, it is completely true that the OSCE is the greatest regional political structure, both in Europe and around the globe. With 57 countries engaged and 11 involved as partners for cooperation, it outnumbers NATO (30), the European Union (27), the Council of Europe (46) and other European organizations, and also the African Union (55) and the Organization of American States (35). Second, the OSCE is no longer a bearing pillar of the European security architecture. The main security issues (military and political) have passed into the hands of more influential international subjects. The OSCE has evolved into an instrument for crisis management. Third, the OSCE's legal position is incomplete; hence it cannot be treated in an indisputable way as an international organization. Finally, is the OSCE really a regional European organization? The OSCE conducts numerous activities and gathers even 68 countries located on five continents (Europe, North America, Asia, Africa, and Oceania), of which 57 are located on the territory of the three first mentioned continents and have the status of participant. This makes the OSCE both a Euro-Atlantic and an Eurasian organization. None of the OSCE documents explains the framework and borders of the European region. Where does it begin and where does it end? The OSCE is more of a transcontinental organization than a regional one, though it occasionally expresses its global ambitions in a timid manner. In its early stages, in 1992, the OSCE (then, the CSCE) proclaimed itself to be "a regional arrangement in the sense of Chapter VIII of the Charter of the United Nations". But from the point of view of Chapter VIII, it is hard to say that the Helsinki Final Act possesses the legislative constitutive power of a regional agreement or of an agreement or institution. Only regional arrangements concluded among parties that possess international legal personality can enable them to appear as the UN representative in a specific area with the goal of implementing the UN's principles at the local level. Dealing with the maintenance of peace and security at the regional level is the general goal of each regional arrangement, but Paragraphs 2 and 3 of Article 52 limit agencies' goal to an effort "to achieve pacific settlement of local disputes through such a regional arrangement" (Article 52, Pars.1, 2 and 3, UN Charter). The introduction of

peaceful settlement of disputes, not only as rights, but also as obligations of regional organizations, according to the UN Charter, is also one of the basic differences between the concept of the League of Nations and the United Nations in terms of the role and tasks of regional organizations. In this way, under certain conditions and in such situations, they are integrated into the system of work of the universal organization, participating in its activities (Pindić, 1978, p. 71). The United Nations General Assembly has granted observer status to a number of such regional organizations, including the Organization of American States (OAS) in 1948, the League of Arab States (LAS) in 1950, the Organization of African Unity (OAU) in 1965, and the European Economic Community (EEC) in 1974. Unlike the OSCE, the above-mentioned regional arrangements really deal with local issues and are dedicated to the peaceful resolution of disputes. In contrast to them, the OSCE has articulated global strategic goals and stepped far beyond the framework of peaceful settlement of disputes. The whole political and geographic space from Tokyo to Vancouver has become intertwined and incorporated into the OSCE agenda with a multitude of instruments and mechanisms. The political and strategic ambitions of the OSCE, which were set under Euro-Atlantic influence, prevent any local dispute and are becoming more universal every day. It is no longer a matter of UN goals' implementation at the local European level by the OSCE but an endeavor of the OSCE and related Euro-Atlantic organizations to compete with the UN's system of collective security or to bypass it. This has resulted in the overlapping of the UN and OSCE's competencies and activities, as well as their collision, intersection, and even opposition. Fortunately for the OSCE, the UN Charter does not explain the notion of a region and the scope of regional activities in a geographical sense. In spite of this formal lack, the readiness of the OSCE to get closer to the UN was materialized in October 1993, when the UN General Assembly granted observer status to the OSCE. From that moment, the cooperation between UN institutions and OSCE institutions was constantly advancing, but with some divergences which remained hidden behind the public scene.

Controversies, imbalances, and partialities in some other areas

In addition to the previously mentioned, there are some other characteristics related to the organization, institutional structure, and mode of operation of the OSCE that deserve critical consideration. However, much more space and time are needed for explanations of all controversies, imbalances, and partialities, so we will limit ourselves to a few. Geostrategic

imbalance is one of the most important indicators of imbalances and shortcomings in the work of the OSCE. The OSCE's center of action, which ran along the lines of separating the Eastern and Western blocs in Europe during the Cold War era, has been relocated to the border with Russia in recent years. The OSCE has territorially expanded to the borders of China, approaching Mongolia, the Republic of Korea, and Japan. Through the Mediterranean group of countries, it is also capable of influencing the politics conducted in North Africa. Finally, its eyes and ambitions are turned towards the last remaining continent. The concept of European security was essentially built over the line that separated two opposing parties in the Cold War confrontation, namely the border between the two military-political blocs. So, the OSCE is constructed as a Euro-centric organization, with a focus on the problems existing in the heart of Europe. Although the United States and Russia may be viewed as external forces, both countries (the United States as a whole and Russia, for the most part) participate equally, because the security of the European continent is dependent on their relations and willingness to maintain peace in Europe. It would therefore be unrealistic to renounce their involvement. At first, only the presence of Canada could be questioned, but now that the OSCE has entered and engaged deeply in Asia, such a question has no sense. The internal political imbalance of the OSCE is also visible. Upon the disintegration of three federal socialistic states in Europe and the emergence of many new states, as their legal successors, the border of the Western military-political and economic bloc was moved further towards the East. The OSCE also found itself shaped by dominant pro-Western political influence. Its policies, activities, and values were largely designed according to the interests of the Euro-Atlantic group of countries. For that reason, no single OSCE mission has been established on the west side of the OSCE "territory", in spite of huge crises in its area. So we can ask: why the OSCE did not send some special mission to explore, control, and help prevent conflict in the Basque Country in Spain, Belfast in Northern Ireland, the territory of the Turkish Republic of Northern Cyprus, or some other zones? It also deserves to be considered why political crises in the United States, and even in France, regardless of whether they were related to elections or racial conflicts, never attracted the attention of the OSCE. These crises were followed by excessive use of force and even casualties, but have never been evaluated or analyzed by the OSCE. What to say if we know that three times in the last twenty years, the elections in the US were full of incidents, omissions, and confrontations, and followed by candidates' claims of huge irregularities and frauds? The whole world saw that election votes were counted several

times and the results changed or their official proclamation postponed for months. And there is no guarantee that the same will occur during the next elections. We believe that such things require OSCE action, such as sending an observation mission and human rights reporters or observers to investigate the situation. Should the OSCE close its eyes again? Therefore, the question is how far the OSCE can expand and adapt to the values of the Western world exclusively without losing the status of a regional organization and diminishing the ability to respect the interests and needs of other participants in the process. The imbalance in action and in terrestrial engagement has led to the impression that the OSCE has been transformed into a gigantic human rights organization or an exclusive and powerful instrument for the protection of human rights, the promotion of democracy and individual freedoms. The OSCE aspires to influence the internal affairs of countries that are cooperating with it, not just the participants. Regarding the military component of the OSCE engagement, there is a narrow space for its control of conventional weapons, while its economic component of work is reduced to environmental activities. It is hard to ignore that the OSCE's support for the rights of the LGBT community overcomes its duty to protect the rights of the poor and unemployed population, or migrants. This imbalance also has a financial dimension, which manifests in two ways: through collecting funds and through spending funds. The list of percentages of countries' contributions to the OSCE Budget has not been changed for a long time, but the economic position and financial situation in a significant number of participating states have changed up or down. Field missions have become the main beneficiary of annual budget funds. The largest part of the budget goes to their work (which occasionally reaches over 200 million euros and most often varies between 150 and 180 million). The share of a mission's costs within the budget has reached between 70 and 80 percent in recent decades, depending on the number and size of missions. Deficiencies in fund raising and exaggeration in spending have caused many difficulties and delays in the adoption of the annual budget. The decision of a temporary budget has become one of the frequent characteristics of the OSCE. The imbalance between security producers and consumers has been noticeable since the beginning of the institutionalization of the security process in Europe. Within the OSCE, there is an unwritten and invisible division between countries that create and fulfill international obligations. The first are the providers, and the latter are the recipients of security. For decades, the group of countries from Southeast and Eastern Europe, the Caucasus, and Central Asia have been transformed into security consumers, while the leading countries of the Euro-Atlantic group have

become the main security producers. It seems that the division between security exporters and importers has long been cemented and that it will never be subject to change. It is obvious that the OSCE never deployed its ground mission in some countries after their entry into NATO or the EU. Double standards are one of a few but very sensitive phenomena in OSCE practice. The OSCE did not feel the need to send an observation mission, or at least a research mission, to verify the results of the US elections in the fall of 2000, although for a long period it was not clear who won the elections. The OSCE unfortunately had neither a comment nor a word of criticism. On the other hand, large observation missions with over 1,500 observers were sent to Ukraine and Russia in advance, and many observation missions to Serbia over the years. Numerous controversies regarding the OSCE missions refer to the way of their introduction, the circumstances in which they are established, the ambiguity of their chief nominations and decision-making process during engagement of the mission, problems with the extension of mandates, the absence of sufficient control of missions, the lack of an exit strategy, and a number of other related issues.

THE OSCE AND SERBIA

Historic review

The Republic of Serbia has a long history of relations with the OSCE, together with the other ex-YU republics, generated by the SFRY. At one time, as the leader of the Non-Aligned Movement, as a strong and stable state, Yugoslavia was the initiator, proposer, and participant in the entire European security process. It made a significant contribution to shaping the Helsinki Final Act and was a founding member of the CSCE. Later, when the common state fell into crisis and after the beginning of the secession process, Yugoslavia was the first subject of the security engagement of the OSCE and was suspended from its work for a long time. After the definitive separation of individual republics and the proclamation of new states, the Republic of Serbia, as a newly created international legal entity, applied for admission to the OSCE in 2000 and, a year later, became part of it. In some ways, it could be said that relations have both had their ups and downs, but now they are making continuous progress. Figuratively speaking, for both parties, it was a long journey from the stars to the thorns and back. In accordance with internal political and social changes and more determined to join the European Union, the Republic of Serbia is today committed to

cooperation with the OSCE, especially when it comes to the process of reform and achieving high democratic standards, reconciliation in the region and resolving other issues. It does this through partnership and successful cooperation, primarily with two OSCE missions on its territory – the OSCE Mission to Serbia and the OSCE Mission in Kosovo – but also with other missions in the region. The OSCE Mission to Serbia (OMIS) was established on January 11, 2001. The activities of the Mission are realized through partnership with the state bodies of the Republic of Serbia and are focused on four program areas: 1) rule of law and human rights; 2) police reform; 3) democratization; and 4) development of the media. The mission is engaged in advising on drafting and implementing laws, reform strategies, and action plans; supporting the strengthening of democratic institutions; encouraging dialogue at the national and regional levels on refugees and displaced persons; and supporting the development of regional cooperation and reconciliation. The OSCE Mission to Serbia works closely with independent institutions and the non-governmental sector in the country (OSCE-Serbia, 2022). This activity covers as many as 23 different areas. The OSCE Mission in Kosovo (OMIK) was established on July 1, 1999, as the third pillar of the international presence in Kosovo and Metohija established by UN Security Council Resolution 1244. This mission, in a status-neutral manner and through cooperation with other international organizations and institutions, contributes to a multiethnic democratic society and aims to respect human rights, build institutions, and promote democracy. The Mission implements its activities through three main programs: 1. The Human Rights and Communities Program; 2. The Democratization Program; and 3. The Public Security Program. It is the second largest OSCE field mission (Ministry of Foreign Affairs of Serbia, 2022).

SERBIAN OSCE PRESIDENCY IN 2015 AND ITS SPECIFICS

In 2015, Serbia chaired the Organization for Security and Cooperation in Europe. It took over the presidency from Switzerland and handed it over to Germany in 2016. Serbia's chairmanship of the OSCE has been an extremely complex task in difficult international circumstances, given that the OSCE has a special role in resolving the Ukrainian crisis. All 57 participating countries and 11 partners rated Serbia's activities as the OSCE President successful. Due to such engagement, Serbia succeeds in improving its position and increasing its reputation in international relations. The presidency of Serbia had a number of specifics, which we will outline here.

Submitting a candidacy in tandem

The first specificity was a new method of submitting candidacy based on a common platform. Namely, Switzerland and Serbia came up in October 2011 with the idea of a joint presidency for two consecutive years. The joint candidacy was accepted on February 10, 2012, by the Permanent Council in Vienna. Never before has the idea of a coordinated two-year presidency by two different countries been put into practice. The two countries then drafted a detailed and concise plan of joint work. On that unique platform, Switzerland was assigned to chair the organization in 2014 and Serbia in 2015. Given the fact that the concept of common ground for a two-year presidency had never been tested nor experienced, the launching of an innovative proposal by Switzerland and Serbia carried a certain risk of non-acceptance. It is known that within the OSCE system, the position of chairman does not come automatically or by rotation. It is subject to verification, which begins with consensus and finishes with voting. So the final decision is uncertain until the last minute. The acceptance of such a proposal submitted by Switzerland and Serbia is even more important, providing that candidacy requires consensus, i.e., that none of the 57 members would oppose it. Of course, another risk was the question of whether such an “in bloc” presidency would be fruitful or would cause damage to the general OSCE work as an institution.

The coherence of the two-year presidency despite great differences

Another peculiarity is that the merger of the two-country presidency and the appearance of their twin roles was quite unusual and has come as a precedent. The differences between them were considerable. On the one hand, Serbia was a country that produced a “surplus of history” over centuries, while on the other hand, Switzerland walked through history without huge suffering, numerous victims, and frequent turbulence. Not to mention enormous economic differences. Nevertheless, full coherence has been achieved, both at a general and at an operational level. The ministries of the two countries planned and conducted joint staff training and the exchange of competent diplomats. In addition, there was an established network of government and NGOs institutions aimed at preparing for joint activities. Serbia and Switzerland, in their two-year consultations on all important issues, also included Germany as the future chairman. Working as a team, they also formed a platform for overcoming differences among member countries, which were frequent during the whole two-year period.

Thanks to that, the handover of the bandmaster baton between the two countries passed smoothly. What's more, oscillations were avoided when the focus of activities was not transferred from one area of politics to another, and disharmony appeared when less important issues were brought to the forefront. Ten presidencies did not succumb to external pressure to push under the carpet some burning issue or to favor the interests of one or another group of countries at the expense of others.

The importance of granting the presidency to Serbia in a great jubilee year

The third specificity was granting the OSCE chair to the Republic of Serbia just in time for its jubilee. In 2015, the OSCE commemorated 40 years of its establishment, and Serbia came to the throne. It did not happen by accident. Due to the fact that Serbia's candidacy was approved in 2012, it is obvious that the organization intended to honor Serbia with the presidency at its 40th anniversary. The weight of such a political decision was well weighed in advance. At that time, the OSCE was very well informed on all of Serbia's internal and external concerns. As for Serbian economic difficulties, it was thought that introducing some restrictions and "tightening the belt" would not cause any serious problems. But the existence of the huge differences regarding the treatment of "Kosovo" abroad brought at least two risks: increasing pressure on Serbia to change its attitudes and pushing this issue to the forefront of the OESC's work. Both situations could further deepen the gap between those countries that are pro or contra the Serbian approach. On the one hand, it was very well known that UN Security Council Resolution 1244 guaranteed Serbia's territorial integrity, but on the other hand, it was known that the majority of the OSCE countries supported the act of illegal secession of this province from its home country. Some countries feared that the "Kosovo case" could develop in the same direction as the still unsolved "Cyprus problem" (lasting since 1974). However, thanks to the diplomatic formula "dialogue between Belgrade and Pristine", the Serbian government has avoided the risk of falling into the trap of a long-term "frozen conflict". It has thus demonstrated diplomatic ability, intellectual capacity, and political will to apply the OSCE's high democratic, humane, and security principles in practice. The appointment of Serbia to preside/chair the OSCE in 2015 was perceived as a definitive signal that Serbia had become an acceptable and responsible "player" on the European political scene, who can be trusted.

The effect is equally positive, despite the discrepancy in capacities

Given that Serbia is a small country, that its GDP at the time was only about 35 billion euros, and that the Ministry of Foreign Affairs has less than a thousand employees, it is normal that the total number of people engaged in the Serbian mission to Vienna and headquarters in Belgrade was significantly smaller than in the case of Switzerland. Regarding population, Switzerland has only one million more residents than Serbia, but its GDP is 15 times higher. Also, the number of employees in its Federal Ministry of Foreign Affairs is significantly greater than the number of staff in the Serbian MFA. An even bigger difference existed between Serbia and its successor, Germany, which “took over” the OSCE chairmanship in 2016. However, the fact that Serbia led the OSCE during the time between two strong countries’ presidency does not mean that it was passive or in the shadow of two others. Moreover, if we know that Switzerland in 2014 engaged much more capacity, staff, and funds than Serbia in 2015, then it follows that Serbia, with a smaller professional team and fewer resources, has achieved the same scope of coverage and activities within all three OSCE “baskets”. Namely, Serbia maintained the same level of employment of all working bodies, maintained the same rhythm of meetings of forums and decision-making bodies, and proved the same level of efficiency in executing the decisions of the previous Ministerial Conference. Finally, Serbia spent four million euros from the OSCE budget during its presidency. Switzerland, on the other hand, spent 16 million. We left to reader to asses: If one with a minor capacity can produce as much as the other with a greater capacity, then who achieved more?

Exceptional efficiency in reconciling the OSCE Budget

During the period in which Serbia held the presidency, no proposal for a decision of the Permanent Council was rejected, which is the result of the previously reached political consensus. Of course, the issue of the OSCE Budget does not fall into the category of political issues, but it certainly has a political dimension. Whenever international relations fell into a crisis, the budget decision could not be made in time. This has been happening for years, even when it comes to the budget for the Swiss Presidency in 2014. The problem has been solved through an interim budget, which would often last until the middle of the term. However, when the Budget for 2015, which will be chaired by Serbia, was adopted, it was highly efficient and everything was completed ahead of schedule. The budget for 2015 amounted to 141.1

million euros and was almost nine million euros less than the previous year (Vasić, 2016, p. 23-25).

High efficiency in the OSCE Budget balancing

During the period of the Serbian presidency of the OSCE, no proposal for a decision of the Permanent Council was rejected, which is the result of the previous Serbian engagement in reaching political consensus. Of course, the issue of the OSCE Budget does not fall into the category of political issues, but it certainly has a political dimension. Whenever international relations enter into a crisis, the budget decision cannot be approved in a timely manner. This has been happening for years, even in the period of the Swiss Presidency in 2014. The problem was bridged through a provisional decision, i.e., postponed for several months. However, when the budget proposal for 2015, which affects Serbia, came on the agenda, it was approved with high efficiency and within the scheduled time line. The budget for 2015 amounted to 141.1 million euros and was almost nine million euros less than the previous year (Vasić, 2016, p. 23-25).

CONCLUSIONS

Generally speaking, the OSCE has made a significant contribution to maintaining peace in Europe, especially during the Cold War period. After that, the European Union, NATO, the G-7, and the UN Security Council took the lead in security matters. In some cases, the OSCE demonstrated high efficiency, but in some others it failed. The overall OSCE role during its 47 years of existence should not be overestimated or underestimated. Its position and results oscillate from time to time but mainly depend on the balance of power in the world. Apart from that, its imperfect nature makes it difficult to cope with the problems of this imperfect world. One of its deficiencies is a lack of international legal personality. At the same time, the decline of the OSCE's political influence in international relations is a consequence of the strengthening of other international factors but also of the internal crisis that the OSCE has been crossing over years. For decades, the OSCE has failed to keep pace with changes in the world nor to create a more advanced vision of European security, in line with huge changes on the international stage. It also suffers from numerous contradictions, which we discussed in this paper. The biggest discrepancy that affects the OSCE arises from the US and western countries' determination to keep the OSCE

only as a forum for dialogue and continuous Russian efforts to transform the OSCE into a classic international organization, with appropriate statutes, capacities, and instruments of core security. The continuous strengthening of the European Union and the expansion of NATO resulted in their overwhelming the OSCE role in dealing with the most important political, military, and economic issues of European security. In other words, Euro-Atlantic influence has become predominant in the OSCE, so the OSCE redirected its activities to the "third basket" of the Helsinki Final Act. The institutions and mechanisms developed by the OSCE have experienced a number of changes, but they have also had serious inconsistencies. Transmitting the focus of activities to crisis management has enabled the OSCE to continue its relevance and participation in the timely implementation of certain segments of European security. Of course, to the extent those other organizations allowed its engagement. The OSCE field activists have grown into the most efficient instrument for conflict prevention and pacification of crises in the OSCE area. For that reason, the field activities spend between 70% and 80% of the OSCE annual budget. Their work necessitates separate analysis and a critical approach, despite the fact that the OSCE has yet to invent a better tool for crisis management and peaceful dispute resolution. The preventive diplomacy capacities of the OSCE remain its comparative strengths. The OSCE's low-cost and low-risk style of intervention is combined with significant potential for improvement in a tense situation. Moreover, because of the inclusive nature of its membership and the requirements for consensus, the OSCE is not viewed as a threat to the interests of participant states in a potential conflict situation. Contrasted are situations in which one or more of the OSCE members views the use of force as the only means for conflict resolution or achieving its goals (IFPA, 1997, p. 205). Why is the collective dialog that the OSCE encourages and conducts so important? Collective debate on international relations and politics is an important contribution of international organizations to the goal of establishing a world order. Great dialog is not a saving tool for all the problems. It does not change the fact that final responsibility for the determination of world affairs rests with the greater number of countries. Such a debate, on its own, will not eliminate mass and disorder. However, human experience teaches us that the kind of order for which humanity strives can only be established and maintained through the process of debate (Raki, 2009, p. 83). Although the new balance of power in the world has long ago imposed the need to shape a new concept and structure of European security, there is still no readiness inside and outside the OSCE to start with talks. The latest occurrence regarding Ukraine in 2022

has radically returned Europe to a situation similar to that of the epoch of the Cold War. The ongoing armed conflicts have distanced the main actors in European security and cut off their communication. The pyramid of European security, which reached four continents, collapsed like a tower of cards. In this new political vacuum, the OSCE was the unique security organization that prolonged its activities and preserved space for discussion among all relevant parties. Although it did not become a bastion of European security, the OSCE at least proved again to be the most appropriate organization for renewing dialogue on security matters among the participant countries, as being acceptable to all parties (Vasić, 2016, p. 25). There is no doubt that the OSCE is facing the greatest challenges nowadays. In parallel with the security problems that have shaken Europe and threaten the world, the OSCE has to deal with the greatest internal crisis in its history. Fortunately, there are only two things in its favor. First, no state has requested its dissolution. Secondly, at this moment, the OSCE is the only European political organization that has not closed its doors to Russia. Thus, the OSCE today remains the only forum for East-West dialogue, as it was between 1973 and 1975. Although it failed to maintain an objective approach regarding the long-lasting crisis in Ukraine and the Baltic countries, it did not exhaust its own potential for peaceful engagement and mediation in conflict. Upon the termination of the Russian “special operation” in Ukraine, we cannot see any other European actor that could be entrusted with the task of maintaining peace in the area. Another is the question of whether the OSCE will be able to play an important role in Europe in the future without transformation into a full-flagged international organization, with an original structure and the task of implementing the principles of the UN Charter in Europe.

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CONTEMPORARY RELATIONS OF THE EUROPEAN UNION (EU) AND THE NORTH ATLANTIC TREATY ORGANIZATION (NATO) WITH SERBIA

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Abstract: In this paper, the author deals with the analysis of the relations of two significant international organizations – the EU and the North Atlantic Treaty Organization (NATO) – with the Republic of Serbia. Since Serbia is a country on the way to joining the EU and is surrounded by NATO member states, the analysis of relations in real geopolitical circumstances is particularly interesting for scientific research. In this sense, official indicators point to a raised threshold of cooperation between these actors, but also to a certain imbalance that exists in mutual relations, which is determined by internal political and foreign political determinants. Within the political determinants, they determine the imbalance between the officially proclaimed policy and public opinion. On the other hand, foreign policy determinants are determined by geopolitical trends in Europe and the world. In this regard, the expectation of the EU and NATO in relation to the crisis in Ukraine was expressed that Serbia would join the economic sanctions against Russia, which is blamed for the aggression. The direction of further development of mutual relations is therefore directly conditioned by the commitment to fulfill this requirement, which is one of the key ones in the current constellation of relations with the EU and NATO. Because this is in direct opposition to Serbia's neutrality, good relations with these two international organizations may face many difficulties. All the more so if one takes into account that the new geopolitical division in the world has led to new "iron curtains" that seriously disrupt world peace and security. Time will tell whether Serbia will agree to the introduction of restrictive measures towards Russia or will remain consistent in its

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foreign policy neutrality. In the author's opinion, in the existing international circumstances, Serbia should be guided exclusively by its own national interests, remaining on the sidelines in conflicts between the great powers.

Keywords: Serbia, EU, NATO, geopolitics, great powers.

INTRODUCTION

Relations between the EU and Serbia

Serbia officially applied for membership in the European Union on December 22, 2009. In the same year, Serbia received free travel opportunities from EU visas, so that Serbian citizens can travel to the EU member states without visas or restrictions, except for the length of stay, which is limited to 90 days. Since June 2013, the EU has decided to open accession negotiations with Serbia. In other words, Serbia has begun to open and close chapters aimed at harmonization at various levels in the process of Serbia's accession to the EU. So far, a total of twenty-two chapters have been opened (Chapter 5 – Public Procurement; Chapter 6 – Company Law; Chapter 7 – Intellectual Property; Chapter 13 – Fisheries; Chapter 14 – Transport Policy; Chapter 15 – Energy; Chapter 17 – Economic and Monetary Policy; Chapter 18 – Statistics; Chapter 20 – Entrepreneurship and Industrial Policy; Chapter 21 – Trans-European Network; Chapter 23 – Justice and Fundamental Rights; Chapter 24 – Justice, Freedom, and Security; Chapter 25 – Science and Research; Chapter 26 – Education and Culture; Chapter 27 – Environment and Climate Change; Chapter 29 – Customs Union; Chapter 30 – Foreign Economic Relations; Chapter 32 – Financial Supervision; Chapter 33 – Financial and Budgetary Provisions; and Chapter 35 – Other), and Chapter 25 (Science and Research) and Chapter 26 (Education and Culture) are temporarily closed. Criteria for opening have been given for seven chapters and action plans are being drafted: Chapter 1 (Free movement of goods), Chapter 3 (Right of establishment and freedom to provide services), Chapter 8 (Competition policy), Chapter 11 (Agriculture and rural development), Chapter 16 (Taxation), Chapter 19 (Social Policy and Employment) and Chapter 22 (Regional Policy and Coordination of Structural Instruments). There are no criteria for opening for four chapters, and negotiating positions are being developed for Chapter 2 (Freedom of movement of workers), Chapter 4 (Freedom of

movement of capital), Chapter 9 (Financial services), and Chapter 28 (Health protection and consumer rights) (Proces pregovora o pristupanju Srbije Evropskoj uniji, 2022).

In October 2020, the EU Commission proposed an Economic & Investment Plan to support and bring the Western Balkans closer to the EU. Serbia accepted the revised enlargement methodology and the first political inter-governmental conference was held in June 2021. This revised methodology focuses on the following aspects:

- A stronger focus on the fundamental reform;
- A stronger political steer;
- An increased dynamism and,
- The predictability of the process.

The overall pace of negotiations will depend, in particular, on the pace of the rule of law reforms and the normalization of Serbia's relations with Kosovo (European Commission, 2021, October 19).¹ It is important to point out the fact that five EU states did not recognize the self-proclaimed state of Kosovo and Metohija (Riegl & Doboš, 2017, p. 207). Also, there is an example in the EU that a state can become a member of the EU even though parts of its territory are disputed. This is the case with Cyprus (Janigian, 2018). It is interesting to note that the Vatican state did not recognize the self-proclaimed Kosovo and Metohija, especially given its importance and influence in the geopolitics of the world. (Ker-Lindsay, 2012, p. 81).

The relationship between Serbia and the EU will be best illustrated by the following indicators listed in Table 1.

¹ This designation is without prejudice to positions on status and is in line with UNSC Res. 1244/1999 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 1 – Main trade partners of Serbia in 2021



The analysis of Panel 1 clearly shows that the EU is Serbia’s most important foreign trade partner. From 2009, when that trade amounted to 3.2 billion, in 2021 it reached 14 billion. This fact indicates that the export of the Serbian economy to the EU is increasing, but this is not the case with China and Russia. As can be concluded, there is an obvious imbalance, especially with China. Analyzing Table 1, it is concluded that Serbia’s exports to China are 0.82 billion, and imports from China are 3.65 billion. Also, there is an obvious imbalance with Russia. Imports from Russia are 1.53 billion, and exports are 0.84 billion. The National Bank of Serbia has published the balance sheet of FDI in Serbia. According to the attached data for 2021, the People’s Republic of China did not have FDI in Serbia. Russia had 6.3 billion while the EU convincingly had the highest FDI of 116.4 billion (Narodna banka Srbije, 2022).

Table 2 – IPA direct investments and projects in Serbia 2014-2020

ANNEX 1: INDICATIVE ALLOCATIONS (million EUR)⁴ - per policy areas and sectors

Serbia	2014	2015	2016	2017	2018-2020	Total 2014-2020	Of which climate change relevant (%) (**)
a. Reforms in preparation for Union membership	95.1	61.4	77.9	78.4	230.2	543.0	
Democracy and governance	177.8				100.2	278.0	
Rule of law and fundamental rights	135.0				130.0	265.0	
b. Socio-economic and Regional development	85.0 ⁵	75.0	85.0	80.0	240.0	565.0	
Environment and climate change	85.0				75.0	160.0	80%
Transport	90.0				85.0	175.0	
Energy	80.0				45.0	125	40%
Competitiveness and innovation	70.0				35.0	105.0	
c. Employment, social policies, education, promotion of gender equality, and human resources development	15.0	40.0	20.0	27.0	88.0	190.0	
Education, employment and social policies	102.0				88.0	190.0	
d. Agriculture and rural development	0	25.0	25.0	30.0	130.0	210.0	40%
Agriculture and rural development	80.0				130.0	210.0	
TOTAL	195.1	201.4	207.9	215.4	688.2	1508.0	

From the attached Table 2, it follows that the EU, only through IPA funds from 2014 to 2020, directly financed 1,508,000,000 euros: 543 million euros in reforms to prepare for Serbia’s membership in the EU; 565 million euros for socio-economic development; 190 million euros for employment, social policy and education, promotion of gender issues and for the development of human resources; and finally, 210 million euros for agriculture and rural development (Instruments for Pre-Accession Assistance IPA, 2014). When we consider all aspects of the geopolitical position of the Republic of Serbia and the three main segments of geopolitics, such as politics, economy, and security, it can be concluded that Serbia is inextricably linked with the EU. Although Serbia has declared military neutrality, it is not a politically neutral state. Serbia is a candidate country for EU membership. It has thus committed itself to fulfill certain conditions for membership as well as aligning its national policies and legislation with the EU. Some of the most important and recent news that is of strategic importance for the EU and Serbia is the EU decision to adopt a special strategy in the field of security and defense called Strategic Compass.

The Strategic Compass strategy provides the European Union with an ambitious action plan to strengthen the EU’s security and defense policy by 2030. A challenging security environment requires a significant

step forward and increased capacity and willingness to act, strengthen resilience, and invest more in the defense capabilities of the EU. The goal of the Strategic Compass is to make the EU stronger, more applicable, and capable of security. The EU should be able to protect its citizens and contribute to international peace and security. This is even more important at a time when war has returned to Europe after the unjustified and unprovoked aggression of Russia against Ukraine, as well as great geopolitical shifts. The Strategic Compass strategy will improve the EU's strategic autonomy and its ability to work with partners to protect its values and interests. A stronger and more capable EU in the field of security and defense will positively contribute to global and transatlantic security and is complementary to NATO, which remains the foundation of collective defense for its members. It will also intensify support for a rule-based global order at the heart of the United Nations (Strateški kompas za bolju bezbednost i odbranu EU u narednoj deceniji, EU u Srbiji, 2022). The Strategic Compass strategy provides certain guidelines that are without a doubt very useful for Serbia. Particular attention should be paid to how the EU plans to use the Strategic Compass strategy to address the threats, risks, and challenges to the security of the EU and its members. In all segments of the listed threats and answers, Serbia has no institutional answer or announcement that something will be done on these issues. Serbia's main problem is the absence of key security and defense institutions in recognizing threats and risks. This is already a consequence of the long-term disruption of the education system in these areas of security and defense. To strengthen its ability to anticipate, deter, and respond to current and fast-emerging threats and challenges and safeguard the EU's security interests, the EU will boost its intelligence analysis capacities, develop a Hybrid Toolbox and Response Teams, bringing together different instruments to detect and respond to a broad range of hybrid threats, further develop the Cyber Diplomatic Toolbox and set up an EU Cyber Defense Policy to be better prepared for and respond to cyber-attacks, develop a Foreign Information Manipulation and Interference Toolbox, develop an EU Space Strategy for Security and Defense and strengthen the EU's role as a maritime security actor (*Ibidem*).

In this part of the paper, only some current aspects of EU-Serbia relations are discussed. The EU is mentioned in all important documents of the Serbian government as the most important partner in all aspects, and the same important documents emphasize that Serbia's desire and ambition is to become a full member of the EU. In addition to the relations between the EU and Serbia, this article will also deal with the relations

between Serbia and the NATO alliance. Serbia is located next to Bosnia and Herzegovina as an island surrounded by the EU and NATO, so the relationship with these two organizations is extremely important for Serbia. It should be noted that although Bosnia and Herzegovina is not a member of NATO, NATO is in Bosnia and Herzegovina. Also, NATO forces are located on the Serbian territory in Kosovo and Metohija.

RELATIONS BETWEEN NATO AND SERBIA

Unlike all other Balkan states, Serbia's state policy is to join the EU but not the NATO alliance. One of the main reasons for this is NATO's aggression against the FRY in 1999, as well as the role that this military alliance played in the self-proclaimed Serbian territory of Kosovo and Metohija (Trifunović, 2018, pp. 53, etc.). Significant cooperation between Serbia and NATO began in 2006 when Serbia joined the Partnership for Peace and the Euro-Atlantic Partnership Council (EAPC), a multilateral forum for dialogue that brings together all allies and partner countries in the Euro-Atlantic area. Cooperation with NATO has expanded even more since 2015 through the IPAP-Individual Partnership Action Plan. Currently, Serbia has gone a step further by shaping a model of cooperation with NATO through the Individually Tailored Partnership Program (ITPP). In the implementation of the program of cooperation with NATO, the Government of Serbia opened the 2006 NATO Military Liaison Office in Belgrade, with its headquarters in the Ministry of Defense of the Republic of Serbia. In cooperation with NATO, Serbia has enabled the rapid development and modernization of both the combat and other potentials of the Serbian Army.

Serbia's cooperation with NATO is mutually beneficial and includes:

- Serbia joined the Planning and Review Process (PARP) in 2007 to develop the capacity of its forces to participate in UN-mandated multinational operations and EU crisis management operations. PARP also serves as a planning tool to guide and measure progress in defense and military transformation efforts.
- Since 2012, Serbia has been actively engaged in Building Integrity (BI) to strengthen integrity, transparency, and accountability and reduce the risk of corruption in its defense and related security sector. The ministry of defense also offers its experience to other countries engaged in the NATO BI Self-Assessment and Peer Review Process

and was actively engaged in the development of the NATO BI Reference Curriculum published in 2016.

- Since 2014, Serbia has been engaged in the Defense Education Enhancement Programme (DEEP), which supports Serbia's efforts to develop a comprehensive and modern defense education system. Thanks to DEEP, Serbia is now a net security provider in the field of education and training and is supporting other DEEP programs such as the one with Armenia.
- Also, since 2014, under the Partnership Interoperability Initiative, Serbia has participated in the Interoperability Platform, which brings allies together with 24 selected partners.
- Serbia is offering expertise and training to allies and partners at the Chemical, Biological, Radiological, and Nuclear (CBRN) Training Centre in Kruševac, which was recognized as a Partnership Training and Education Centre in 2013.
- In December 2017, in coordination with several NATO allies, Serbia conducted a course to train Iraqi military and civilian medical personnel as part of the NATO Defense and Related Security Capacity Building Initiative.
- The allies have supported a number of NATO Trust Fund projects in Serbia. This includes a project to destroy 28,000 surplus small arms and light weapons, which was completed in 2003, and another for the safe destruction of 1.4 million landmines and ammunition, which was completed in 2007. A third project for the destruction of approximately 8,000 tons of surplus ammunition and explosives is underway. Another five-year project, completed in 2011 and implemented by the International Organization for Migration (IOM), helped almost 6,000 discharged defense personnel in Serbia start small businesses. In the framework of the Science for Peace and Security (SPS) Program, leading areas for cooperation with Serbia include counter-terrorism, energy security, advanced technology, border security, mine and unexploded ordnance clearance, and human and social aspects of security. Among these, noteworthy is Serbia's participation in the DEXTER program, which is developing an integrated system to detect explosives and firearms in public spaces. Furthermore, scientists from Serbia are working on a wearable smart patch that will collect and analyze medical information in real-time to assist personnel responding to mass casualty incidents. Serbia engages with NATO's Euro-Atlantic Disaster Response Coordination Centre

(EADRCC) to develop its national civil preparedness and disaster management capabilities, and to improve interoperability in international disaster response operations. In December 2015, Serbia requested international assistance through the EADRCC in the context of an influx of refugees. Six allied nations provided support. Serbia hosted the SRBIJA 2018 consequence management field exercise, which brought together approximately 2,000 participants from 40 countries to practice international cooperation in an earthquake scenario. As a participating country, Serbia also took part in five other EADRCC exercises.

- In 2017, Serbia launched its second National Action Plan on Women, Peace, and Security for the period 2017-2020. Serbia is associated with the NATO/EAPC Policy and Action Plan on Women, Peace, and Security, which was endorsed at the NATO Brussels Summit in 2018. Moreover, together with the United States, Serbia led a series of NATO-funded expert workshops to develop a scorecard, or set of indicators, to help assess how NATO and partner countries are mainstreaming gender in military operations.
- Serbia and NATO aim to improve public information on NATO-Serbia cooperation. The NATO Military Liaison Office in Belgrade plays an important role in this process.
- Throughout the COVID-19 pandemic, NATO and Serbia have worked in close coordination. NATO has supported Serbia along various avenues and donations have been made by various allies (Relations between NATO and Serbia, 2022).

SYNTHETIC ANALYSIS OF MUTUAL RELATIONS

From all the above-mentioned, it should be added that many other fields are not covered by this paper, which testifies to the successful relations of Serbia with the EU and NATO. It is also necessary to perform an analysis of errors and mistakes in mutual relationships. Namely, despite the facts of good and quality cooperation, the public opinion of Serbia is extremely negative, especially towards the NATO Alliance, but with a big surprise towards the EU as well, significantly after Russian aggression on Ukraine. Indicators that lead to a negative or changing attitude of Serbian citizens towards these two international organizations need to be included in the quality analysis. Very often, despite the proclaimed policy of the Serbian government towards the EU, Serbian

officials make statements that are directed against the EU (Daily newspaper Blic, April 22). Other state institutions allow the arrival and stay of foreign experts who have declared themselves openly against the EU. Examples are numerous.² For this article, let's list the following indicators:

- NATO bombing of the FRY in 1999,
- The extremely hostile propaganda of foreign media from that time towards Serbia and Serbs living in the region, which continues in segments up to this day,
- The work of the ICTY, which largely judged and sentenced Serbs,
- Hundreds of thousands of Serb refugees from Croatia, Bosnia and Herzegovina, and Kosovo and Metohija,
- The high level of political mafia and its action aimed at destroying Serbia's economy,
- Paralyzed state institutions,
- Russia — a country that took advantage of the described situation and developed an intelligence network in Serbia with undisguised operations,
- Completely paralyzed public information system,
- Hybrid threats and operations against Serbia,
- Other activities aimed at causing divisions in society and destroying the economic, political, and security functions of the state.

Also, one of the key components that must be specifically analyzed is the role of the media in creating the overall picture and accepting the general values of society. Although the public has the impression that Serbia is cooperating more with Russia than with NATO, data show that since joining the Partnership for Peace program in 2006, Serbia has participated in about 150 exercises together with NATO, and with Russia, 12 military exercises have been organized in the last five years. Despite the numerical indicators, the public is imagining that NATO is putting pressure on Serbia, which is not true in practice. NATO is a military alliance based on voluntary membership, and any country that wants to become a member must first

² Thus, among others, it was possible for Prof. Dr. Elena Ponomareva Georgievna, a Russian professor, not only to give lectures at the University of Belgrade but also to be in the commission for the defense of theses. This Russian professor is known to the general public for her anti-EU statements, calling the EU a Nazi creation.

apply and meet the conditions for a long period to be admitted to membership. Due to the media influence, the situation in Serbia has completely reversed, and even some high-ranking state officials declare that Serbia will not join NATO in a situation where Serbia does not have an official invitation to join this alliance. There are problems in these relations caused by internal circumstances but also by the actions of other international geopolitical forces that have an interest in making Serbia the center of their activities, which may not be good or desirable for Serbia either. If the analysis includes all the main states and powers that can influence Serbia on the international and domestic levels, a projection of the "power vector" or line of interest can be determined. The US, UK, EU, NATO, Germany, Russia, and China have been identified as major forces of interest. The analysis of the United States' policy towards Serbia clearly shows the intention that the US wants to see Serbia integrated into Euro-Atlantic integration. The presented graphs of cooperation between Serbia and the EU show the economic, political, and military justification for which Serbia has a state policy of joining the EU and also a certain type of partnership with NATO. On the other hand, Russia takes advantage of the situation in the media, energy sector, political environment, and attitudes of political parties in Serbia. Russia does not want to give up Serbia because it has had an influence on Serbia for centuries (Trifunović & Đurović, 2021). In a relatively short time, Russia has taken over not only Serbia's public opinion but also the key energy sector. Serbia has become a Russian energy hub in Europe (Thompson, Nordic, 2012). Russia constructed in Serbia the "Serbian-Russian Humanitarian Center-SRHC" in the southern Serbian city of Nis. This center has repeatedly been the focus of criticism that it is not a humanitarian center at all but a center for the training and logistics of paramilitary forces (Perry, 2019, p. 130). Although once far from the public eye, Serbian-Russian relations at home are burdened by the fact that the Serbian Police dismantled the criminal-terrorist camp on Mount Zlatibor, organized by the Russian mercenary organizations ENOT and Wagner (Dnevne novine Blic, 2022, April 27). The camp was intended for the training of Serbian children. Serbian security services documented a strong Russian intelligence network in Serbia, after which Serbia expelled Russian Lieutenant Colonel Kleban and the Serbian president himself announced in a speech to the Serbian parliament that he had information about several other Russian service agents in Serbia (Radio Slobodna Evropa, 2022). Serbian security services have recorded and documented the activities of Russian operatives Shismakov and Popov, accused in Montenegro of attempting a coup and assassinating the country's president (EU-OCS,

2022). The situation is similar in the political sense, given the growing right-wing forces that, in conjunction with Serb leftists who are traditionally pro-Russian, are turning the Serbian political scene towards Russia. Russia is doing everything possible to prevent Balkan countries such as North Macedonia and Montenegro from integrating into NATO, and even if they become members, the intention is to keep this part of the world in constant instability and under Russian control with pro-Russian forces. Russia has used both soft and hard power to prevent Montenegro from joining NATO. Montenegro accused Russia of being directly involved, by using the Serbian Orthodox Church and the Serbian people in Montenegro, in the 2016 election events and that Russia, with its network and agents, tried to assassinate the Montenegrin president (Vučković, 2021). The particularly aggravating picture and the situation in which Serbia finds itself are foreshadowed by the Russian aggression against Ukraine. Even though Serbia is a candidate country for EU membership, Serbia did not follow EU foreign policy, as all EU countries imposed sanctions on Russia, and the EU went one step further. The Council of Europe suspended Russia's right to representation in this EU body (Council of EU, 2022). Given Serbia's energy dependence on Russia, as well as the overall picture created by the fact that Serbia is the only country in Europe to hand over its oil industry to another state, the emerging geopolitical situation complicates Serbia's position at many points. Serbia's key foreign trade and political partner is the EU. The EU has changed its attitude towards Russia and imposed sanctions with unpredictable consequences. Serbia is required to adjust and harmonize its foreign policy position with the EU, which means that Serbia is required to impose sanctions on Russia in a situation where Russia owns the Serbian oil industry. The whole difficulty of the new situation reflects the fact that if Serbia imposes sanctions on Russia, it means that Serbia would impose sanctions on its energy system. If Serbia does not impose sanctions on Russia, the EU can not only stop the flow of energy but also stop cooperation with Serbia, interrupt Serbia's European path and integration, impose sanctions, restrict the movement of people and goods, stop all financial assistance and cooperation, and demand from Serbia to return all the finance that Serbia withdrew from the EU pre-accession funds.

CONCLUSIONS

According to the presented facts, Serbia's main partner is the EU in the economic, political, and security fields. Cooperation with NATO has also been improved, and the facts point to significantly greater activity

between Serbia and NATO than with other states, including Russia and China. Serbia is surrounded by the EU member states or those states that are on the path to membership in this organization. Also, Serbia is surrounded by NATO member states. Bosnia and Herzegovina has a high degree of cooperation with this military alliance, and NATO forces are stationed on the territory of Bosnia and Herzegovina. Serbia also has NATO forces stationed in the southern Serbian province of Kosovo and Metohija. The geopolitical picture of the world has changed overnight after Russian aggression on Ukraine. A kind of “steel curtain” has risen between Russia and Europe, especially the EU. Serbia remained far behind that curtain. Serbia’s decisions must be guided exclusively by Serbian interests, having in mind all possible consequences. Serbia was already facing difficult decisions concerning resolving the issue of Kosovo and Metohija, EU integration, and cooperation with the NATO alliance, but also decisions related to cooperation and relations with Russia and China. It will take a lot of political skill and wisdom to preserve vital Serbian interests, especially in the times to come. Perhaps one of the solutions for Serbia is to rely as much as possible on the strongest Serbian potential, and that is Serbian science and the concept of science diplomacy.

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THE POSITION OF SMALL STATES IN INTERNATIONAL RELATIONS AND THE EXPANSION OF THE NORTH ATLANTIC TREATY (NATO)

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Abstract: After the end of the Cold War and the bipolar world in which the largest superpowers (the United States of America and the Soviet Union), along with other major players, played a major role in the world order, a new configuration of international relations was established. At the beginning of the 21st century, the existing political and economic system of the world, which was mainly driven by the United States and Europe, found itself in a gap that needed to be filled with new organizational forms of international cooperation and global governance. However, the reconfiguration of the international system left very little room for small states. In the recent doctrine of international relations, more and more attention is paid to the positioning of small states. However, the theoretical approaches differ regarding the criteria for defining what is called a “small state”. Economists and political scientists have devoted several studies to the analysis of small states. Some distinguish between microstates and small states, insisting on their classification, while others compare small states with weak, fragile states completely dependent on external dynamics, sometimes comparing them with innovative, agile states. The themes are quite demanding, which is why the author returned to the analysis of international relations three decades after European and Atlantic institutions began to open their doors to the countries of Central and Eastern Europe. Most of the debate on this issue took place from 1995 to the early 2000s. For most of the so-called Eastern countries, integration into NATO and the EU was motivated by concern for protection against the former Soviet dominant power. These countries were ready to join the opposing alliance and seek

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close cooperation with the United States. That is why they are all candidates for NATO and the EU, which is perfectly illustrated by the words of the Lithuanian ambassador to France, Giedrius Cekuolis: "NATO and the EU are like dad and mom to us, and we cannot choose between the two". The connection between these two processes suggests that the Euro-Atlantic integration of the countries of the former communist camp was inevitable, although in theory and practice there are opposing viewpoints that believe that it was a drastic mistake by America and the EU.

Keywords: Small states, NATO, EU, geo-politics, Collective Security Treaty Organization.

"Big countries do what they want, small countries do what they have to"
(Thucydides)

INTRODUCTION

Since the second half of the 20th century, and especially after the end of the Cold War, academic interest in small countries has grown. As the history of the international community accelerates and restructures, so the fragmentation of states accelerates and restructures, especially after the implosion of the Yugoslav Federation and the Soviet Union. In this way, the number of small countries with less than 5 million inhabitants multiplied. Their number in the last decade has reached over 200 countries, of which as many as 40 countries are located in Europe. One of the most contentious issues is the question: which countries are considered small-states? Some theorists distinguish between microstates and small states, insisting on their classification (Gaidz, 2007). Others, on the other hand, compare small states with weak, fragile states, completely dependent on external dynamics, sometimes with innovative, agile states (Handel 1981, Guilbaud 2016, p.11). There are also theorists that believe that small states are those whose survival is no longer truly threatened (Kalibataite, 2016). It is clear from the above that there is no single view of what is meant by "small country", especially since there are no criteria that would clearly distinguish this group of countries from medium and large ones. The historical-political framework for the affirmation of small states was formed during the 19th and 20th centuries during the holding of major international conferences, such as the congresses of 1815 (Vienna) and 1919/120 (Versailles, Saint-Germain, Trianon, and Sèvres). After World War II, when the Cold War broke out, the NATO Alliance and the

European construction (Communities and the Council of Europe) were constituted in the West. At the same time, in the East, was created the counterpart of the Warsaw Pact Alliance and the European Community, the integration of COMECON. In these two military-political integrations, the small states strengthened their status, although the USSR and the US remained the main leaders. These alliances offered a new framework for the development of small states. During the bilateral constellation, their survival as states was no longer threatened, as the two antagonistic blocs took care of the security of their members and thus the security of small states. Aware of their weaknesses, small states sought to implement a policy of neutrality. They hoped that in this way, they would escape the monopoly of the great powers and their satellitization. With such enthusiasm, they created the Movement of Non-Aligned States, which hoped that with such an out-of-bloc policy they would see political stability and security (Ružin, 1985). However, numerous coups, military coups, and dictatorial regimes under pressure from the great powers have shown their weakness and instability regardless of the solidarity they manifested during the great summits of the Non-Aligned Movement or within the world organization. In the historiography of small countries, several types of neutrality have been affirmed: a) freely chosen neutrality (for example, the Netherlands, Sweden); b) neutrality arising from international agreements (e.g., Belgium, Luxembourg); and c) neutrality imposed by the force of political circumstances (e.g., Finland, Austria). Several papers devoted to the political and security issues of small countries make it possible to better identify contemporary trends in this field. It should be emphasized that the lack of consensus on defining the term "small state" continues to characterize this field of research. In defining the term "small state", there are quantitative and qualitative approaches. According to the first approach, the identification of the size of the states is done through the size of the area, the population, the economic resources, and the military capacities. However, there is no generally accepted limit to the precise quantitative demarcation of the term "small states". According to the qualitative approach, the size of a country can be determined by the perceptions or influence of the country on a regional or international level. A small country is one that is perceived as not being able to influence events in its environment or the wider international community. Despite such uncertainties, small countries' studies are evolving and gaining precision in terms of both methodological and empirical affirmations. In the 1970s, small and medium-sized states within the Non-Aligned Movement frequently

imposed themselves as relevant entities in the World Organization, as a voting bloc on numerous resolutions (Sauvent, 1982). In December 1961, the United Nations General Assembly proclaimed the period 1960-1970 as a decade of development (*United Nations Development Decade*). During this period, the resolution on "International trade, a basic instrument for economic development" was adopted, requesting the convening of an international trade conference (*International trade as the main instrument of economic development*).¹ In the eighties, with the strengthening of neoliberal institutionalism, the foundations were laid for an in-depth study of small states. Small countries in this era, relying on skillful diplomacy and acting within international organizations, could exert some influence internationally (Luša & Mijić-Vanjska, 2012, pp. 39-65). In the late eighties, after the fall of the Berlin Wall, the fall of communism and the end of the Cold War (1945-1991), whose winner was the Western Liberal Democracy (Francis Fukuyama-The End of History and the Last Man - 1992) a number of small and medium-sized states from the Middle and Eastern Europe gained their independence. This assessment stimulated the interest of science in the study of small countries, their foreign policies and importance in international relations, the effectiveness of tools used as a soft power policy, and the ambitions to join large alliances.

SECURITY THREATS - A COMMON CHALLENGE FOR LARGE AND SMALL COUNTRIES

The literature in the field of international relations, which has traditionally dealt with the study of the great powers in the 19th century, placed them at the center of scientific interest primarily because of their dominance. At these historic peace congresses, the great powers wrote history and shaped the international order. At the same time, the term "Great Power" has become institutionalized in the international vocabulary, a universal term that identifies with the term force. In many languages, such as French "puissance", English "power", or German "macht", the term force grows into a personification of the term state. The interest of science in the study of small states was marginal regardless of the fact that after the Great War (1914-1918) and the creation of the League of Nations, the conditions for strengthening small states improved. However, as the Second World

¹ The mentioned resolutions will result in the holding of the UN Conference on Trade and Development (CNUCED), from which the Group 77 will emerge.

War approached, hostilities between the great powers escalated, and with them, the realist theory of international relations gained importance. It was not until the onset of anti-colonial wars, the affirmation of non-aligned policies, and especially the “year of decolonization in 1960” that many small states gained independence. These processes are of great interest to science for analyzing the “role and place of small states” in international order. The affirmation of the young states is accompanied by several scientific monographs, among which stands out the collective work “Small States and International Security, Europe and Beyond” (Small States and International Security, Europe and Beyond), realized by Clive Archer, Alison J.K. Bales, and Anders Wevel (Kalibataite, 2017). This study analyzes the behaviors of small states in an environment where security challenges have increased.² The main ambition of the authors is to harmonize the analysis of the behavior of small countries and their room for maneuver in the face of modern security issues. The traditional security reading, which focused on military issues and the power of states, has been gradually overtaken. The authors seek to show that in analyzing the security of small states, it is necessary to take into account the interrelationships between foreign policy and the broader aspects of security. The link between foreign policy and national security is a reality and shows that small states generally act on the international stage to protect themselves from the geopolitical and geo-economic interests of large or medium-sized powers. Such a way of reasoning, in the style of Hans Morgenthau, is a categorical imperative of states acting from a position of politics of force (Morgenthau, 2005). The lack of control over the military or economic power of stronger neighboring states, in the Hobbesian sense of significance, affects the sensitivity and behavior of small states. It is enough to point to the example of “Finlandization” between Finland and the USSR to understand the significance of this phenomenon. It is therefore understandable that the foreign policy of small countries is aimed at ensuring national security. Above all, “small countries through foreign policy seek to secure the defense of their national interests internationally and domestically”. In the opinion of Raymond Aron, “the national interest is real and defined in relation to the security of the state as an eternal goal”. Although the concept of national

² Divided into three parts: a) theoretical and conceptual considerations, b) European case studies, and c) comparative research on non-European cases. This work aims to go beyond the Eurocentric monographs and proposes a comparative analysis of different security strategies of small countries around the world.

interest and security remains disputed by some theorists, these concepts, together with foreign policy, show that “international politics “is a game in which the main players are the big countries and the ultimate reward is security”. Aware of the destructive effects caused by major disruptions of the international system on their fate, small nations are increasingly inclined to adopt a foreign policy strategy that reflects security concerns. The stakes are high because it is about their survival and autonomy in the constellation of international actors that have the greatest importance and influence. In order to impose and be heard, small countries are very active in international security issues. In reality, however, the stakes of international security and diplomatic relations imply the growing dependence of small states on the dynamics and importance of external actors. That is why small countries are the weakest link in asymmetric relations. They are not able to change the nature and functioning of these relationships from the big to the small, powerless actors. This statement is affirmed by the American political scientist, Robert Keohane, who believes that “a small country is one that cannot have a greater impact on the international system” (Keohane, 1969). To understand the vulnerability and capacity for action when it comes to small country survival strategies, it is necessary to analyze the environment in which they evolve. For example, the first NATO alliances with the Baltic states and their “marching to the West” were entirely conditioned by relations between the United States and the Russian Federation. At the same time, the persistence of small countries towards NATO integration was in perfect coherence with another of their characteristics. It is the use of international organizations as an action platform but also as a platform for the international scene” (Kalibataite, 2017). In principle, the behavior of small countries was oriented by two essential motives. The first is the desire for greater neutrality or autonomy. The second is the search for various forms of influence in the region and beyond on the principle of solidarity and cooperation. After the end of the Cold War and the strong process of democratization in Europe, small countries affirm international activism through cooperation in the face of major security challenges. Due to quantitative or qualitative constraints, small countries in the field of military security seek to adapt survival strategies in the most rational and effective way. Experiences from the functioning of NATO and the EU in the post-Cold War period have shown that they tend to specialize in narrower domains such as cyber defense, IT technology, and research in various forms of intelligence. On the other hand, the general diversified military capacity is pushed to the background. These activities can be affected by small countries only within the framework of large political-military integrations

such as NATO-Alliance or the European Union. At the same time, apart from the military and territorial security dimensions, small countries are also interested in the economic, social, and environmental aspects. It is evident that in today's international community, security developments are leading to the widening of the margin of action of small states. They should no longer be seen as mere consumers of security whose survival depends solely on the will of the great powers. On the contrary, they affirm the idea that "the same state can sometimes be small and weak, sometimes small but also more powerful, depending on the situation, the environment, and the actors". Finally, small countries can see significant international affirmation thanks to mediation, as was the case with Norway in the Middle East conflict, when the historic agreement between Israel and the Palestine Liberation Organization was signed; Switzerland's role in numerous humanitarian and mediation operations (OSCE), the UN, and the Red Cross in Ukraine, Africa, and the Middle East (Allouche, 1994, pp. 213, etc.). Observed from a general point of view, the logic of the mediation of small states is explained by the place they occupy in the international system, where they hold modest international positions such as physical, human, and material capacities.

MULTILATERALISM AS A FOREIGN POLICY OPTION OF SMALL STATES

In the opinion of Newman and Stoll, "countries with similar sizes of territory, demographics, economic and military power, i.e., the power to conduct internationally are identical", which also shows the strategic orientation of all post-communist countries towards Euro-Atlantic integration (Neumann & Gstohl, 2004). Alliances and international organizations represent the most appropriate framework for their actions to maximize their interests in the international community. Analyzing these phenomena, Walt realistically assumes that alliances are formed for the sake of power balance, while third parties will be tied to those who perceive them as a threat (Stephen, 1990). It is well known that realists in the analysis of alliances are guided by the principles of power and interest as the reason for their creation. In the Cold War era, the creation of NATO, especially thanks to Article 5 of the Washington Treaty, according to which any attack on any member would be treated as an attack on the entire Alliance, acted as a magnet for post-communist Europe. In the post-cold period, NATO is adapting to the new international circumstances and, instead of the philosophy with which it treated the reception of the former

dictatorships (Portugal, Spain, Turkey, and Greece), has built a completely different strategy. This time, the criteria for democratization, the rule of law, the market economy, respect for the rights of minorities, peaceful settlement of disputes, and good neighborly relations were emphasized as essential conditions for membership in the Alliance (Ružin, 2010, p. 43). One of the most important questions posed by critics of the Alliance is: what are the benefits and financial obligations of the new NATO members? On the one hand, the possible scenario was that small states that had freed themselves from the shackles of the Warsaw Pact or found themselves in limbo after the break-up of the communist federations would have had to accept a “policy of neutrality,” “equidistance,” or “non-alignment.” Such a policy was rejected by the majority of political parties and elites because it was historically overcome and without major effects. The second scenario was the creation of regional security institutions, which was unacceptable because there was a reservation that this would create an alternative to NATO. Finally, the third scenario was NATO membership as a kind of security umbrella, although in the 1990s the former Warsaw Pact countries did not face security challenges. Considering the level of security, economic prosperity, and political consequences of the conflicts in the former Yugoslavia, small countries, through membership in Euro-Atlantic integration, had ambitions to: participate in the process of making global political decisions; impose themselves as exporters of security and peace, not as importers of crises; have economic benefits; increase the chances of joining the European Union; increase stability in the region; and finally, become members of a “selected established international club of leading Western world politicians”. In an interview, the Prime Minister of North Macedonia, Zoran Zaev, emphasized the benefits of NATO membership.³ At the same time, as a member state of the Alliance, which is the personification of the most powerful military-political force in the world, small countries are becoming more attractive to non-NATO countries because they are more influential and stronger in the region and beyond.

³ In a press release dated June 3, 2019, Zoran Zaev stated that Macedonia has benefited from NATO membership. He said that the benefits of membership are already visible since NATO means peace and stability and is the strongest guarantor of our security. Gross domestic product rose for 5.5 percent, unemployment fell for 7.5 percent, industry grew 8.8 percent, and wages rose for 6.1 percent. Foreign investments reached a new record in the country of 625 million euros, which is three times more than the average of the last eight years, and twice the best year so far.

In this way, small countries gain wider space for lobbying, consultation, and use of NATO, EU, OSCE, and UN mechanisms where there are special subgroups of Alliance members.

ENLARGEMENT OF THE ALLIANCE

Since the constitution of NATO in 1949, the number of 12 member states has reached 30 with full membership. Of these, two states that are signatories to the Washington Agreement and also founders of the Alliance belong to small states. These are Iceland, with 320,000 inhabitants, and Luxembourg, with 645,390 inhabitants. When Iceland signed the Treaty of Washington, the state did not have its own army. Iceland promotes coast guard police, national police forces, a defense air system, and a well-organized volunteer peacekeeping expedition force in its security forces. Iceland is present in all major NATO committees, contributes to the Alliance's military and civilian budgets, and participates in NATO-led operations. Iceland's biggest trump card at the time of its accession to the Alliance was its geopolitical position. Iceland is located in the middle of the Atlantic on the mid-ocean ridge between Europe and America. The geography of this island gives it great strategic importance for the Euro-Atlantic partnership. The small country of Luxembourg, also one of the founders of the NATO Alliance, with 645,000 inhabitants and an area of 2586.4 km², is geographically located in the heart of Western Europe between France, Germany, and Belgium, and has long sought to promote an international neutral and isolationist position. Prior to leaving neutrality, Luxembourg had not had a permanent army since 1867, when it was granted "permanently neutral and disarmed" status by the Treaty of London. During World War II, when the country was occupied for the second time in its history, the government in exile decided to create a military force so that Luxembourg could fight alongside the Allies and participate in its liberation. Shortly after the end of the Second World War, Luxembourg became one of the biggest proponents of European and Euro-Atlantic projects. As the smallest member state of the Alliance in terms of geography and demographics, Luxembourg has played a significant role in mediation between its large neighbors. Due to the lessons learned from the two world wars, Luxembourg became the greatest pro-American actor in Western Europe. A *New York Times* article on the eve of the Grand Duke's visit to Luxembourg on November 15, 1984, described the country as "the most openly pro-American European country" with "a reputation as Washington's best friend". Luxembourg's contribution to NATO has

been significant since the Cold War. The town of Capellen has been the seat of the NATO Maintenance and Supply Agency (NAMSA) since 1967, when it changed its name to the NATO Support and Procurement Agency (NSPA). This institution provides logistical support to NATO forces and commands in Europe and North America; procurement and storage of equipment; engineering and technical support. At the same time, the NATO-AWAKS fleet (AWAKS) was registered in Luxembourg. The country's main airport has been used to deploy troops for NATO exercises, including Exercise Reforger, which was conducted once a year during the Cold War to test the Alliance's ability to rapidly deploy forces in West Germany in the event of a Warsaw Pact conflict. After the end of the Cold War, the integration into the Atlantic Alliance of the former Soviet bloc countries grew into a fundamental national interest in foreign policy. In the eyes of the post-communist elites, NATO membership has become a symbol of the "cessation of violent inclusion in the communist camp." NATO was seen as the guarantor of security for the preservation of territorial integrity, independence, and the free choice of liberal democracy. At the jubilee NATO Summit in Washington in 1999, Poland, as the largest and most important country in post-communist Europe, marked the first round of enlargement with the status of *primus inter pares*, i.e., first among equals, together with Hungary and the Czech Republic. Most Poles thought that Moscow would never agree to Poland's membership in NATO, so this act of membership in the Alliance was perceived as "the realization of the dream of the ancestors, the biggest historical day when Poland became part of the West again (...) (Blaha, 2003, pp. 18-26).

The Washington Summit, which marked the 50th anniversary of NATO's founding, also meant opening the door to the Alliance and other aspirants and promoting an "open door policy." In the opinion of Janos Martoni, Minister of Foreign Affairs of Hungary (1998-2002), the Hungarian government attached great importance to regional cooperation in order to reduce new security risks (Martonyi, 1999). In a 1997 referendum, about 65% of Hungarians voted in favor of joining the Alliance. Thoughts were similar in the Czech Republic, led by the dissident Vaclav Havel. The lessons learned from the admission of the first three post-communist regimes into NATO made it possible to facilitate the candidacy of the new aspirants who were invited to join the Alliance. In the membership action plan, the candidates were offered the opportunity to choose "a la carte, their own program of restructuring, eliminating or conserving the weapons of the former regime, reforming their battalions, reducing their capacities, and the like (...)". The foreign policy leadership has set two strategic goals: to become an EU

member, synonymous with democracy and prosperity, and to join a military alliance with the United States to protect Russia. In this first wave of enlargement, small countries were bypassed despite the ambitions of France, which was lobbying for Romania and small Slovenia. The ministers of the nine candidate countries at the meeting in Vilnius in 2000 took the initiative for NATO membership in the next round of enlargement. This option is known as the formal Vilnius Group. Among the smaller countries at this meeting were the three Baltic States, and Slovenia, Slovakia, Albania, and Macedonia, while the larger ones were Romania and Bulgaria. Croatia joined the Vilnius group in 2002, while Montenegro was still part of the Federation of Yugoslavia (Serbia and Montenegro). Each of these Vilnius Group members had a strong ambition to become a NATO member in the next round of enlargement. The hope was in the “regatta” option, according to which the states would gain membership in accordance with the logic of the regatta-peaceful water races and, depending on their achieved reforms, several years after the accession of the first three member states.

“BIG BANG” - ELARGEMENT OF THE ALLIANCE WITH SMALL COUNTRIES

The Alliance Membership Initiative was marked by strong rivalry among aspirants. Each country sought to present itself as better than the other competing candidates. Thus, the Baltic States sought to prove that they were much more democratic than their competitors, while the Balkan aspirants invoked their positive attitude during the Kosovo war. The Alliance has embraced such experiences as “lessons learned” that must not be repeated. For some American experts, such a competition resembled the selection of “Miss”, when each candidate looked jealously at her rival. After a while, the aspirants were taught by the Alliance and gradually began to realize that such an approach was wrong and counterproductive. This change was dictated by a series of unsuccessful reform efforts but also by a change in the conjuncture in international relations. The world was at peace; the Yugoslav crisis had been resolved, and there had been no major international stresses on the international stage until September 2001.

The terrorist attacks of September 11, 2001, changed the context of NATO's second enlargement. The United States has felt the need to create a broader front of political and security support in the war on terror. In early 2002, President George W. Bush called for a more ambitious expansion of the Alliance. At the same time, the US administration has

profoundly improved its strategic relationship with Russia, which has been given the status of a “partner in the war on terror and proliferation”. On May 24, 2002, an agreement was signed between Russia and the United States to reduce their nuclear arsenals, so that topics such as the expansion of the Alliance, or the Missile Defense System, were pushed to the background. The Treaty establishing the NATO-Russia Council was signed in Rome on May 28, under which Moscow meets with the other 19 members of the Alliance (Fortmann&Hlatky, 2021). In this context, all conditions were met for the Alliance Summit in Prague in November 2002 to initiate the second cycle of NATO enlargement. At the Prague Summit, NATO’s open door policy experienced a big bang for the buck when it comes to Alliance enlargement. Seven new members were accepted for full membership, of which, apart from Romania and Bulgaria, other countries such as Lithuania, Latvia, Estonia, Slovenia, and partly Slovakia belong to small countries. The other two small countries, Albania and Macedonia, did not receive an invitation. Together with Croatia, they constituted the Adriatic Group, which was joined by Bosnia and Herzegovina and Serbia-Montenegro. At the Bucharest Summit in 2008, two smaller countries, Croatia (3.8 million inhabitants) and Albania (3.01 million inhabitants), were invited to join (OTAN, 2015, December 3 and 10). Finally, in 2020, after 20 years of waiting and fulfilling the Membership Action Plan, North Macedonia (2 million inhabitants) received an invitation for full membership. Thus, the radiography of the small member states of the Alliance resulting from the former communist federations, members of the Warsaw Pact, or non-aligned Yugoslavia increased to nine countries: Slovenia, Slovakia, Croatia, Lithuania, Latvia, Estonia, Albania, Montenegro, and North Macedonia. Bosnia and Herzegovina, which could not receive an invitation to NATO due to the Republic of Srpska, and Kosovo, which is not recognized by four Alliance members, both expressed strong interest in membership (EURACTIV, 2022, March). Due to its neutral position and the Alliance military operation (1999) against the then Yugoslavia, Serbia is not at all interested in joining the Alliance (EURACTIV, 2019, December).⁴

⁴ The National Assembly of Serbia adopted the New National Defense Strategy. Three days earlier, the Minister of Defense stressed that the purpose of this defense strategy is to reaffirm Serbia’s military neutrality and protect national interests.

SMALL POST-COMMUNIST STATES IN THE ALLIANCE

Philip Perchok's monograph on the Baltic states and the European system (1985-2004) proposes an analysis of the freedom and ability of small "powerless" states to act in international relations, with Estonia, Latvia, and Lithuania becoming part of the European community (Perchoc, 2014). The first dilemma that arises is the question: what is the place of small states in the European and Euro-Atlantic security architecture? Drawing on the chronology of the search for security immediately after the first manifestations of the weakening of the Soviet Union in 1997, the third phase was regional consolidation with the prospect of integration into the North Atlantic Treaty Organization (NATO) (1997-2004) and the European Union. The other Balkan aspirant countries, except Bulgaria, had no problems of this nature. In the countries of the Western Balkans, including Croatia, it was more about the negative experiences from the wars in the former Yugoslavia and the fears of a possible intrusion of new security challenges. At the same time, NATO membership was perceived as a "big workshop" for democratization, the rule of law, and the fight against corruption, but also as a lobby for EU membership. All these steps reveal the importance of institutions, ideas, and the system (Ružin, 2010). In the realization of this small "geopolitical revolution", the Baltic States were not able to change the international situation in their favor. It was necessary for the great Teutonic changes in the USSR, the fall of communism and the implosion of the great federation to create an opportunity for the small Baltic States to return to Europe (Eisenhower, 2001). The analysis of the diplomacy of small states and more generally of their behavior on the regional and international stage cannot be interpreted with the one-sided reading "that small states were inactive and weak in themselves." It makes sense to analyze the broader context and significance of large states and their geopolitics that have influenced small states. Perchok's demonstration of the Baltic States' diplomacy in their "march to the West" is a great illustration that their accession is largely conditioned by relations between the United States, European countries, and Russia. Moreover, the persistence of the Baltic States to integrate into the EU and NATO is perfectly in line with another major feature of the behavior of small states. It is the use of international organizations as a platform for action and as a refuge on the international stage. In other words, the behavior of small states is generally driven by two main motives. The first is the pursuit of autonomy through neutral status. The second motive is the search for greater influence in the region

and beyond through cooperation with allies and partners. In the end, activism through international organizations and cooperation (NATO, EU) is the motive that led small countries in their desire to defend themselves against modern security challenges. Regardless of the positive statistical correlation between geographical or demographic size and democratic growth, there is currently no evidence to conclude that small countries are more democratic than large countries. On the one hand, it is known that giant countries such as China, India, the US, and Russia are not the most democratic countries in the world, but this title is owned by Scandinavian countries that belong to medium-sized countries. On the other hand, small states can acquire unfavorable characteristics in a democratic system if they are led by authoritarian or populist leaders, regardless of the implementation of party pluralism and liberalism. In this sense, small states, although they are “the weakest part of the asymmetric relationship of the international order” in the absolute sense, when they are part of alliances, they are not so weak. If a small territory or population were synonymous with weakness, the survival of small states on the international stage would be greatly compromised. Their longevity and survival are indicators that they have managed to sustain themselves, despite the frequent influences and controversies they have imposed as part of the international system. It should not be forgotten that one of the biggest peculiarities of small countries is their sensitivity to the dynamics and aggressiveness of external actors. The small countries that gained NATO membership after the end of the Cold War do not possess impressive military and political forces as well as individual military potential. However, all together united within the Alliance, they emerged as an important military-political entity, students participating in numerous peacekeeping missions, and important allies of the United States and European powers. Croatia spends 1.74% of the JDP and has 16,000 active-duty military personnel. The Croatian Army has been engaged in several peacekeeping missions such as ISAF, Afghanistan, Lebanon – FINUL, Syria, Israel, Kosovo, KFOR, Liberia, Cyprus, Western Sahara, India/Pakistan, and Somalia. Albania’s army numbers 14,295 troops and 5,000 reserve troops and accounts for 2% of GDP, or about \$210m. The Albanian Army has participated in several peacekeeping missions in the Balkans, in Afghanistan (ISAF), Iraq, EUFOR/Althea, KFOR in Kosovo, and Chad. The Army of North Macedonia, just like the previous small countries, first realized its peace activities within the Partnership for Peace Program. Macedonia has 10,000 troops and spends 2.5% of GDP, or about \$230 million. The peacekeeping missions of the

Republic of Macedonia participated or are still active in EUFOR Althea (Bosnia and Herzegovina), Afghanistan, Lebanon, KFOR (Kosovo), as well as in the war in Iraq. Slovenia spends 1.6% of GDP and has participated in NATO operations in the Balkans (KFOR/SFOR), but did not take part in the war with Iraq. The Montenegrin Army has 2,368 active and 2,800 personnel in reserve. It accounts for 2.68% of GDP, or about 61 million euros. Slovakia has about 26,000 military personnel and troops and spends 1.9% of GDP. Lithuania is involved in KFOR, ISAF, and Iraq. It has an army of 8,000 professional soldiers and another 2,000 in reserve. It allocates 2% of GDP for the army. Latvia participates in KFOR, ISAF, and Iraq. Latvia and Estonia also stand out with the fulfillment of budget commitments of 2% intended for the army, with a similar military structure as Lithuania but also with large allocations for cyber defense. Together, these countries have state-of-the-art armies, adapted for interoperable defenses and peacekeeping missions, with significant budgetary resources at the level of NATO mid-level members. That is why they are successful in military peacekeeping missions. Given the limited human and financial resources, small states can also develop their own normative power within alliances and international organizations. Such a state must have moral authority, political capital, and the ability to build norms. Normative power is defined as the normative, civilizational, and ethical power of the actors who exercise it to change normative beliefs and set normative standards through the process of diffusion of norms. If they are to persevere in this area, small countries must establish a model of consistent implementation by advocating and promoting policies that are in line with the values they advocate. It is estimated that if a small country seeks to be perceived as influential in international relations, it should always rely on normative power in any situation. Furthermore, in relying on normative power, small states should rely on achievable political goals rather than long-term and over-ambitious goals that may fade over time. In an effort to convey norms at a higher level, it is desirable for small states to form coalitions to promote regional and global interests.

CONCLUSIONS

Small alliance founders such as Iceland and Luxembourg find the motive for joining NATO for at least three reasons. First of all, it was about entering under the security umbrella during the Cold War, then the disappointment of the neutral status and its abandonment because no

country respected it during the great world conflicts, and thirdly, with the integration in the Alliance, the efforts for more successful integration of the West through the Euro-Atlantic community and the EU. Similar, but not completely identical, were the motives of the small Central and Eastern European countries to gain membership in the Alliance. The countries and peoples of Central and Eastern Europe have existed for centuries in an uncertain gray area ruled by force rather than the rule of law. Starting from the fourteenth century, empires changed, first with the rule of the Ottoman Empire, then Austria-Hungary, Germany, Russia, the Third Reich, and the Soviet Union. Some of them, like Macedonia, first gained independence and sovereignty (1991), others referred to medieval principalities or kingdoms (Croatia, Slovenia, Montenegro, Bosnia and Herzegovina), all in search of their own identity, political and territorial integrity, and national sovereignty. The Cold War and the domination of the Soviet Union prevented a free democratic and multi-party system, and all attempts were suppressed by force (Hungary 1956, Czech Republic 1968). These were bad experiences for the peoples under the Bolshevik regime of Stalin or Brezhnev and their satellites. That is why the statement of Lithuanian President Valdas Adamkus during the Vilnius conference in 2000 is understandable: "We hope that this bitter experience will never happen again". A similar message was sent to the Lithuanian Foreign Ministry by the creator of the Vilnius Group, Algirdas Saudargas. "Having too often experienced in our history the effects of political indifference on the fate of others, we are determined to defend the values of the Atlantic community". The final message came from NATO Secretary-General George Robertson: "If each country counts on its own merits, we believe that integration will be a success for all of us, for all countries, it will be a success for Europe and for NATO. The alliance must continue to expand (...) in order to remain faithful to our political commitment to the new democracies on the continent to participate in a safe and prosperous Euro-Atlantic community". The desire to become a member of NATO arose from the huge collective desire of the countries of the East, starting from the Baltic States to Bulgaria, Romania, Montenegro, Macedonia, and Albania, in order to establish links with their cultural, economic, and geopolitical heritage. At the same time, the processes of enlargement of the Alliance and the integration of these countries into the EU are not contradictory. The two processes are practically inseparable. For Central European countries, if the EU symbolizes a promised land of prosperity, NATO is protection and security. As Suzanne Nies puts it: "For most Eastern countries, former

members of the Warsaw Pact, NATO and EU integration were motivated by a concern for protection against the former Soviet dominant power". This desire was manifested in the constant insistence on joining an alliance opposed by the USSR and seeking close cooperation with the United States. Hence, it is understandable that all NATO candidates are also EU candidates. This was best illustrated by the words of the Lithuanian Ambassador to France, Giedrius Cekuolis, "NATO and the EU are to us like dad and mom (...), and we cannot choose between the two". From this vantage point, the necessary connection between the two processes can only lead to one conclusion: the integration of Central European countries into the EU and NATO was almost certainly unavoidable. Could Central European countries be prevented from entering the European Union? To ask the question is to answer it. And what applies to the EU applies equally to the Alliance. Enlargement, in any case, is a fact that is better accepted than complained about unnecessarily. One of the basic imperatives of aspirants was to show a sense of discipline and solidarity. On the one hand, they were burdened with the strategic goal of becoming a member of the Alliance and implementing the agreed reforms. On the other hand, Vladimir Putin's political rise, determined to restore Russia's former authority, has created a "race against time" over further NATO enlargement. Vladimir Putin has openly stated that the expansion of military alliances on Russia's borders will jeopardize his country's security interests. The leaders of the small states were in favor of joining the Alliance as soon as possible due to the risk of Russia's "no". The third imperative for membership in the Alliance is that membership increases the importance and role of the small state in the region (Masson, 2007). Some small countries, however, such as Macedonia (now North Macedonia), have been blackmailed, punished, and blocked by neighbors for irrational reasons such as the name issue (Greece), or history and non-recognition of national identity, language, and history (Bulgaria). Northern Macedonia was a victim of Greek and Bulgarian policy from a position of strength. In nine annual cycles (MAP), Athens blocked NATO membership of Macedonia. At the same time, Athens and Sofia blocked eleven-year cycles for starting the negotiations for Macedonia's membership in the EU. For its part, the country was an exemplary student, a disciplined executor of all relevant peace processes, such as the 2001 Ohrid Agreement, the Friendship and Good Neighbor Agreement with Bulgaria (2018) and the Prespa Agreement with Greece (2018). Named the "Oasis of Peace" during the Yugoslav inter-ethnic clashes, it sought to build good neighborly relations with all its neighbors. However,

its small geographical and demographic capacity as well as economic underdevelopment have prevented this small country from being able to function equally in the Western Balkans region. Today, as a member of the Alliance, part of the national long-term strategy is fulfilled, but EU membership remains. Like the other small countries in the Alliance, North Macedonia has a defensive security umbrella and a guarantee of its territorial integrity and sovereignty. After the collapse of the USSR and the disintegration of the Eastern Bloc, NATO clearly expanded to Eastern Europe. Hungary, Poland and the Czech Republic were the first to join the Alliance in 1999, followed by Bulgaria, the three Baltic states (Estonia, Latvia, Lithuania), Romania, Slovakia, and Slovenia in 2004, and later Albania and Croatia in 2008/2009, and Montenegro in 2017. The last country to join NATO is North Macedonia in 2020. Military peacekeeping operations outside their borders were welcomed by both the former communist bloc countries and the Alliance as a political and military alliance. NATO has faced its *raison d'être* as its historic cause for existence has disappeared. With the end of the Cold War, opposition to any attempt by the Soviet Union to expand its influence into other European countries became disproportionate. Despite the criticism, Lord George Robertson, NATO Secretary-General, called for its survival, acknowledging that if "the challenges now are not as obvious as the threat posed by the Soviet Union during the Cold War, they are just as real". Such a statement was shown in these dramatic moments with the invasion of Russia in Ukraine. At the time of Robertson, NATO had other preoccupations. The Alliance has launched a battle against terrorism, the proliferation of weapons of mass destruction, and the dangers posed by disintegrating states. The accomplishment of NATO missions presupposed a solid degree of interoperability among the membership. But not all members played on equal terms as the gap between a re-armed America and a war-torn Europe widened after the end of the Cold War. This syndrome is interpreted by the headquarters in Brussels as an innate divergence from the very creation of the Alliance. As former NATO spokesman Yves Broder points out, "this is partly a result of the 'treaty doctrine', according to which European allies did not have to worry about interventions outside their borders". On the other hand, the Americans were the ones who had to "project" the defense in Europe "by installing military bases throughout the Western Hemisphere of Europe. As a consequence of such a strategy, for example, a country like Iceland did not have to take care of its defense for fifty years. There was the shadow of "Uncle Sam". The same was true of disarmed West Germany. Today, however, things have

changed. The notion of pure territorial defense from the Soviet threat became an outdated paradigm. European armies are called in for missions outside their territory. The war in Kosovo in 1999, the first military operation conducted under the NATO flag, is proof of that. NATO officials also insist that the Alliance “will continue to engage in the Balkans”. Another example is Afghanistan. In fact, the organization did not carry out offensive military operations there. But for the first time in its history, it invoked Article 5 of its statute, which provides for “collective solidarity” with one of its attacked members, the United States. With the war in Ukraine, the world has returned to the Cold War era on the brink of a world nuclear conflict that has significantly encouraged NATO and EU allies to strengthen their ranks. Many analysts believe that Russia’s invasion of Ukraine or Putin’s “special operation” has saved NATO from its stroke, as French President Emmanuel Macron said three years ago. This war further strengthened NATO as two eternally neutral states, Sweden and Finland, decided to join the Alliance. There is no doubt that the great powers on both sides of the Atlantic are pleased that the small nations are members of the Alliance and are strengthening the front of states for the peaceful settlement of disputes.

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EMERGING MULTIPOLARITY: A DEEPER UNDERSTANDING OF NATO-CHINA RELATIONS

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Abstract: This paper deals with the research question of how the emerging multipolar world order affects relations between NATO and the People's Republic of China. The authors analyze the changing world order from unipolarity to multipolarity, the rise of China and Russia as global security actors, and internal relations among the NATO members. The tested general hypothesis within this research is as follows: The emerging multipolarity creates very complex circumstances for adopting the appropriate NATO strategy to address the rise of China. Taking the above-mentioned into consideration and using a glimpse at international relations theory and the lessons of history, this paper seeks to find the roots of obstacles to defining an effective NATO strategy to address the rise of China as a global security actor in the contemporary world. The position of the Republic of Serbia as a neutral country in the coming multipolarity order is also examined in light of these findings.

Keywords: Multipolarity, NATO, China, US, Russian Federation.

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INTRODUCTION

The multipolar system is already present at the global level, and the effects of multipolarity have begun to be visible in the European context. Any analysis based on objective military, economic, and political parameters will undoubtedly demonstrate that the United States remains the world's most powerful center. On the other hand, it is becoming increasingly apparent that some other countries have already achieved or are on their way to achieving global power status. China, India, and Russia are the most prominent examples. As a result, while the multipolar system is not yet complete, the poles that will make it up in the future are in the final phase of their maturation and shaping. Considering that it represents a combination of geo-economics, geopolitical, strategic, and military dimensions, as well as interdependence among global political forces in economics, finance, and the development of modern technologies, the emerging global multipolar international order is significantly more complex than the former bipolar system and the rivalry between the East and the West. The globalization of the market, as well as the growing development and influence of multinational corporations, have made it impossible to observe the economies of the United States and China, or any other country deserving of global power, separately in modern circumstances, as was the case during the Cold War between the economies of the United States and the Soviet Union. The aforementioned trend can also be seen in other domains, such as security and defense, particularly in the development and military application of current technologies. The decades-long presence of the unipolar system led by the United States has influenced the development and adaptation of various multilateral formats. This influence has not bypassed NATO, which has undergone significant changes since the end of the Cold War. Whether NATO, after just over 70 years of existence, will continue to be ready to deal with changes in the international order will certainly depend on the way the Western world will position itself in relation to China's growing power and its influence on the global international order. In any case, China's growth and rise can no longer be ignored if NATO wants to remain unsurpassed in securing the collective defense of its members, which, in a broader context, means protecting the values of liberal democracy. China's military capacity is steadily increasing and developing, and according to available estimates, China could catch up with the United States by 2030. However, China still lacks organizational knowledge and operational experience related to expeditionary military operations at great distances from its territory, which,

of course, is not the case with the United States. It can be stated that NATO started with strategic thinking about China in 2019 when the United States asked the European allies to join its attempt to cope with growing Chinese power. However, despite China's growing military power and its ability to project almost to NATO borders, European allies are reluctant to accept their adequate role in curbing China. As Holslag (2019, p. 137) points out, NATO's failure to respond appropriately to China's rise could undermine the alliance's importance in the new world order and increase frustration on both sides of the Atlantic, especially since some future engagement could satisfy Washington on one hand while relieving Beijing on the other. It is critical to remember Heisbourg's assumptions (2020, p. 92 and 95) that if NATO focuses entirely on Russia, it will become less and less useful in tackling future European and American security concerns. In this context, NATO's principal goal should be to maintain member states' security in the face of all difficulties coming from China's ascent, while not undermining NATO's current defense and deterrence policy directed at the Russian Federation. Admittedly, NATO has taken a significant step forward by recognizing China as a security threat to its member states and by realizing that defining its place and role in ensuring an optimal response to China's growing power and influence will be a key topic for future strategic thinking in the Euro-Atlantic community. However, it is still uncertain whether and when the strategic thinking about China, as a growing political-military force on the world stage, will be translated into a coherent policy and applicable NATO strategy. The answer to that question will be partially provided by the upcoming adoption of the new Strategic Concept, expected at the NATO summit in Madrid at the end of June 2022.

NATO SECURITY IN A MULTIPOLAR WORLD ORDER

A report published by NATO in 2020, entitled "*NATO 2030: United for a New Era – Analysis and Recommendations of the Reflection Group Appointed by the Secretary-General*", envisages a future strategic environment as unpredictable and demanding, which, besides the increased level of risks and threats at the international level, will also be characterized by the continued geopolitical rivalry of great powers, increasingly aggressive behavior of the Russian Federation, strengthening China's global agenda supported by its economic and military power, as well as intensifying the role of emerging and disruptive technologies (Yorke, 2020, p. 9). As the Reflection Group appointed by the Secretary-General notes in the report, political differences within NATO are very dangerous due to the fact that

they allow external actors, especially Russia and China, to exploit individual allies in ways that endanger their collective interests and security (*Ibidem*). Given the foregoing, the Alliance must strengthen unity, solidarity, and cohesion as vital components in maintaining its credibility and reputation, no matter how difficult this may be. That would create the conditions for NATO to be not only the protector of its region but also a source of stability for an unstable world. Thus, the hard work of achieving unity, solidarity, and cohesion, which can often seem very demanding and frustrating, is a trifle compared to the benefits that can come from it. In accordance with the recommendations of the above-mentioned Reflection Group, NATO must adapt to the needs of a more demanding strategic environment characterized by the emergence of multipolarity and thus the return of systemic rivalry among global powers. Given the above, NATO's overarching political goal should be to consolidate the Transatlantic Alliance, to ensure that it has the tools, cohesion, and consultative attributes to provide collective defense in an increasingly challenging security environment. Also, the political dimension of NATO must be adjusted to maintain and strengthen its effectiveness as well as to ensure its relevance for all member states (Yorke, 2020, p. 12). Increasingly closer ties between China and the Russian Federation have a significant impact on NATO's security, and they have heightened NATO's concerns about how to respond to this threat in practice. As Nouwens and Legarda note (2020, pp. 8-9), China-Russia relations are built on common interests, considering the United States as their main adversary. Bearing in mind that the Russian Federation is the main strategic focus of NATO, Sino-Russian cooperation has become one of the primary concerns of the Alliance. The above-mentioned became especially topical during the armed conflict between the Russian Federation and Ukraine. Evidently, these two countries have common security interests, particularly in Central Asia and the Arctic, as well as partially complementary economies. It would be wrong to view Sino-Russian relations as a rounded alliance, given the fact that there are restrictions on what one side will do for the other one, as shown by many examples from practice, such as the lack of visible and direct Chinese support for the Russian side during the annexation of Crimea and armed conflicts in Ukraine, and the lack of support of the Russian Federation to the Chinese side in resolving disputes in the South China Sea and the border dispute with India. However, when it comes to the stance of the Russian Federation and China towards the United States and NATO, it can be said that there is a broad common basis and a high degree of coordination of potential actions, which, in any case, has negative

implications for NATO security. The above-stated is primarily reflected in the common positions taken during the vote in the United Nations Security Council (Lađevac, 2021, pp. 121-125), in intensive military-economic cooperation, and in the creation of conditions for a greater military presence at the global level. China is becoming an increasingly important global actor in relation to Russia, which may become even more visible in the coming period, depending on the outcome of the conflict in Ukraine. The negative outcome of the conflict for the Russian side will greatly harm its position in the international community. Even though there are concerns in the Russian Federation about the strengthening of Chinese power and influence on a global level, for now, it is unrealistic to expect Moscow to turn against Beijing on the modern stage of international politics. Relations between China and the Russian Federation will continue to be crucial for China's ability to project influence globally (*Ibid.*, p. 61). The current situation imposed by the conflict between the Russian Federation and Ukraine creates conditions for even greater cooperation with China, both in the economic, financial, and energy sectors, and in the field of establishing even stronger military cooperation (*Ibid.*, pp. 103-106). It is becoming nearly impossible to implement John Mearsheimer's advice, as assessed by Heisbourg (2020, pp. 91-92), that the US should make much more effort into drawing Russia out of China's orbit and incorporating it into the order that they lead to greater containment of China. Especially in the current circumstances arising from the Ukrainian crisis, where it is clear that the American side is not ready to hand over any part of Europe to the Russian sphere of influence. The turning point in defining the position towards China and finding ways to curb it in the coming period should be the update of the current Strategic Concept from 2010, called *Active Engagement, Modern Defense*. The NATO security environment has changed dramatically since 2010, as evidenced by the fact that the Strategic Concept proposes strategic cooperation with Russia, only briefly references terrorism, and makes no mention of China (Đorđević & Glišić, 2013, pp. 43-59). The update of the Strategic Concept should be seen as an opportunity to strengthen the cohesion of the Alliance in the conditions imposed by the new strategic reality and to unite the various streams of recent adaptations into one coherent strategic picture. In this context, NATO should consider the changes that are occurring in the emerging multipolar world order, which are bolstered by the Russian Federation's and China's efforts to gain a substantial role in international politics (Yorke, 2020, p. 12). Also, according to the Reflection Group's guidelines, when updating the strategic concept, the member states should strive to preserve

NATO's three key tasks and enhance its role as a single and essential transatlantic consultation forum.¹

CHINA AND EURO-ATLANTIC SECURITY

On its way to becoming a global power, China certainly represents a significant challenge for Euro-Atlantic security, especially if we keep in mind the possibility of replacing the United States on the pedestal of international politics. As indicated by the comprehensive analysis presented by Doshi (2021) in his monograph entitled *The Long Game - China's Grand Strategy to Displace the American Order*, China has managed, by implementing its blunting strategies in the period from 1989 to 2008, the building stage from 2009 to 2016, and global expansion from 2017 onwards, to significantly threaten the position of the United States as the only global power in the existing world order, through all three dimensions: political, economic, and military. In line with estimates given in the Interim National Security Strategic Guidance (The White House, 2021, p. 8), China is becoming increasingly intrusive and pervasive, and it is the only competitor potentially able to combine its economic, diplomatic, military, and technological power to pose a lasting challenge to a stable and open international system. Also, China's ambitions and intentions to reshape the international order in line with its system and national interests are becoming more obvious. In preparing the analysis of China as a significant security factor for Congress, the United States Department of Defense pays special attention to China's national strategy to achieve "the great rejuvenation of the Chinese nation" by 2049, as well as to its efforts to strengthen the People's Liberation Army (Department of Defense, 2021) as much as possible. In accordance with the above-stated, two time-separated goals for the modernization of the Chinese army are visible. The first goal implies the completion of essential and necessary modernization by 2035, while the second refers to the transformation of the People's Liberation Army into a "world-class" armed force by 2049, when the centennial of the founding of the People's Republic of China will be marked. The above-mentioned report of the Ministry of Defense (Department of Defense, 2021, pp. III-XII) provides certain conclusions and recommendations on the basis of which the main characteristics of Chinese development and its potential impact on the

¹ NATO's key tasks according to the Strategic Concept of Active Engagement, Modern Defense are: (1) Collective Defense; (2) Crisis Management; and (3) Cooperative Security.

United States and NATO can be considered. The “great rejuvenation of the Chinese nation” strategy by 2049 aims to make China equal to the United States or even surpass American global influence and power in international politics, displace the existing alliances and partnerships in the field of security that the US side has in the Indo-Pacific region, and revise the international order in accordance with the authoritarian system in Beijing and its national interests. In line with the foregoing, China is increasingly willing to oppose the United States and other countries in areas where their interests diverge. In this context, it recognized in 2019 the need for its armed forces to play a more active role in advancing foreign policy, emphasizing the more global character that Beijing attributes to its military power. China is stepping up its efforts to implement its development strategy based on military-civilian fusion to ensure synergy between its economic, social, and security development to build an integrated national strategic system and capabilities that will serve the Chinese national rejuvenation. Military-civil fusion primarily refers to the development and acquisition of advanced dual-use technologies, as well as to the deepening of the reform of the scientific system relevant to defense. China’s military strategy is based on the concept of “active defense” and accordingly dominates strengthening the People’s Liberation Army. In November 2020, the Communist Party of China published a document entitled “Chinese People’s Liberation Army Joint Operations Outline (trial)”, which is described as “top-level law” in China’s doctrinal system, and which should, among other things, strengthen requirements and procedures for joint operations, combat support, mobilization, and political work. Besides, the Chinese leadership is increasingly advocating that the People’s Liberation Army should take a more active role in achieving national foreign policy goals, so the revision of the law on the national defense of the Chinese armed forces is tasked with defending “overseas development interests”. In parallel with the growing interest of China at the global level, there is growing pressure on the People’s Liberation Army to develop the capabilities needed for an engagement abroad. Accordingly, the Chinese military is continuously improving its presence abroad, including assistance in combating the COVID-19 pandemic. It has already been recognized as a significant contributor to the United Nations peacekeeping operations, which is certainly a good opportunity to gain experience in deploying military forces outside its borders. Also, China is trying to establish the strongest possible overseas logistics and the necessary infrastructure for basing forces in order to provide the People’s Liberation Army with the best possible conditions for projecting power over long distances. In addition to the base in Djibouti,

China is looking for additional opportunities in other countries to support the projection of the strength of its armed forces. China has been continuously increasing its defense budget for more than 20 years and is currently the second-largest military power in the world, after the United States, but with the strongest navy. However, it should still be borne in mind that the armed forces of the United States have over 750 overseas bases in over 100 countries, and that they participate in the total defense costs at the global level with 45% (Baylis, Smith & Owens, 2014, p. 82). In any case, based on available indicators, particularly those given by the United States Intelligence Community (Office of the Director of National Intelligence, 2021, pp. 6-9), China is becoming an increasingly important global and regional actor, seeking to use coordinated instruments of the entire government to demonstrate its growing strength and force regional neighbors to agree to Beijing's preferences, including its claims to disputed territories and claims to sovereignty over Taiwan. Tensions on the China-India border remain high despite withdrawals from some locations along the disputed border. Increasingly frequent activities and a larger presence in the South China Sea are signaling to Southeast Asian countries that China has effective control over disputed areas. China is similarly putting pressure on Japan over disputed areas in the East China Sea. In addition, Beijing will intensify pressure on the Taiwanese authorities to move towards unification and condemn what it sees as increased engagement between the United States and Taiwan. Also, there is growing cooperation between China and Russia in areas of complementary interest, with a focus on economic cooperation, but also in the field of defense, which has become especially evident in recent years. As for the nuclear program, China will continue to expand and diversify the platform of its nuclear arsenal in its history, with the intention of at least doubling the size of its nuclear stockpiles over the next decade, thus setting up a nuclear triad. Beijing is not interested in arms control agreements that might limit its modernization plans and will not agree to substantive negotiations that lock in the nuclear advantages of the United States or Russia. It is evident that China is building larger and more capable nuclear missile forces that are more resilient, diverse, and better prepared than they were in the past. China's activities to gain dominance in space are also intensifying. Beijing is working hard to equalize or surpass the United States' space capabilities. According to the above, the People's Liberation Army of China will continue to integrate its capabilities, such as satellite reconnaissance and positioning, navigation, and satellite communications. As for cyberspace, it is estimated that China can trigger cyber-attacks that can cause, at the very least, localized and temporary

disruptions to the critical infrastructure of the United States. On the other hand, China is a world leader in the application of surveillance and censorship systems to monitor its population in order to preserve the unity of the party and the people. Also, China will continue to expand its global intelligence activities to support growing political, economic, and security interests around the world, increasingly challenging the alliances and partnerships of the United States, particularly in its region. Across East Asia and the Western Pacific, which Beijing considers its natural sphere of influence, China is trying to exploit doubts about the United States' commitment to the region, undermining Taiwanese democracy and expanding its influence. In any case, China will continue to intensify its efforts to shape the political environment in the United States, including promoting its political preferences, directing public discourse, pressuring political figures who Beijing believes oppose its interests, and dampening China's criticism on issues such as religious freedom and the suppression of democracy in Hong Kong. In line with the position of Western countries, the scope of China's power and global reach are acute challenges for open and democratic societies, especially due to China's aspirations for greater authoritarianism and strengthening its territorial ambitions. For most allies, China is both an economic competitor and a significant trading partner. China is, therefore, best understood as a systemic rival across the whole spectrum and not as a purely economic player or just a security actor focused on Asia. Although China does not pose an immediate military threat to the Euro-Atlantic area, like the Russian Federation, it is expanding its military reach to the Atlantic, the Mediterranean, and the Arctic, deepening defense ties with Russia and developing modern weapons and military equipment, including a growing nuclear arsenal. The Euro-Atlantic community is increasingly feeling China's influence in every area. At the same time, through its initiatives, China is gaining more and more infrastructure across Europe, with a potential impact on communications and interoperability. Yet, as the Reflection Group claims (Yorke, 2020, p. 18), due to its economic development, China is a driver of global growth, trade, and investment and a significant investor in many NATO countries. It has started to develop a strategic and commercial presence in the Euro-Atlantic area through the Belt and Road Initiative, the 16+1 format (then 17+1, and afterwards China-CEE), numerous bilateral agreements, and the implementation of the military-civil fusion strategy. The member states will continue to build relations with China, enhance economic and trade ties, and seek to cooperate with China on issues such as climate change and biodiversity. Also, China has a central

role when it comes to facing global challenges, such as the goals of sustainable development.

NATO AND CHINA

NATO-China relations practically did not exist until the early 2000s. The growth of China's international influence gave impetus to the opening of political dialogue between the two sides in 2003, which later contributed to the establishment of military cooperation in 2010. It is important to point out that the relations between NATO and China have never been formalized but a regular political dialogue has been established at several levels. China's growing power and growing self-confidence are very important geopolitical and geo-economic factors that greatly influence the change in NATO's strategic calculations. In light of the above, the Trump administration and some members of Congress have called on NATO to assess the security implications of growing Chinese investment in Europe and to step up its efforts to combat potential negative impacts on transatlantic security. As expressed in the US National Security Strategy from December 2017 (The White House, 2017, p. 47), US officials are increasingly concerned that China is gaining a strategic foothold in Europe by spreading its unfair trade practices and investing in key industries, sensitive technologies, and infrastructure. China's investments in key infrastructure and telecommunications systems, such as 5G networks, are of particular concern, with some reports suggesting that the US could limit military cooperation and intelligence sharing with allies who allow Chinese investment in telecommunications networks. At the NATO summit in London in December 2019, it was emphasized that China's growing influence represents both an opportunity and a challenge to be addressed at the Alliance level (NATO, 2019, Para. 6). It is important to note that this is a significant change in NATO's policy towards China. On that occasion, the NATO Secretary-General emphasized that such an attitude was not encouraged by NATO's intention to move to the South China Sea but by the fact that China was increasing its influence and expanding its activities in the Euro-Atlantic area. Although it is welcome as a first step, the reference to China in the London Declaration must be accompanied by the adjustment of NATO's strategic documents and, above all, the Strategic Concept. In view of the above, Secretary-General Jens Stoltenberg instructed the Reflection Group in 2020 to prepare a set of ideas and guidelines that the allies should consider as they move towards the development of a new Strategic Concept. It can be said that the Reflection Group has rather sharply

defined the challenge arising from China's growing power and role in international relations, arguing that this country is "best understood as a systemic rival of the whole spectrum, rather than a purely economic player or security actor focused only on Asia". At the NATO summit in Brussels in June 2021, the process of developing a new Strategic Concept was launched and the Reflection Group report was adopted. The heads of state and government of NATO defined China in Brussels as "a systemic challenge to the international order based on the rules and areas relevant to the security of the Alliance." On that occasion, Beijing's nuclear arsenal, which is growing rapidly, military cooperation between China and the Russian Federation, and the use of disinformation campaigns were mentioned. The interest in engaging with China on issues of common interest, such as climate change, was reaffirmed, and a call for "reciprocal transparency and understanding" in the nuclear field was made. However, according to both Bloch and Goldgeier (2021), the statement remained unclear as to which tools NATO should use to respond to the challenges posed by Beijing, probably leaving the space for the above-mentioned to be covered by the new Strategic Concept, which will be adopted in Madrid at the end of June 2022, as well as the documents that would follow its adoption. According to the Reflection Group assessments (Yorke, 2020, p. 12), NATO must devote much more time, political effort, and concrete action to address China as a security challenge based on an assessment of its national capabilities, economic strength, and stated ideological goals. NATO needs to develop a strategy to move closer to a world in which China will be increasingly important by 2030. This includes an adequate assessment of the impact of China's technological development, as well as monitoring and protection against any Chinese activities that could affect collective defense, military readiness, or resilience in the Alliance's area of responsibility.

As the Reflection Group claims (*Ibid.*, p. 17), China represents a completely different kind of challenge for NATO than the Russian Federation, both in essence and in the scope of military engagement. Unlike the Russian Federation, China does not currently pose a direct military threat to the Euro-Atlantic region. However, China has an increasingly recognizable global strategic agenda, backed by its economic and military strength. China has proven its readiness to use force against its neighbors, as well as economic coercion and intimidating diplomacy far beyond the Indo-Pacific region. In the upcoming period, China's further development is likely to influence NATO in building adequate capabilities for collective resilience, protection of critical infrastructure and sensitive sectors, including supply chains, and to focus on the development and deployment of new

technologies, such as 5Gnets. In the long run, the assumption is that China will project military power on a global level, including potentially in the Euro-Atlantic area. It is important to emphasize here that industrial policy and the military-civil fusion strategy are central components of China's systemic challenge to NATO. Military modernization in all domains, including nuclear, naval, and missile capabilities, introduces new risks and potential threats to NATO and its strategic stability. According to the Reflection Group estimates (*Ibid.*, p.36), China has growing capabilities for long-range missile strikes, which poses a significant threat to the Euro-Atlantic area, while expanding its work on modern technologies. In a broader context, modern technologies will change the nature of warfare and enable new forms of attacks by hypersonic missiles and hybrid operations. Modern technologies also play a significant role in space, which has become NATO's operational domain and will continue to evolve as Russia and China increase their capabilities. The development of sophisticated military technologies for engagement in space by Russia and China threatens the allies' security, and space is becoming a new arena of geopolitical competition. Likewise, as noted by the Reflection Group (*Ibid.*, p. 27), China's ambition to become a world leader in artificial intelligence by 2030 and the world's leading global technology superpower by 2049 should not be overlooked. Also, according to the Reflection Group (*Ibid.*, p. 17), China is conducting more frequent and intensive disinformation campaigns in numerous allied countries, theft of intellectual property with implications for the security and prosperity of allied countries, as well as cyber-attacks. In addition to the above, and as stated by Bloch and Goldgeier (2021, p. 4), Chinese control of a growing part of critical European infrastructure, from telecommunications networks to port facilities, directly affects NATO's readiness, achievement of interoperability, and secure communication. Although China does not pose the traditional threat as the Soviet Union did during the Cold War, Chinese warships and planes are still engaged in the eastern Mediterranean, the North Atlantic, and the Arctic, and the Chinese military is conducting joint exercises with the Russian military in the Mediterranean and the Baltic Sea. Also, Beijing now controls about 10% of the capacity of European ports, primarily along the Atlantic and the Mediterranean, including Piraeus in Greece, Valencia in Spain, and Zeebrugge in Belgium. Besides, China's challenge to NATO stems not only from the deployment of its military forces but also from investments in technology, including 5G, as well as from its role in supply chains at the global level, which could significantly jeopardize NATO's combat capabilities. In view of the recommendations of the Reflection Group (Yorke,

2020, pp. 26-28), NATO should improve its ability to coordinate strategy and maintain allies' security vis-à-vis China. There is a critical need to increase the political coordination of NATO-allied countries on issues where China's stance is contrary to their security interests. The Alliance should continue its ongoing efforts to address and solve China's challenges through existing structures. Also, NATO should increase its capabilities to adequately anticipate and respond in a timely manner to Chinese activities that undermine the Alliance's security, including countering China's military-civil fusion strategy. On the other hand, NATO should keep open the possibility of political dialogue with China on common interests and differences, such as arms control. Given the already existing China-Russia relations, it is necessary to improve NATO's institutional capacity to monitor, analyze, and assess how cooperation between the two countries in the military, technological, and political fields, including coordination in disinformation campaigns and hybrid warfare, affects Euro-Atlantic security. Looking ahead to 2030, NATO will have to secure a position that will allow it to protect itself from any attempts by China to use coercion against the member states, implying the assumption that China will not be able to take advantage of the differences between them. NATO's future engagement with China is very problematic without an adequate strategy. According to Connolly (2020, p. 1), a confrontation between China and the Euro-Atlantic community is neither desirable nor inevitable, while NATO's failure to adequately respond to China's growth and manage the challenges it poses could make confrontation more likely over time. In this context, it would indeed be irresponsible for the Euro-Atlantic community and its institutions to continue to delay revising their strategies and capabilities in light of the profound changes brought about by China's growing power and current behavior in international relations. The lack of an adequate strategy, as Holslag (2019, p. 138) points out, can enable China to do what it practiced in its neighborhood, to accept dialogue to reduce criticism, but continue to change the balance of power on the ground, i.e., to accept dialogue not with the intention of being cooperative but to increase the strength needed to ignore the concerns of its so-called associates and partners. From the point of view of European NATO members, China has so far been largely perceived as an economic rival, with sporadic challenges related to global governance, security, and very rarely military concerns. However, the situation is changing significantly and requires new approaches, especially bearing in mind that the combined Russian-Chinese naval presence in the NATO lobby during the exercise activities exceeded the presence of naval forces of European member states, calling into question their naval power.

In modern circumstances, China's shift from a policy of restraint and non-interference to greater self-confidence is evident, reaffirming its ambitions as a force with global interests, which includes joining the Russian Federation in resistance to Western influence (Đorđević & Jeremić, 2016, pp. 469-473). According to Holslag (2019, p.140), in the circumstances of the development of the Belt and Road Initiative and the melting of the polar ice, China is beginning to see the Eurasian soil as one big geopolitical field for a game, with the final aim reflected in significant strategic changes. In order to win that game, China is investing heavily in the development and production of strategic aircraft and aircraft carriers, as well as regulating ports and harbors around the world. Thus, China expects free access to navigation in the European seas while seeking to restrict freedom of navigation in its own and neighboring seas, using the most prestigious means and mechanisms to implement the concept of anti-access/area-denial (A2/AD). Regardless of the above-stated facts about the growth of Chinese power and its projection into the "NATO yard", the security consequences of China's rise are not of major importance for European NATO members. Namely, as Holslag (2019, pp.144-145) notes, European countries have long since abandoned their ambition to maintain military dominance, while the United States has maintained the assumption that the best security guarantee is to remain number one, despite the fact that several European nations have long agreed to second-class military status. There is no doubt that these circumstances have a negative effect on NATO's view of China as a security threat. However, in a broader context, European allies are beginning to realize that NATO must address the political, defense, and security challenges posed by China. According to Connolly (2020, p. 24), for allies from Central and Eastern Europe, the urgency of the Chinese challenge is overshadowed by Russia's challenge, but they are ready to support the United States' position in exchange for its continued commitment to Europe's territorial defense. However, several allies continue to look to China more through the lens of economic opportunities rather than security challenges, including cooperation with China under the Belt and Road initiative. When analyzing such a complex problem, we must not omit the fact that China is a major geo-economic issue, which may negatively affect the efforts undertaken or which would be undertaken by NATO to curb its growth and development. In fact, the key factor in this process is the European Union. According to Biskop (2021), it is not up to NATO or the United States to decide which Chinese investments can and cannot be allowed in the European Union. So, if the United States wants to do something about China in the areas not primarily related to defense, the

solution is not to channel their activities and efforts through NATO but to talk directly with the European Union. This would have a positive impact on NATO's ability to focus on its core tasks, i.e., deterrence and defense. In any case, the United States will try to use the process of drafting and adopting a new Strategic Concept to sharpen NATO's focus on the threats posed by Beijing, but will also keep in mind that NATO is less important and effective than the European Union in dealing with Beijing in the field of economic and technological challenges. Given the above, it is to be expected that any effort by the United States and its allies to respond to China will require overcoming NATO's borders. For the needs of this paper, it is of special importance to emphasize that China is gradually starting to defy NATO from the position where it is the weakest, testing its essential principle of solidarity and commitment to the defense of common values by relying on different perceptions of security among European member states. To NATO's great regret and disappointment, there are very deep divisions among European allies stemming from various political, historical, and geographical factors. In a general sense, and unrelated to defining relations with China, there are deep divisions among European allies, primarily between Greece and Turkey due to territorial conflicts, and between Turkey and France due to different attitudes towards the civil war in Libya. In addition to the above, when considering the importance of the Euro-Atlantic Alliance, for some partners such as Turkey, France, and Germany, it does not occupy an important place in their foreign policy priorities. There are considerable differences among the allies in terms of defining a common position and approach to China. In general, among the European countries, Lithuania is the most committed to suppressing China's influence, while Turkey has by far the mildest approach. Besides Turkey, several European NATO members, most notably France, Germany, Italy, and Portugal, oppose the idea of NATO taking a full role in China's politico-military containment. They want to limit interaction with China to dialogue and selective cooperation, arguing that Beijing should not be seen as an adversary and that multilateral cooperation should be strengthened instead. This is especially relevant given the fact that European public opinion is often skeptical of NATO as a military alliance because the United States has used it inefficiently in some conflicts, especially in Afghanistan. Even the officials of several European countries were of the opinion that, unlike the United States, China has no globalist aspirations or historical facts that would indicate power projections in distant regions. When we move from the general to the thematic levels, Denmark, the Netherlands, Great Britain, Estonia, Canada, and Germany are especially interested in suppressing

China's activities in cyberspace. Regarding the use of Huawei equipment for the introduction of 5G networks, the allies are also divided. On the one hand, the US, France, Germany, and the United Kingdom have already imposed restrictions on this company's operations, but that is not the case with Chinese investments in Italy, Greece, Hungary, and Portugal. In addition to the above, even though the Indo-Pacific region is an area of high importance for the United States, this is not the case when analyzing the interests of European allies. This region is, to some extent, of strategic importance for the United Kingdom, France, and the Netherlands, but not for the realization of the national interests of the Baltic States, Poland, Romania, Bulgaria, and other NATO members. In light of China's activities in the Arctic, the containment of Beijing is of particular interest to Canada, Denmark, and the Baltic states, while for other NATO members, it is not an issue that occupies a high place on their strategic geopolitical agenda. Looking at the Belt and Road initiative, Italy and Greece have become key points of this Chinese economic project. According to Western officials, China's economic initiatives have reshaped the regional balance of power, deepened divisions within the European Union and lured weak European countries and large, influential companies into economic dependence. This is especially evident during the establishment and implementation of the initiative for cooperation between China and the countries of Central and Eastern Europe, better known as China-CEEC, or as a 16+1 format, bearing in mind that as many as 12 NATO members participate in it. The future of this initiative is being questioned by many because of its negative impact on NATO unity. On the other hand, according to Nouwens and Legarda (2020, p. 6), the Chinese leadership sees NATO as an alliance focused on the United States and thus as a tool that Washington can use to maintain its global dominance and prevent China from coming to the pedestal of international politics, especially bearing in mind the "century of humiliation" from 1839 to 1949. So, according to China, the United States needs NATO to support its "global hegemony". Given the above, Beijing sees NATO as another component in its broader geopolitical competition with the United States. Since relations between the United States and China have deteriorated over the past few years, the Chinese side has repeatedly expressed concern that Washington could force NATO to define China as a new adversary. Also, the Chinese leadership sees NATO as a "legacy of the Cold War", which has lost its legitimacy after the collapse of the Soviet Union, and therefore seeks a new enemy to justify its existence. China will continue to strive to disintegrate NATO unity through the economic, strategic, and security dimensions. As Una Aleksandra Berzina-Chernkova

states (2021, pp. 54-55), according to Chinese estimates, many NATO member states, primarily Germany and the United Kingdom, consider economic growth based on bilateral cooperation with China to be very significant. Also, France, in its intentions to implement the idea of Europe's strategic autonomy, is not yet ready to support the position of the United States towards China. Of course, in terms of security, the Chinese side never omits the fact that the Indo-Pacific region is an area of interest for the United States but not its European allies. Bearing in mind that the position of each member state is crucial in defining NATO's final approach and strategy towards China's growing power and role in international relations, it is certain that all future scientific research dealing with this topic will be largely based on neoclassical realism. In fact, neoclassical realism is a theory that retains a neorealist emphasis on international structure as the primary determinant of state action but also introduces typicalities that occur at the unit level as intervening variables. As Sperling (2017) argues, resorting to a unit (or state) level of analysis avoids the determinism of neorealism, explains the choice of national foreign policy in conditions of uncertainty, and captures the objective link between systemic necessity and domestic choice. The above-stated implies that the analytical logic of neoclassical realism can be summarized as follows: external changes in the relative distribution of power (independent variable) are broken through domestic constraints and possibilities (intervening variables) that generate the most common cases of unusual and unexpected foreign policy (dependent variable). According to the above-mentioned author, neoclassical realism was revived in the study of NATO's strategic approach during its engagement in Operation Unified Protector in Libya in 2011, when it became very clear that the Alliance was prone to internal dysfunction, which was later shown in Syria. Given the above, non-functional realism can be a potentially powerful framework for understanding strategic thinking within NATO, especially where there are difficulties among the member states in defining an appropriate response to a generally recognized security threat, as is the case with defining an appropriate NATO strategy to restrain the growing power and influence of China.

MILITARY NEUTRALITY OF SERBIA IN THE AGE OF MULTIPOLARITY

The transition of the world order from unipolar to multipolar creates increasingly difficult circumstances for preserving the military neutrality of the Republic of Serbia and also for its eventual accession to the European

Union, if it wants to preserve the status of a military-neutral state. The Republic of Serbia declared its military neutrality in December 2007, when the National Assembly adopted a Resolution on the Protection of the Sovereignty, Territorial Integrity and Constitutional Order of the Republic of Serbia. The National Assembly passed a resolution declaring the Republic of Serbia's military neutrality in relation to current military alliances until a prospective referendum is conducted, at which a definitive decision on the matter would be made. It is evident here that the decision on military neutrality was made at a time of unipolarity, with the dominant role of the United States and NATO. Implementation and consistent adherence to the concept of military neutrality is incomparably easier during the unipolar or bipolar world order. However, in the conditions of multipolarity, preserving the concept of military neutrality faces many challenges, primarily because the concept itself must comprehend, accept, and respect far more actors of global influence than in the unipolar and bipolar world orders. This viewpoint is supported by the recent decisions of Sweden and Finland, two nations with a long history of military neutrality, to begin the process of joining NATO. Explaining the possible economic benefits of the military neutrality of the Republic of Serbia, Stojković and Glišić (2018, p. 597) present this concept as a result of the development and influence of various historical and political factors in the late 20th and early 21st century, stating the fact that neutrality itself is traditionally different from the neutrality of military neutral states. The Republic of Serbia's military neutrality implies that it relies primarily on its own capabilities to protect national interests, but it does not rule out close cooperation with other countries, as well as alliances and international organizations such as NATO, CSTO, and the European Union. Accordingly, since declaring military neutrality, the Republic of Serbia has made significant efforts to improve military cooperation, primarily with the permanent members of the Security Council (China, the Russian Federation, France, the United Kingdom, and the United States), as well as with NATO under the auspices of the Partnership for Peace and the European Union under the auspices of the Common Security and Defense Policy. Some of the mentioned actors, primarily NATO, have made public statements several times that they recognize and respect the military neutrality of the Republic of Serbia, especially when certain countries reacted to the purchase of military equipment from the Russian Federation and China, and after the reaction to the joint exercises with members of the Russian and Belarusian armed forces. Given the fact that the removal of world orders and global powers from the pedestal of international politics almost always results in armed confrontations,

maintaining the Republic of Serbia's military neutrality is a significant matter with a very unclear future. As a result of the shift from a unipolar to a multipolar order, the influence of the Russian Federation and China is becoming increasingly obvious, both in the Western Balkans and on the territory of the Republic of Serbia. According to Western officials and analysts, the Russian Federation has a very negative impact on the interests of the United States, NATO, and the EU in the Western Balkans. According to Larsen (2020, p. 2), the Russian Federation does not see the Western Balkans as a sphere of privileged interest, as is the case with Ukraine or the South Caucasus. However, the Russian side has a special geopolitical interest in the region, strengthened by its historical and religious ties, especially bearing in mind that the Western Balkans is "Europe's weak periphery", where Russia can project power by gathering local resistance to regional integration into NATO and the European Union. China is a relatively new but fast-growing power in the Western Balkans, with significant investments. Since launching its Belt and Road initiative, China has funded several significant construction projects in the Western Balkans. China has allocated more than six billion euros in loans to the Western Balkans, mainly for the energy and transport sectors (Larsen, 2020, p. 3). On the one hand, the Belt and Road initiative opens up new opportunities for trade development, modernization of energy capacities, and filling of significant infrastructural gaps, which certainly contribute to visible economic growth. Chinese investments, on the other hand, decelerate the substantial changes required for eventual EU membership and alter the geopolitical and geo-economic landscape of the region.

CONCLUSIONS

The emerging multipolar order also has a significant impact on changing the relationship between NATO and China. During the unipolar world, NATO had almost no cooperation with China or significant interaction in international politics. The cooperation was primarily aimed at calming the crisis situation in Afghanistan and countering the activities in the Gulf of Aden, as well as some joint activities in the fields of training and education. Some NATO officials considered establishing a NATO-China Council based on the NATO-Russia Council but withdrew from it, given the limited scope of institutionalized cooperation with the Russian Federation, especially since 2014, i.e., after the annexation of Crimea. However, the situation has changed significantly with China becoming a global power and investing more and more effort in global expansion, which has become increasingly

visible since 2017. China's growing power in the political, economic, and military dimensions bothers the United States the most, given its desire to maintain its global dominance, which includes protecting its interests in the Indo-Pacific region. With the growing influence of China in international politics, the United States is trying to include NATO in restraining Beijing, which was not the case in the previous period. According to US officials, China poses a threat to the collective security and prosperity of allies. However, according to Bishop (2021), the Biden administration is far more flexible in its assessment of China than the previous one, and it believes that strategic competition does not and should not prohibit cooperation and engagement with China when it is in the US's best interests. So, it is very close to the position of the European Union that China is a partner, competitor, and rival at the same time. However, American and European interests do not completely overlap. For the United States, China's rise is much more problematic than for the European Union. It is certain that the attitude and role of NATO in curbing Beijing on its path to the pedestal of international politics will depend on the attitude of the United States towards China. For the Euro-Atlantic community, the Chinese challenge is not primarily military but is mainly focused on areas where NATO has neither strong expertise nor any regulatory competencies, such as economic issues, new technology development, and foreign investment. Given the above, improving NATO's partnership with the European Union and with the countries of the Indo-Pacific region is essential for a successful response to China's growing power and influence. The establishment of the trilateral pact AUKUS (Australia, the United Kingdom, and the US) in September 2021 shows that the United States is aware of that. As far as the military sphere is concerned, the challenge is certainly the increasingly visible expansion and projection of China's military power, both regionally and globally. However, in practice, China's military restraint has been primarily on a bilateral level, with occasional activities of the naval forces of the United States, the United Kingdom, France, and, to a lesser extent, Germany in the Indo-Pacific region. It is necessary to keep in mind the fact that only a very small number of NATO member states have naval capacities that would enable engagement in the Indo-Pacific region, as well as the fact that some NATO members do not want to provoke China. In order to define a comprehensive and objective conclusion on the subject, it is important to note that throughout NATO's existence there has been a debate on the possibilities of its engagement at the global level for the interests of individual member states outside the area defined by Article 6 of the Washington Treaty. As Webber, Sperling, and Smith note (2021, pp. 20-21),

during the Cold-War bloc division of the world, NATO had no military engagement to fulfill its purpose of collective defense, despite the fact that some member states had very large challenges to pursue their national interests, such as the United States in Vietnam, the United Kingdom in the Falkland Islands, France in Algeria, and the colonial powers of Portugal, Belgium, and the Netherlands in preserving their colonial possessions. However, after the end of the Cold War and the replacement of the bipolar international order with a unipolar one, NATO began the practice of military engagement outside its area of responsibility, according to the often uttered slogan "out of area or out of business". With the adoption of the Strategic Concept from 1991 in addition to collective defense and crisis management, the military operations outlined in Article 5 of the Washington Agreement have become a daily practice of NATO, as evidenced by the examples of Afghanistan and the Balkans. However, even during the unipolar international order and the supremacy of the United States, the allies debated NATO's engagement at the global level, such as in Iraq. Observing the development and changes of NATO during the transition of the international order from bipolar to unipolar, as noted by Glišić, Stojković and Lađevac (2019, pp. 327-349), this alliance was very skilful in finding new tasks that would be its responsibility to justify its existence. It is certain that this approach has secured NATO the epithet of the most successful military alliance in history. Whether it will remain the most successful military alliance during the multipolar period will certainly depend on its ability to adequately counter China's growing power and role in international relations, but also on the fact that the Indo-Pacific region is primarily a US zone of interest. As already mentioned, in terms of NATO's place and role in countering China's growing influence, the United States' position has evolved significantly. Initially, the US administration was more in favor of a division of labor with European allies, expecting them to take greater responsibility for European security, freeing up US resources to redirect to the Indo-Pacific region. However, the changing geopolitical reality and China's growing strategic foothold in Europe in recent years have prompted the United States to reconsider this approach and give NATO a greater role in dealing with it. This became especially evident with the arrival of the Trump administration, which, in its relations with European allies under the auspices of NATO, advocated priorities related to the fight against terrorism, more equal distribution of burdens among allies, and restraint of China. Thus, with the era of the Trump administration, the position is abandoned that the United States, together with its partners, such as Japan and South Korea, engage in restraining China, and that NATO retains its

role in the European contingent to restrain the Russian Federation and carry out certain regional interventions, such as the intervention in Libya in 2011. In view of all the above, it can be concluded that the multipolar world order imposes very complex conditions for the adoption of an appropriate NATO strategy to counter China's growing power and influence. This is primarily reflected in ensuring unity among European allies, especially when considering the influence of China through various levers of economic cooperation, including the Belt and Road initiative, the 16+1 cooperation format, and China-CEEC. The seriousness of this conclusion is especially indicated by the data presented in the Bloomberg review in 2018, showing that Chinese investments in Europe are almost twice as large as the US's. Also, the fact that China is a rival on a wide range of issues significantly complicates finding an adequate NATO response to curb China, which is especially related to the economic dimension and the development of modern technologies. In any case, the big question for NATO is whether it is prepared to stand up to rising Chinese influence or whether it will continue to ignore it. The demand to focus more on China has grown significantly in recent years at NATO headquarters, but a full consensus on that issue has yet to be reached. On the other hand, Beijing will continue to be cautious about NATO's intentions and will continue with its intentions to separate the United States from European allies, especially targeting France and Germany by strengthening economic and trade relations. The big question is whether NATO will be able to cope with two challenges in the future brought by the multipolar order: China and Russia. This could represent its end, but it could also be a great incentive for its revival, which should include reconsideration and amendment of Article 10 of the Washington Treaty to create conditions for membership of some partner countries that cooperate with NATO under the auspices of the Partners Across the Globe program, primarily Australia, Japan, the Republic of Korea, and New Zealand. A possible NATO membership of the three countries would certainly have a positive effect on strengthening its ability to face China's growing power and role. Any future strategic consideration of how NATO can contain China, including the development and implementation of a new Strategic Concept, should give priority to a global approach over NATO's global presence. This is especially important if we keep in mind the fact that China is a long-term issue. On the other hand, Russia will remain an immediate and unpredictable challenge in the coming period, which is best shown by the current situation in Ukraine. It is to be expected that many of the issues raised here will be better understood after the adoption of the new Strategic Concept at the upcoming NATO summit

in Madrid, scheduled for late June this year. Without any doubt, our conclusion is that the emerging multipolar order will significantly complicate the Republic of Serbia's position as a military neutral state and will have a substantial negative impact on the realization of the Republic of Serbia's path to full integration into the European Union if it wishes to maintain military neutrality.

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THE AUKUS SECURITY PACT AND ITS IMPLICATIONS ON THE INDO-PACIFIC SECURITY ARCHITECTURE

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Abstract: In September 2021, the United States, the United Kingdom, and Australia entered into a new security partnership, that is, a trilateral security pact called for short: “AUKUS”. Having already cooperated closely together in various political and security formats, the AUKUS deepens the maritime component of their collaboration. This contribution discusses the strategic motives behind the establishment of the AUKUS and its potential implications for the security architecture in the Indo-Pacific, including possible new flexible partnerships. Geographically, the focus rests on the situation in the South China Sea. The South China Sea is a critical hotspot where China is acting increasingly assertive. Securing freedom of navigation and trade in the South China Sea is a vital national interest for the US, Australia, and the UK. This contribution will examine the maritime power potentials of the AUKUS members vis-à-vis China, discussing the importance of nuclear-powered submarines for power projection in the Indo-Pacific. Last but not least, it will address the fact that the announcement of the AUKUS and the cancellation of Australia’s previous submarine deal with France not only surprised the European Union but demonstrated the lack of geostrategic importance of this economically strong but in the Indo-Pacific militarily irrelevant actor.

Keywords: AUKUS, Indo-Pacific, Quad, China, South China Sea, EU.

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INTRODUCTION

“Indo-Pacific” is a relatively new geostrategic and geo-economic concept, first introduced by Japan’s former Prime Minister Shinzo Abe during his first term in office in 2007 (Ministry of Foreign Affairs of Japan, 2007). A decade later, Japan deepened its Indo-Pacific strategy. Australia (in 2017) and the United States (US, in 2019) followed suit. In recent years, certain European powers have also presented their Indo-Pacific strategies, namely France (in 2019), Germany, and the Netherlands (both in 2020), as well as the European Union (EU, in 2021). The United Kingdom (UK) has no specific Indo-Pacific strategy, but this region plays a major role in its foreign and security strategy issued in March 2021 and designed to promote “Global Britain in a competitive age” (Government of the UK, 2021). In comparison to the other Western strategies, the EU’s Indo-Pacific strategy lacks vision and ambition (Gerstl, 2021). The strategies of the Western nations and Japan strongly overlap, in particular with regard to the aim of upholding the existing multilateral, rules-based order and freedom of navigation and trade in the South and East China Seas. The key to maintaining the rules-based order is the Association of Southeast Asian Nations (ASEAN), as it is the only organization that has successfully established trans-continental cooperation formats in which all great powers work together (Gerstl, 2022, pp. 27–45). Because the ASEAN is still useful for them, all major actors, including the People’s Republic of China (PRC) and the US, formally endorse ASEAN’s regional centrality in the Indo-Pacific. The ASEAN, though, is no security organization. The multilateral ASEAN Regional Forum (ARF), led by the ASEAN, is also only a forum for diplomatic talks, not a robust organization able to conduct preventive diplomacy or sanction norm-breakers. Thus, the Indo-Pacific security architecture consists of mostly bilateral and a few multilateral cooperation formats, which, however, remain untested as they have not yet faced a major crisis. The defense anchor is still the US, with mutual defense agreements with Australia and New Zealand (ANZUS), Japan, the Philippines, and South Korea, and less far-reaching agreements with other nations, notably Taiwan and Thailand. Apart from its military bases in the Indo-Pacific (the largest are in Japan and South Korea), the 7th US Fleet marks a strong American presence in the region. Before the AUKUS, no European power was a member of a US-led security mechanism in the Indo-Pacific. With regard to the security and military dimensions, significant differences in the Indo-Pacific strategies can be found. Lacking credible power projection capabilities, in particular after Brexit in 2021, the

EU regards itself mainly as a normative power and focuses on being a good international citizen and providing political and diplomatic support to regional governance, notably its partnership with the ASEAN, and improving human security. Brussels also highlights economic and trade collaboration. Furthermore, the EU seeks closer cooperation with the Quadrilateral Security Dialogue (Quad), consisting of the US, Australia, Japan, and India, but only on narrowly defined “issues of common interests such as climate change, technology, or vaccines” (European Commission and High Representative of the Union, 2021, p. 4).

Common security interests have not been explored so far. Another likely field of close collaboration among Western and like-minded Asian countries concerns infrastructure and connectivity. The EU’s Global Gateway Initiative needs to be highlighted in this sense, but it hardly counters China’s ambitious Belt and Road Initiative (BRI). Another commonly stated aim is to promote democracy and human rights. However, in a region where the majority of the regimes are semi-democratic or authoritarian, this objective could lead to political tensions with the local partners. The EU is a respected actor and is highly regarded as an important partner for economic cooperation and strengthening global and regional governance in many Indo-Pacific nations, notably in Southeast Asia. The EU and its members rank among the top investors, trade partners, and providers of Official Development Aid (ODA). Keen to promote regional cooperation, the EU offers technical support to the ASEAN. The EU members, notably France, Germany, and the Netherlands, are also important arms providers in the Indo-Pacific. However, Southeast Asian decision-makers became in 2021 more skeptical about the EU’s true influence and its ability to contribute to maintaining the regional order, compared to the US and China (Seah et al., 2021). A major reason could be the increasingly obvious lack of the EU’s hard power capacities to defend the rules-based order or militarily support its partners, especially in the background of Russia’s invasion of Ukraine, which signals a return to traditional geo-politics.

THE AUKUS: A BIG SURPRISE

The BRI, but even more importantly, China’s more active, if not assertive, foreign policy under Secretary-General and President Xi Jinping, were key reasons for the stronger political and security engagement of the Western powers in the Indo-Pacific. Their aim is to check China’s rising

power in a comprehensive manner. From a security point of view, especially concerning are the two hotspots, Taiwan and the South China Sea (the latter will be assessed in the following). The AUKUS, an enhanced trilateral security pact between Australia, the United Kingdom, and the United States, launched on September 15, 2021, is a direct response to China's increasing military capabilities. However, not only China but all regional and outside players in the Indo-Pacific are affected by this US-led security format, as it has the potential to fundamentally alter the power dynamics in the region. Above all, the AUKUS is a clear political commitment by Washington, Canberra, and London to strengthen their collaboration in the vital Indo-Pacific region. This agreement will further deepen the already existing strong defense ties and the interoperability of these three Anglo-Saxon partners, which are already connected through defense treaties (US with Australia and New Zealand – ANZUS) and multilateral cooperation formats (e.g., Five Eyes); Australia is also a close NATO partner. The AUKUS, though, is unlikely to develop into an Indo-Pacific NATO, even though the admission of further members cannot be ruled out. In fact, the membership of Japan, already a Quad partner, would make sense from a political and security perspective. In line with John Mearsheimer's (2001) recommendations to US policy-makers to try to prevent China from becoming the regional hegemon in East Asia or the Indo-Pacific more generally at the expense of the US, Washington aimed to create, in the form of the AUKUS, a "local block" with constant superior sea power. The United States clearly demands from its Indo-Pacific and European allies stronger defense efforts, especially in the Indo-Pacific *theatre*. The Australian plan in 2016 to renew the submarine fleet was principally welcomed. However, the choice of twelve conventional submarines, manufactured by the French Naval Group (formerly DCNS), was not fully in line with the interests of the US navy: a major concern was the lack of interoperability. This problem has now been resolved as Australia announced, together with the establishment of the AUKUS, the signing of a new deal with the US on acquiring eight to ten state-of-the-art nuclear-powered submarines. Neither the EU nor France had prior information about the establishment of the AUKUS. France and the EU were even more caught on the wrong foot when Canberra informed Paris about the cancellation of the 66 billion US dollar submarine deal with France. As a side note, many observers were surprised by Australia's initial submarine deal with France, as the Japanese consortium of Mitsubishi Heavy Industries and Kawasaki Shipbuilding was regarded "as the front-runner" (Soble, 2016). Moreover, Australia and Japan already closely cooperated at this time in the Quad. Besides, some difficulties

also occurred in the short cooperation phase with the French Naval Group. The French President Emmanuel Macron and his government expressed anger and astonishment about Australia's decision – the loss of a signature arms deal, the suddenly strained relations with an important strategic partner in a key region of rapid economic development and strategic importance, and a bitter loss for the French shipbuilding industry and its export strategy were a shock for France. It has to be mentioned that France and Europe have misjudged Australia's historical strong connection with the UK and the US and overstated their own strategic relevance in a region that is 10,000 kilometers away from Europe (Tertrais, 2021). The AUKUS and the new submarine deal demonstrate the lack of geostrategic importance of the EU in the Indo-Pacific due to its unambitious regional strategy and its lack of hard power. Australia is economically strongly integrated into the Indo-Pacific but is sometimes regarded by certain Indo-Pacific governments as not fully belonging to the region, as it is perceived as a Western nation. Indeed, Australia is culturally and ideologically clearly located in the Western camp and seems prepared to take on a more prominent strategic and security role in the Indo-Pacific. For 15 years, China has been Australia's main trade partner and also an important source of foreign direct investment. However, due to bilateral political tensions, Canberra did not join the BRI. Because of Canberra's demand for an international investigation into the causes of the COVID-19 outbreak in Wuhan, the PRC has targeted Australia with economic sanctions. All in all, the cooperation, and notably the trust base, with the like-minded US is much deeper, as Australia cannot defend its huge territory without US support. Brexit, in force since January 2021, has dramatically changed London's strategic position in Europe and the world. Consequently, a major motive for joining the AUKUS pact was, in addition to the general opposition to China, London's aspiration to seek a more global role after Brexit. The economically important Indo-Pacific region (India, Burma, Malaysia, Singapore, Hong Kong, Australia, and New Zealand), where it once had colonies, is an almost logical choice for increased strategic engagement. An important diplomatic and economic success would be London's admission to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP).¹ Nevertheless, economically, the EU and the US will

¹ Ironically, China also applied for CPTPP membership in 2021 – in a trade forum which was initially created by President Obama to counter-balance the PRC. During his first days in office, his successor, Donald Trump, cancelled this project in 2018 because he was critical of any multilateral trade regime.

remain the more important partners for London. Moreover, due to its strong and modern military, the UK remains a key pillar of NATO and thus crucial for Europe's defense.

CHINA'S LIMITED NAVAL POWER CAPABILITIES: THE SOUTH CHINA SEA

Not only the EU, but even China, was caught by surprise by the announcement of the AUKUS pact. Beijing voiced immediately after the AUKUS launch criticism and anger, both about the new grouping and the submarine deal (Girard, 2021). In an editorial, the *Global Times* (2021), the English daily tabloid of the Chinese *People's Daily*, stated: "Washington is losing its mind by trying to rally its allies against China, creating antagonism and destruction beyond its control." For China, a rising regional actor with global geostrategic ambitions, the AUKUS format creates a new strategic situation. The Chinese leadership understands the impact of this change – first, Australia will in the near future be equipped with nuclear-power submarines (SSN) instead of the planned conventional submarines (SS).² Canberra ruled out acquiring nuclear weapons from the US. Nonetheless, concerns have been raised about the submarine deal's potential impact on the proliferation of sensitive technology and the already ongoing Indo-Pacific arms race (Masuhr & Schepers, 2022). Second, it will not only become a stronger regional (naval) power but officially join the US and the UK in a security pact obviously directed against China's interests in the Indo-Pacific Region. The PRC, the challenger to the still dominant US in the Indo-Pacific, is well aware of its limited naval capabilities but attempts to compensate for them through military and other means. It aims to buy time by building on geostrategic and geo-economic instruments such as the BRI and, in particular, its maritime component. China establishes a network of near-sea bases (such as Djibouti, which is close to the Bab-el-Mandeb chokepoint) and leases ports in the Indo-Pacific and Africa, which can be used by its navy if built into deep-water ports. Overall, Beijing continues to strongly invest in its maritime forces, though it remains comparatively weak, despite the ambitious modernization plans, especially compared with the dominant

²SSN: ship submersible nuclear; US navy abbreviation for a submarine (hunter, nuclear technology-drive); SS: ship submersible; US navy abbreviation for a submarine (hunter, conventional technology-drive).

US (Lemahieu & Leng, pp. 8–12). This is particularly true in the South China Sea. The South China Sea interlinks East Asia with the Indian Ocean. This major operational space, or main *theatre*, is crossed by one of the most important global sea lanes and has two major chokepoints, namely the Malacca and the Singapore Strait. This sea line is an indispensable lifeline for both economic and maritime operations connecting East Asia to Oceania, Europe, Africa, and the Eastern part of the Americas. Accordingly, the South China Sea is a vital component of the maritime silk road but also for the US, the Southeast Asian nations, Japan, and Australia, which all depend economically on freedom of navigation and unimpeded trade. China and Taiwan claim roughly 90 percent of the South China Sea territory, as illustrated by the contested nine-dash line. There are significant overlaps with the territorial claims of Vietnam (Hanoi also claims the Paracel and Spratly Islands), the Philippines, Malaysia, and Brunei. Since 2008, tensions in the South China Sea have further increased. In the last decade, the PRC (and Vietnam) started to militarize artificial islands. Moreover, China hinders oil and gas exploration and fishing activities of the other littoral states while conducting such activities in their Exclusive Economic Zones (EEZ). The PRC dispatches both coast guard and law enforcement vessels as well as a flotilla of “civilian” fishermen to Chinese claimed land features across the South China Sea (Sebastian, 2021). According to the award of the Arbitral Tribunal of the Permanent Court of Arbitration of July 2016, China’s nine-dash line, based on so-called historic rights, has no legal basis under the United Nations Convention on the Law of the Sea (UNCLOS). Furthermore, the Tribunal concluded that no land feature in the large Spratly archipelago is legally an island and thus not entitled to a 200 nautical mile EEZ. It also confirmed that artificial islands have no EEZ, if they were legally no islands before the building activities started. The arbitration was initiated by the Philippines in 2013, because the negotiations with China stalled and Chinese assertiveness increased. Yet, Beijing regards the ruling as null and void, so far failing to comply with it (Gerstl, 2022, p. 13). China’s behavior proves that international law cannot be enforced against a great power if it refuses to accept the rules of the game. This fact illustrates the key shortcoming of the diplomatic approach of the ASEAN and the four Southeast Asian claimants to managing and mitigating the territorial disputes. The ASEAN lacks the means to enforce rules such as the envisioned legally binding regional code of conduct between the ASEAN and China. Meanwhile, the US demonstrates its military and, in particular, its naval strength in the South

China Sea. The cornerstone of US strategy in the Indo-Pacific and globally is *power projection*. In short, this concept (as a term of International Relations Theory) means the capacity of a state to deploy and sustain military forces outside its territory. The Indo-Pacific is a maritime region, and the geographical configuration of the Indo-Pacific *theatre* requires strong maritime power capabilities. Only a country with imposing naval forces can be considered a *global power* (Scholik, 2015). In this regard, there is only one great power with a globally deployable navy that is unrivaled by other powers, namely the United States. Regularly conducting Freedom of Navigation Operations (FONOPs), the US navy sails through the 12 nautical mile zone of Chinese claimed land features, a move China also regularly protests. Started during the Obama presidency, the even more China-skeptical Trump administration stepped up the number of FONOPs (Storey, 2020). Australia, France, the UK, and Japan conduct naval maneuvers in the South China Sea, too, individually and together with partners, but do not usually label their activities “FONOP” in order not to provoke China too much. Closer cooperation between the US, Australian, and British navies increases the likelihood of joint FONOPs. At least the number of naval maneuvers will increase. The *Global Times* (2021) ridiculed Australia as the “running dog of the US”, downplayed its military capacities, and warned: “If Australia dares to provoke China more blatantly because of that, or even find fault militarily, China will certainly punish it with no mercy”. Acquiring nuclear-powered hunter submarines is strategically of utmost importance for the fifth continent to be able to contribute to the protection of the vital sea lines in the South China Sea. So far, the Australian navy has not been able to cope with bigger naval tasks due to a lack of equipment – it owns no aircraft carriers, only conventional submarines. These limits with regard to the circle of action (with SS in near-coastal areas only) cannot contribute to more “strategic” tasks such as *power projection* or far-away operations with other allies. SS are basically strictly defense-oriented, while SSNs are crucial to ensure the security of aircraft carrier strike groups and an attack capability under sea, wherever they are deployed. It is understood that the third group of submarines, ship submersible ballistic nuclear (SSBN)³, are not

³ US navy abbreviation for a submarine (nuclear technology drive, nuclear ballistic missiles). It is a “strategic” weapon system in the logic of mutually assured destruction (MAD): even after a first strike against a country with SSBN capability, a SSBN can fire its own missiles on the attacking country; the inherent logic means: strike first, die second.

part of the US-Australia deal. Actually, only the five permanent members of the United Nations Security Council possess this submarine class, which can carry intercontinental nuclear missiles. It is hard to dispute that the US is and will, for at least some decades, remain the hegemonic global naval power. For China, this is especially concerning in the South China Sea, but also in the East China Sea and the Taiwan Strait. The US has ten carrier strike groups (CSG), all the necessary hardware and software to deploy and have them combat-ready in every imaginable crisis *theatre* at the same time.⁴ As a military principle, four to five carrier strike groups should be permanently deployed. No other navy can currently challenge or match the power of the US navy. China is working hard to close the gap, but it will take until 2035 or even beyond before it can maintain two, or at best three, aircraft carrier strike groups. The allied system of the US in the Indo-Pacific consists of hard and software naval capabilities, capable of operating with the US navy carrier strike groups. In the submarine area, the AUKUS will be enhanced with eight Australian SSNs in the near future. As Sam Roggeveen emphasizes, the AUKUS hard power arsenal is strategically important because “(...), military capabilities can drive policy – what you have determines what you do”. China, without a major naval ally, has to take this additional future strength and a possibly more assertive AUKUS strategy into its considerations, as these factors limit its strategic ambitions.

THE AUKUS AND THE QUAD AS FLEXIBLE PLATFORMS FOR COOPERATION WITH OTHER NATIONS

Beijing must also be wary of AUKUS and the Quad becoming platforms for deeper collaboration with additional members or for temporary and clearly defined, limited collaboration with other China-skeptical nations in the coming years. The Quad, though, seems the more likely format, as due to the membership of Japan and India, it is not a solely Western organization; an appropriate term, “Quad Plus”, has already been coined. Vietnam is a likely candidate. Despite Hanoi’s traditionally very balanced foreign policy and the pursuit of a hedging

⁴ A carrier strike group is a type of carrier battle group of the US navy. It is an operational formation composed of roughly 7,500 personnel, usually an aircraft carrier, at least one cruiser, a destroyer squadron of at least two destroyers or frigates, and a carrier air wing of 65 to 70 aircraft, plus one or two SSN.

strategy, it is reasonable to expect that Vietnam will utilize the Quad not only for collaboration in non-traditional but also in hard security matters (Panda, 2022). Traditionally, the “three nos” guide Vietnam’s foreign policy (no military alliances, no alignment with one country against another, and no foreign military bases on Vietnamese territory). The new “fourth no” in Hanoi’s foreign policy strategy (since 2019) enables the deepening of defense and security cooperation with other nations, even if it is almost openly directed against China. On the one hand, forward defense, i.e., preparing to cope with threats well ahead of time, is a concept not alien to Vietnam (Vuving, 2019: 388). On the other hand, deeper relations with the Western AUKUS seem too provoking and would, due to China’s assertive reaction, de facto undermine Vietnam’s security. South Korea, under new president Yoon Suk-yeol, could be another Quad Plus candidate if bilateral relations with Japan improve considerably. In general, though, it cannot be expected that a majority of the Indo-Pacific nations will adopt a pure-bandwagoning strategy with the US against the PRC. Even if they are concerned about China’s true intentions and power potential, the governments do not fully trust the US either. For instance, they need to take into account the possible return of Donald Trump or of one of his die-hard and isolationist followers to power. This possibility is one more reason for them to avoid putting all their eggs in the American basket. Rather, they prefer a hedging strategy, seeking to benefit economically from China while cooperating in a selective manner on defense matters with the US. The overall objective is to refuse to make a strategic choice between one of the two superpowers in order to maintain strategic autonomy and avoid becoming dependent on one partner (Gerstl, 2022). The EU’s involvement in the AUKUS and the Quad will also remain limited – but so will its strategic influence in the Indo-Pacific in general, as long as Brussels is not able to deploy military means. Even though the EU has a Common Foreign and Security Policy (CFSP), the need to find a consensus among the 27 members limits scope and ambition. Moreover, even though the EU members cooperate in defense and security matters, there is no strong EU military, only 18 battle groups with about 1,500 soldiers each. In fact, after Brexit, only France has the necessary naval capacity to conduct credible FONOPs in the South China Sea. Germany, the Netherlands, Italy or Spain could join France-led missions in the Indo-Pacific, either with their own vessels or with personnel on board of French ships. Coordination is essential to ensure that any European military presence will not follow a mostly national logic. In other important sectors, such as economic and infrastructure

cooperation, the EU can deepen its influence. A key mechanism will be the Global Gateway Initiative, introduced in December 2021. This ambitious infrastructure and connectivity scheme with a focus on high quality infrastructure (roads and railways, but also health, education, digital infrastructure, and clean energy) can at least partly compete with the BRI.

CONCLUSIONS

The establishment of the AUKUS has demonstrated that in the Indo-Pacific region, national security concerns still trump economic objectives, social issues, and concerns about climate change. This holds even truer after Russia's unprovoked and unjustified invasion of Ukraine on February 24, 2022. The only Indo-Pacific-wide security format, the ASEAN-led ARF, has still not developed mechanisms for preventive diplomacy and sanctions. This does not come as a surprise in a part of the world where the principles of sovereignty and consensual decision-making are strongly upheld. As a result, one can anticipate that the Indo-Pacific security architecture will soon consist of a broad network of bi- and minilateral security partnerships that can be pragmatically adjusted and expanded as needed. The formats of the AUKUS and, in particular, the Quad, will thereby become even stronger axes of cooperation on which these bilateral partnerships can be pragmatically and flexibly anchored. However, neither the AUKUS nor the Quad is likely to transform into an Asian NATO. For this, the mutual distrust among the governments in the Indo-Pacific remains too strong in the foreseeable future. Yet, pragmatic defense and security cooperation among various Indo-Pacific nations, which is more or less openly directed against China, is a strong possibility. Unlike the US, China does not follow a policy of forming alliances. Instead, it is probable that the PRC will deepen its bilateral partnerships with Russia and Pakistan. However, the close cooperation with Vladimir Putin's unpredictable regime is likely to raise increasing concerns in China itself. To conclude, China's isolation in the Indo-Pacific security architecture is caused not only by Western strategies and the security pact AUKUS but also by its own policies, its assertiveness in the South China Sea, its confrontational stance towards Taiwan, and its partnerships with problematic regimes.

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PERSPECTIVES AND CHALLENGES OF THE COLLECTIVE SECURITY TREATY ORGANIZATION (CSTO)

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Abstract: The Collective Security Treaty Organization (CSTO) represents the most developed and deepest form of institutional defense and security cooperation in the post-Soviet space. This international organization includes member states that are connected by a wide scope of competence in the area of preserving regional security. Although there are other organizations in the same region besides the CSTO, such as the Commonwealth of Independent States, the Eurasian Union, and the Shanghai Cooperation Organization, their reach in the security sector is relatively small. It should be noted that the leading power in the CSTO is the Russian Federation, and considering the current geopolitical events in the world, the CSTO is gaining more and more importance. In addition to an overview of the role and place of the CSTO, the paper also presents the current situation and perspectives, as well as the challenges faced by the CSTO. Finally, as the leading international regional organization in the field of security in the post-Soviet space, the CSTO became a key element in the emergence of multipolarism in Eurasia. In this regard, the paper looks at the relations that Serbia has developed with this international organization in the meantime.

Keywords: CSTO, Russian Federation, Post-Soviet space, Eurasia, Serbia

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INTRODUCTION

The CSTO establishment was fazed. The Collective Security Treaty was signed in Tashkent as early as May 15, 1992, by the representatives of Russia, Uzbekistan, Kazakhstan, Kyrgyzstan, Armenia, and Tajikistan (Rajić & Gajić, 2020, pp. 148, etc).¹ The following year, 1993, Georgia (September 9), Azerbaijan (September 24), and Belarus (December 31) joined the Treaty (Tošić Malešević, 2017, p. 423). The Treaty text states, among other things: "If one of the States Parties is subjected to aggression by any state or group of states, then this will be considered as aggression against all States Parties to this Treaty. In the event of an act of aggression against any of the participating States, all other participating States will provide him with the necessary assistance, including military, and will also provide support at their disposal in exercising the right to collective defense in accordance with Article 51 of the UN Charter (Article 4 of the Treaty). Article 2 of the Treaty is also important, stating the possibility of CSTO members reacting in the event of aggression against one of the members: "In the case of a menace to the safety, stability, territorial integrity, and sovereignty of one or several Member States or a menace to international peace and safety, the Member States shall immediately launch the mechanism of joint consultations for the purpose of their positions coordination, develop, and take measures for assistance to such Member States for the purpose of elimination of the arisen menace" (Collective Security Treaty, 1992, May 15; 2010, December 10). Among other things, Article 7 of the Treaty Charter states that, "(...) the Member States shall take joint measures to achieve the purposes of the Organization to form thereunder the efficient system of collective security providing collective protection in case of a menace to safety, stability, territorial integrity, and sovereignty and exercise of the right to collective defense, including the creation of coalition (collective) forces of the Organization, regional (united) groups of armies (forces), peacekeeping forces, united systems and the bodies governing them, military infrastructure. The Member States shall also interact in the spheres of military and technical (military and economic) cooperation, supplying of armed forces, law enforcement agencies and special services with necessary arms, military, special equipment and special means, as well as in the spheres of training of military cadres and experts for the national

¹ Hence, the Tashkent Pact, as the Treaty is sometimes called.

armed forces, special services and law enforcement agencies” (Lobanov, 2019; Collective Security Treaty, 1992, May 15; 2010, December 10). What would be the motives for forming the CSTO? The Russian Federation, but also other post-Soviet space countries, faced various forms of challenges and pressures after the dissolution of the USSR. In terms of security in the post-Soviet space, with the disappearance of the Warsaw Pact, and then with the dissolution of the USSR, there was a vacuum, but also a whole range of challenges, from terrorism to various forms of armed conflict and threats to peace. Conflicts continued in Afghanistan, threatening the wider Central Asian region. Contradictions and conflicts in the post-Soviet space, such as Nagorno-Karabakh, Transnistria, Abkhazia, South Ossetia, and others, are a special phenomenon. The influence of NATO and the US was obvious, which, among other things, is reflected in the encouragement of the so-called “color revolutions” that affected the countries in the post-Soviet area. At least in serious trials in the cases of programmed color revolutions supported by the US and some of its Western allies, the domestic security services were insufficient. He refers to cases and challenges that have hit Georgia, Ukraine, Kyrgyzstan, Belarus, Uzbekistan, Moldova, Armenia, and others (Lobanov, 2015, p. 91). Then, on November 1, 1995, it was registered with the UN Secretariat, thus gaining an international legal dimension. On September 18, 2003, it was upgraded and renamed the Collective Security Treaty Organization. The Collective Security Treaty Organization was granted observer status in the United Nations General Assembly on December 2, 2004 (CSTO, 2009, p. 3). The full members of the CSTO are Russia, Belarus, Kazakhstan, Armenia, Kyrgyzstan, and Tajikistan. In addition to these full members, Serbia and Afghanistan have the status of observer countries (both countries were granted this status in 2013). Three other countries have the status of negotiators: India, Egypt, and Iran. Former members are Georgia (until 1999), Azerbaijan (until 1999), and Uzbekistan (until 2012), while Moldova was a member from 1999 to 2002. According to the charter and official acts of the CSTO, its goals are “to strengthen peace and international and regional security and stability, and to defend on a collective basis the independence, territorial integrity, and sovereignty of member states. Priority in achieving these ends is given to political means. The Collective Security Treaty Organization promotes the formation of a just and democratic world order based on generally recognized principles of international law. The CSTO’s principal areas of action are the multilateral development of political cooperation; the development and improvement of the military dimension; and combating international

terrorism and extremism, arms and drug trafficking, and other threats” (*Ibid.*, p. 7). The CSTO bodies primarily include the Collective Security Council, which is made up of the presidents of the member states, together with the CSTO Secretary General, the CSTO Parliamentary Assembly, and several coordinating bodies. There is a Commission for Military-Economic Cooperation within the CSTO management. At a somewhat lower level are the Councils, comprising the ministers of foreign affairs of the CSTO members, then the Councils of the Ministers of Defense, and the Committee of Secretaries of the Security Council (CSTO, 2022a). According to the CSTO Charter, the Council of Defense Ministers “is a consultative and executive body of the Organization for coordinating the interaction of member states in the areas of military policy, military construction, and military-technical cooperation” (CSTO, 2022b). According to the Charter, the Committee of the Secretaries of the CSTO Security Council is “the advisory and executive body of the Organization for the coordination of the interaction of member states in ensuring their national security” (CSTO, 2022c). There are also working groups within these councils, such as the one for Afghanistan under the Council of Ministers of Foreign Affairs. The Committee of the Security Council Secretariat has a Working Group on Combating Terrorism and Extremism, and the Council of Ministers of Defense has the CSTO Joint Defense Staff and the CSTO Collective Force bodies. At an even lower level is the CSTO Permanent Council, which has its own Secretariat, governing Intelligence Structure, the Scientific Expert Council, and the International Anti-Terrorist Media Forum (CSTO, 2009, p. 9). The CSTO Parliamentary Assembly was established in November 2006. So far, it has been chaired by B. Gryzlov (2006 to 2012), Sergey Yevgenyevich Naryshkin (2012 to 2016), and Volodin Vyacheslav Viktorovich since November 2016. In all three cases, these were the presidents of the Duma, the Russian Federation (CSTO, 2022d). The plenary meetings, meetings of the Council of the Parliamentary Assembly of the CSTO and its Standing Committees, which are held twice a year, examine the organization’s activities, the situation in the organization’s area of responsibility, the implementation status of the decisions of the Organization’s CSC sessions and the tasks of their legal support. The meetings discuss issues such as the implementation of the program for the approximation and harmonization of legislation; the practice of ratification of international treaties concluded within the framework of the CSTO; and other issues. The CSTO Parliamentary Assembly has an Information Analytical Legal Center and an Expert Advisory Council. The

members of the CSTO Parliamentary Assembly have repeatedly visited the member states, especially those regions in need of particular attention. The Permanent (Standing) Council operates between the two sessions of the highest CSTO bodies. The CSTO Permanent Council is a body dealing with the issues of coordination of the member states' interaction in the implementation of decisions made by the organization in the period between the two Council sessions. The Permanent Council comprises permanent and authorized representatives appointed by the member states in accordance with their local procedures and operates in accordance with the rules approved by the Council (CSTO, 2022e). The CSTO program principles within the framework of military cooperation are as follows:

- Connection of the member states in the military field;
- Institutionally specified regular consultations and cooperation on the issue of military organization and armaments, and the entire military force of the member states.
- Joint military preparations and maneuvers, raising military readiness to a higher level if necessary.
- Achieving cooperation in the construction of military infrastructure, and air and water space of the member states;
- Agreeing on strategic and operational endeavors, operational coverage of the defense of the CSTO member states' territories;
- Agreeing on the composition and dislocation of the armed forces of the member states, the reorganization of the army in the region and the entire joint defense;
- Agreeing on the creation of a unified joint defense system in the region;
- Implementation of operational and combat readiness of the armed forces and other military assets of the CSTO member states.
- Development of shared norms of the member states and use of material resources in the CSTO's interest (CSTO, 2009, p. 11; Petrović, 2010, p. 84).

Regarding military-political cooperation, the CSTO members are defined by the following:

- Participation of the CSTO member states independently and with other states and international organizations in the collective security system of Europe and Asia.

- Coordination of actions after the implementation of new international treaties on the conditions of disarmament and arms control;
- Implementation of agreed measures in the military field;
- Establishment and development of equal partnership relations with NATO and other military-political organizations and regional security structures, based on an effective solution to peacekeeping tasks;
- Carrying out peacekeeping operations according to the decisions of the UN Security Council, the OSCE, and international obligations;
- Harmonization of the CSTO member states on the issue of defense of their external borders (CSTO, 2009, p. 13).

In addition to the basic CSTO activity elements underlined in the Charter, other documents issued over the years have additionally specified military-technical cooperation, military-economic cooperation, border security, joint education and additional training of personnel in security and military issues, and the fight against international terrorism (*Ibid.*, pp. 17, 21, 25; Petrović, 2010, p. 85). The fight against illegal migration and human trafficking has its own special body. A number of these concerns in the region were related to Afghanistan and the crisis that had burned there for years (*Ibid.*, p. 31). The special anti-terrorism and drug trafficking body is the International Anti-Terrorist Media Forum (IAMF), operating under the high CSTO bodies, specifically the Council of Defense Ministers and the Council of Ministers of Foreign Affairs. In the last decade, the combat against international terrorism has been further developed by segments, so platforms for the fight against chemical terrorism, the use of the Internet for terrorist purposes, and other various forms of terrorism have been established (CSTO, 2022f).² Thus, on February 16, 2022, a joint statement of the CSTO, the SCO, and the CIS on countering terrorism in Eurasia was issued (*Ibidem*). The meeting of the CSTO body against chemical terrorism held on March 16, 2022, is interesting, underlining the readiness for the joint fight against the spread of chemical weapons and terrorism in that direction, directly referring to the Islamic State in Syria, Lebanon, and the Middle East as a whole (*Ibidem*). Countering international terrorism is an important item of CSTO activities, with a series of adopted four-year action plans emphasizing cooperation with the Commonwealth of Independent States,

² The joint CSTO members' statement addressed to the OSCE and the international community regarding the danger of the spread of terrorism on the Internet, the COVID-19-related issues, etc.

the Shanghai Organization, and the Eurasian Union. In terms of CSTO operating costs, on an annual basis, Russia covers 50% and the other five members, 10% each (Karimov, 2021, January 11). The share of the Russian army in the CSTO is over 80%, and the rest is covered by other members (*Ibidem*). When it comes to the CSTO armed forces, they are primarily the forces of the members themselves. In addition, there is the Collective Rapid Reaction Force (CRRF) of the CSTO. Although the number of CRRF members is variable, it is approximately 20,000, half of which are from the Russian Federation. The last few years have seen an increase in the number of CRRF members, which was estimated at around 26,600 in 2020 and is currently at around 28,000 people (*Ibidem*). In order to typify the CRRF armed forces, the Program for Equipping the CRRF with Weapons and Equipment was adopted. There is also the CSTO Armed Forces Joint Staff (Bardžić & Đurić, 2016). The CSTO has been taking a position of establishing cooperation with NATO since June 2004. Then, the CSTO Security Council decided on the direction of dialogue with NATO (Rajić & Gajić, 2020, pp. 152). However, in the following years, NATO avoided recognizing and cooperating with the CSTO. The CSTO and the SCO have a view to enhancing cooperation in some areas and partnerships. Thus, on October 5, 2007, a memorandum of understanding was signed between the CSTO and the SCO. The agreement included the fight against terrorism, human trafficking, illegal migration, and drug trafficking, as well as military cooperation through intelligence sharing and the organization of joint military exercises (*Ibid.*, p. 169). Together with China, Russia has a dominant influence in the CSTO and the SCO. The CSTO can be considered a military bloc, while the SCO is more of a political and economic entity with a security component (*Ibidem*).³ In this respect, one gets the impression of the SCO's wider domain of interests and even activities compared to the CSTO. In reality, the SCO has a wider membership, including nuclear powers (Russia, China, India, Pakistan), and Iran as a regional power that is a full member. So, unlike the CSTO, which has only one prominent world power, Russia, the SCO has a range of influential world and regional powers. It is also noteworthy that, in addition to full members, the SCO has a number of countries with different cooperation statuses, from partners to observers and guests. The permeation of the two alliances is logical in that almost all CSTO members are full-fledged members (Russia, Kazakhstan, Tajikistan,

³ In that direction, Nikola Rajić and Aleksandar Gajić state that the SCO monitored the parliamentary elections in Tajikistan in 2015 and Uzbekistan in 2016.

Kyrgyzstan), or at least in some state of cooperation (observers or partners) within the SCO (Belarus, Armenia). What the CSTO and the SCO have in common is that they are working towards reducing the US and NATO dominance, so they are important levers in the emerging multiplanar world. The CSTO's attitude towards the Commonwealth of Independent States, the Eurasian Economic Union, and the BRICS is similar to that of the SCO. The Commonwealth of Independent States originated from the USSR, and it has, among other things, a security component, and all CSTO members are also CIS members. The Eurasian Economic Union is a form of integration in the field of economics, and all its members are also CSTO members. Finally, the BRICS, which has an intercontinental character in the domain of economics, and Russia, China, and India are at the same time SCO members, and Russia is the leading power of the CSTO (as well as the CIS and the Eurasian Economic Union). Since 2013, Serbia has been granted observer status within the Collective Security Treaty Organization (CSTO, 2020, June 15).⁴ "Contemporary security challenges such as terrorism, as well as the possibility for Serbia to cooperate with the regional security alliances of the Eurasian space through military-technical and military-economic cooperation, especially through professional development and training of staff, as it does through NATO's Partnership for Peace Program, are crucial for cooperation" (Simić, 2018, pp. 142, etc.). The CSTO has far greater cohesion than the SCO in that it assists members in the event of a threat from a third country. There are also permanent forces of the CSTO Joint Staff numbering 28,000 people and significant military-technical means, including nuclear weapons. The CSTO also has substantial funds paid by the members annually, with Russia investing more than 50% (Lobanov 2019, pp. 221-222). At the annual CSTO session, held online on November 30, 2020, due to the COVID-19 pandemic, Ivica Dačić, as the representative of Serbia, underlined Serbian military neutrality and readiness for further cooperation with this military alliance. Dačić pointed out that Serbia has "good friendly relations with all CSTO members individually (Russia, Belarus, Kazakhstan, Armenia, Tajikistan, and Kyrgyzstan), and by cooperating with the CSTO it is given the opportunity to strengthen them (...)"⁵ Serbia's neutral position, including developed cooperation with NATO (open NATO military office in Belgrade,

⁴ Within its observer status, Serbia continuously monitors the CSTO activities, so, among other things, the National Assembly of Serbia has been an observer of the CSTO Parliamentary Assembly work for years.

membership in the Partnership for Peace, signed SOFA agreement, etc.), observer status and some degree of cooperation with the CSTO, in parallel with certain forms of cooperation with the Slavic Brotherhood, strengthens this neutral position. In that direction, Serbia could establish cooperation with the SCO and even get some status (guest, partner, or observer), which would not include full membership. At the same time, Serbia is developing military cooperation with China, from which it purchased, among other things, CH-92 drones. Reuters reported that Serbia increased military expenditures by 42% compared to 2018, 2019 and 2020, amounting to \$ 1.4 billion, or 2.4% of annual GDP. Serbia and Republika Srpska, to which we can potentially add Montenegro as part of the historical "Serbian hood" (which are ethnically, culturally, and geopolitically still related), have significant motives for cooperation with the Russian Federation and Eurasian integration in the modern world. The world order is in the process of transitioning to multipolarism, with Russia and the BRICS countries playing a significant role, including China's position. China, as an emerging superpower, in addition to the BRICS, is participating with Russia in integrations within the SCO. The collapse of the neoliberal model failed to establish a new generally accepted economic and social concept, and variants of neo-Keynesianism are gaining importance. In terms of security, Serbia is a neutral state, with developed cooperation with NATO and as a member of the Partnership for Peace, and, on the other hand, an observer in relation to the CSTO and with certain cooperation with the Shanghai Security Organization. The intensity of Serbia's cooperation with Russia, the CSTO, and the SCO in the field of security is, in any case, more modest compared to cooperation in the same domain with NATO, the Partnership for Peace, and the United States. However, that cooperation exists and it is evident that Serbia and especially its public opinion do not want to abandon its neutral status in the military-security domain. The support of Russia (as well as other members of the Eurasian integration in which the Russian Federation participates) on the issue of Kosovo and Metohija and the position of the Republic of Srpska is especially important to Serbia. In recent years, there has been an increase in the CSTO's scope of activity. As with migrant movements in recent years, the COVID-19 pandemic has resulted

⁵ On that occasion, Dačić stated that he highly appreciates the continuous and principled support of the CSTO member states in connection with the non-recognition of the unilateral Kosovo and Metohija independence declaration, i.e., respect for universal principles of international law.

in cooperation among member states. The CSTO's biggest challenge was a peacekeeping mission to Kazakhstan in January 2022 to quell internal unrest. More than 2,000 troops, most of them Russian, were deployed in Kazakhstan. About 250 pieces of military equipment were delivered, and manpower and equipment were transferred by Russian military transport planes, which, after the successful mission, returned manpower to their home countries (Galović, 2022, January 14). A successful military mission – the CSTO forces' intervention in Kazakhstan – has strengthened the reputation of this international organization in the field of military cooperation. When the war broke out in Ukraine on February 24, 2022, there were no official collective sessions at the CSTO level discussing the Ukrainian conflict. At the meetings of several CSTO bodies during the first two and a half months since the beginning of the conflict, the Ukrainian conflict was not mentioned in the official communication. On the other hand, the principled solidarity of the CSTO members in the direction of strengthening this organization and its further activities was mentioned (CSTO, 2022, April 29). On the other hand, there were several activities that were recorded as activities within the CSTO mutual meetings and communications at the top member level. We single out the meetings between Vladimir Putin and Alexander Lukashenko, including video and telephone communications, discussing the CSTO activities as well as the conflict in Ukraine.⁶ Putin's conversation with Tokayev, the president of Kazakhstan, on April 29 is also important in that direction, as they also discussed some CSTO-related issues. While Belarus has completely sided with Russia and given it logistical support, Kazakhstan shows a certain reluctance to take a stand on this issue (Danas, 2022, March 19). Two days after the conflict began, Kazakhstan President Tokayev said "the breach of Minsk 2 is the main cause of the conflict", but called for peace on both sides (Politika, 2022, March 1). Also, Kazakhstan has so far not recognized the seceded Luhansk and Donetsk. Emphasizing that the cause of the war was the breach of Minsk 2, official Kazakhstan marked Ukraine as the main culprit of the conflict. On the other hand, there is reluctance in Kazakhstan to take a more active stance in this conflict, except as a mediator. Finally, a regular CSTO session took place in Moscow in mid-May. Vladimir Putin, Alexander Lukashenko, Kasim Tokayev, President of Kazakhstan, Sadyr

⁶ The visit of the Belarusian top officials with Lukashenko to Russia's top officials in Moscow on April 12, as well as the conversation of Lukashenko with Putin on May 3 via video beam and telephone.

Japarov, President of Kyrgyzstan, Emomali Rahmon, President of Tajikistan, and Armenian Prime Minister Pashinian took part in the gathering. This meeting coincided with the 30th anniversary of the signing of the Collective Security Treaty and the 20th anniversary of the organization's establishment. During the highest level session, the presidents of all member countries agreed in principle to support CSTO unity. In his speech, Vladimir Putin also mentioned Ukraine and the bio-laboratories prepared there as a threat to all CSTO member states. Lukashenko called for greater unity and readiness for a joint appearance of the CSTO countries. This was largely supported by the President of Tajikistan. In his speech, the Prime Minister of Armenia, Nikol Pashinyan, thanked Russia for its support in concluding and implementing peace with Azerbaijan, emphasizing that his country remains faithful to the peace treaty, with peacekeeping troops of Russia as the mediator. On the other hand, he pointed out that Armenia did not receive more concrete help from the CSTO when it was attacked by Azerbaijan. Kazakhstan President Tokayev thanked Russia first and foremost, but also other CSTO members, for the peacekeeping mission in his country in January (President of Russia, May 16). An important part of this session was the CSTO Joint Staff Meeting, which was held on May 18-19. It is interesting that the representatives of Kazakhstan and Kyrgyzstan participated in this session through a video (CSTO, 2022, May 19). The impression remains that Russia expects support from the CSTO for a potential peacekeeping mission in Ukraine, at least as a hypothetical possibility in the current conflict-resolving models (Petrović, 2021). On the other hand, other CSTO members are somewhat more reserved on this issue. Belarus is ready to support Russia, and to some extent, the same applies to Tajikistan and even to Armenia. Kyrgyzstan and Kazakhstan in particular seem to have a somewhat more abstained stance. In reality, Kazakhstan's President, Tokayev, owes the CSTO, particularly Russia, for the assistance provided to the country's leadership and to him during January 2022. However, Kazakhstan is a multinational country, with a very large Russian and Russian-speaking population in its northern part. Hence, the leadership and national elite of Kazakhstan steered clear of sending CSTO peacekeeping troops to Ukraine, as that would be a model that could hypothetically be applied to some other countries in the region, including Kazakhstan itself. Kazakhstan, on the other hand, has extremely developed and quality cooperation with Russia and can be said to be one of Russia's most loyal allies. The Collective Security Treaty Organization is an international organization operating in the post-Soviet space, led by Russia and acting primarily in the field of

security. On the other hand, the CSTO has a role in connecting the former Soviet republics with a number of other international organizations and forms of integration, such as the Commonwealth of Independent States, the Eurasian Economic Union, but also broader Eurasian and even intercontinental ones, such as the Shanghai Cooperation Organization and the BRICS. Over time, the CSTO has evolved into a well-organized security alliance, made up primarily of the member states but gradually taking on a supranational structure. Russia is the only world power among the CSTO members whose prestige and leading role have not been questioned. It is worth mentioning the increasingly developed forms of cooperation between the CSTO and its members with the CIS and the Eurasian Economic Union, but also with the SCO and the BRICS, and potentially some others that have emerged primarily on Asian soil. At the same time, the CSTO is one of NATO's important rivals and an element of the multipolar world in the domain of security.

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THE PLACE AND ROLE OF THE BRICS GROUP IN CONTEMPORARY INTERNATIONAL RELATIONS

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Abstract: Considering that the study of the development of contemporary international relations is connected with the emergence of new organizational forms of international economic cooperation, the author of this paper decided to investigate the phenomenon of BRICS as a grouping of Brazil, Russia, India, and China, whose research areas and development capacities have the power to become the engine of global economic growth and development. This is all the more so because the four BRIC countries, in terms of their demographic and economic potential, represent the largest and most influential economies in the world, whose growth in the 21st century could lead to a reorganization of the existing system of international relations and the global economy. This is indicated by certain indicators according to which the BRIC countries make up more than 2.8 billion people, or 40 percent of the world's population. These countries cover more than a quarter of the world's land area on three continents and account for more than 25 percent of global GDP. Since this group is getting stronger over time and expanding its influence on other emerging markets with the potential to play a significant role in the global economy in the future, it is quite certain that the group will gain concrete organizational forms and dimensions over time. Therefore, the author believed that it would be rational to analyze the BRICS in the context of a wider study of international organizations through the prism of theories of international relations (neorealism, neoliberalism, globalism, and postpositivism) in order to establish the role and importance of this grouping in world

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politics and the economy. Despite the limitations of international relations theories, the author believes that each of them is important in explaining the BRICS, especially if all the different interpretations of this complex phenomenon are synthesized in an interdisciplinary way in the context of the dynamic development of international relations.

Keywords: BRICS, International relations theories, alternative world order, international status, globalism, regionalism

INTRODUCTION

From the very beginning, the BRICS was a vexed issue in International Relations (IR) theory. Some schools tended to see the BRICS as a revisionist institution, while others viewed it as a status quo or reformist power. There are also schools which believe that the BRICS can be an embryo of an alternative to the West-dominated world order. At the same time, it should be noted that very few works try to interpret the BRICS theoretically (De Coning et al., 2015; Fulquet, 2015; Konyshv et al., 2017; Sergunin, 2020; Sergunin & Gao, 2018; Sergunin et al., 2020; Stuenkel, 2014a and 2014b); most works are of an empirical or journalistic nature. Numerous theoretical questions remain unanswered. Is the BRICS just another institution of interstate cooperation which fits into the system of already existing structures, or is it a fundamentally different mode of international relations that can seriously change present-day world politics? What drives the BRICS countries' policies? Can the BRICS group become an alternative to the domination of the Western powers, which is formalized in the present system of international institutions and regimes? Will this institution provide fundamentally new conditions which may lead to the development of international cooperation as opposed to the power politics pursued by the US and its allies? Can the BRICS be considered a new mechanism of global governance, or is it nothing more than a temporary or short-lived intergovernmental arrangement? Without setting out to attack all the above questions, this study examines how the main IR theories interpret the BRICS phenomenon. The goal is not only to evaluate the advantages and disadvantages of these theories but also to identify their heuristic potential for studying such a complex phenomenon as the BRICS. This study is based on the assumption that the BRICS is a promising integration association that so far has no formalized institutional or organizational nature and that it is therefore best understood as an intergovernmental discussion forum rather than a full-fledged international organization. However, the BRICS has every

chance of becoming an influential institution of global governance, albeit playing by rules different from those imposed on the international system by the most powerful Western states. It should be noted that among many IR theories dealing with the study of international institutions, we selected only those that, on the one hand, are the most influential within their respective IR paradigms and, on the other hand, represent the most interesting conceptual interpretations of the BRICS.

NEOREALISM

The power transition theory (PTT), first proposed by A.F.K. Organski (1958), is the most popular theoretical approach to the study of the BRICS phenomenon among neorealists. The PTT is based on the assumption that changes in the power balance in world politics happen systematically. This theory believes that conflicts and wars are normally the results of the growing influence of states competing with the dominant powers. In this regard, all states are divided into two groups: those that support the status quo and “revisionists.” Powerful and influential states, such as the US, enjoy the advantages of the established world order and fall into the status quo category, while states dissatisfied with their place and role in the international relations system are considered revisionists. According to the PTT, the latter favors radical changes in the existing international order. In this sense, Russia and China are the primary candidates for the revisionist powers, while Brazil, India, and South Africa are perceived by the PTT as the states with “moderate” revisionist ambitions (mostly of a regional character, although Brazil and India have some global aspirations, such as their intention to become permanent members of the UN Security Council) (Carafano, 2015; Cheng, 2016; Granholm et al., 2014: pp. 10, 26–29). While revisionist powers are viewed as a source of destabilization for the international system and their activities are automatically associated with negative consequences, the dominant (status quo) states perform protective functions within the system, and thus their behavior is conversely considered positive. Paradoxically, from this point of view, cases such as the NATO military intervention in Kosovo (1999), which led to the final collapse of Yugoslavia, the US ballistic missile defense system deployment in Europe, NATO’s eastward expansion, Western sponsorship of a series of “color revolutions” in the post-Soviet space, bullying Iran, American military assistance to Taiwan, the US navy’s regular demonstration of the free navigation principle in the South China Sea, etc., cannot be seen as “revisionist” acts and do not

pose a threat to Russia, the PRC, or anyone (Carafano, 2015). Despite its popularity among neorealists, the PTT is the subject of criticism both from the neorealist and competing IR paradigms. This theory was more applicable to the period of the Cold War, when two superpowers were interested in maintaining the status quo given the threat of mutual destruction in the event of nuclear war. The present-day international relations system, including its structure, is still in its formative phase. In this context, the PTT can explain little about the BRICS states' behavior. Moreover, the PTT does not take into account the existence of a third type of state, reformist states, which do not fully agree with the existing international relations system but prefer not to radically change the "rules of the game." Instead, they try to adapt these rules to dynamic changes in the world order to make them fairer and more comfortable for all members of the international community. Quite often, these states do not behave as revisionists, but rather they favor the status quo by demanding that the previously established "rules of the game" and international legal norms be observed. For example, the BRICS countries firmly oppose any attempts to revise the UN Charter regarding the use of military force as well as the principles of inviolability of state sovereignty and noninterference in the internal affairs of sovereign states (as opposed to the Western doctrine of "humanitarian intervention") (Konyshv et al., 2015; Sergunin, 2010). At the same time, the BRICS countries are unhappy with the current order of things, in which a small group of highly developed countries dominates and tries to impose its rules on the rest of the world. These countries would like to change the existing world order, but in an evolutionary rather than a radical (revolutionary) way, which justifies considering them reformist rather than revisionist powers (Hansen and Sergunin, 2015). The BRICS countries are also striving to cultivate an image of themselves not as spoilers or revisionists, but as reformers of the existing unfair international relations system. For instance, they are trying to create alternative financial institutions that would help prevent a new global financial and economic crisis (Mikhailenko, 2016). As recent BRICS documents show, this forum also assumes responsibility in other areas of world politics – the environment, the fight against the negative effects of climate change, international terrorism, transnational organized crime, cybercrime, and the reform of leading international organizations, including the UN (BRICS, 2017; 2018; 2019; 2020; 2021). In general, the BRICS countries demonstrate their willingness to build a more efficient model of the world order, trying to do this in a non-confrontational way (Mikhailenko, 2016). To sum up, if

the PTT supporters want this theory to better fit into present-day realities and retain its explanatory power, they need to revise the typology of states they use and supplement it with a new (*reformist*) type of power.

NEOLIBERALISM

Neoliberal IR theorists believe that the BRICS phenomenon can be better explained by the soft power concept. They underline that, in contrast with the Cold War era, when many countries preferred to rely on hard (military) power, nowadays soft power instruments are more effective. The neoliberals note that the soft power strategy is attractive to the BRICS countries for a number of reasons. First, it can assist them in overcoming their negative international image, which has resulted from their systematic involvement in a series of international conflicts (Russia versus Georgia and Ukraine; China versus its neighbors in the South China Sea; India versus Pakistan and China; and South Africa versus Angola and Namibia). Second, the soft power arsenal can also be helpful in diversifying the BRICS countries' methods of geopolitical and geoeconomic expansion and making these methods more effective. Some specifics in the BRICS countries' interpretation of the soft power concept should be noted. First and foremost, the BRICS states interpret soft power differently from its initial meaning advanced by Joseph Nye, who defined soft power as the power of attraction. In reality, however, the BRICS (especially Russian and Chinese) soft power policies are often dominated by pragmatic interests rather than the aim of being attractive to other countries. For this reason, such soft power strategies do not always take into account international partners' preferences. In Nye's view, this is often unacceptable to BRICS countries' partners and may even provoke a hostile reaction to their soft power initiatives (Nye, 2013). As some experts rightly note, the BRICS' reading of the soft power concept is much broader than Nye's. Nye (2004) believed that the soft power of a country rests primarily on three resources: its culture, its political values, and its foreign policies, which should be attractive to foreign partners. The BRICS theorists, however, tend to include in the soft power problematique everything that cannot be attributed to the hard (military) security agenda. In other words, for the BRICS countries, the soft power concept is synonymous with the soft (non-military) security concept, which includes not only diplomatic and socio-cultural components (as according to Nye) but also other elements such as, for example, economic and/or financial power (Sergunin and Karabeshkin, 2015; Tsygankov, 2013a and 2013b).

The latter was unacceptable to Nye, who believed that economic and financial instruments could be tools of coercion and payment rather than attraction. Furthermore, for the BRICS theorists, soft power is an umbrella concept which covers other closely related concepts – public diplomacy, peoples’ diplomacy, the humanitarian dimension of politics, and NGO-diplomacy. Among soft power instruments, economic and financial tools, cultural cooperation, ethnic diasporas, and educational and religious institutions are preferable methods for the BRICS countries. The BRICS states established special bodies for soft power implementation: for example, China’s Confucius Institutes, Russia’s Rossotrudnichestvo (agency for cooperation with compatriots abroad), “Russian World”, Gorchakov and Andrei Pervozvanny foundations, and others. It should also be noted that the BRICS’ interpretations of the soft power concept are rather instrumentalist. For these states, soft power potential is just one of many tools to protect their national interests, which should be used pragmatically and, if necessary, in combination with other methods, including coercive ones. In these countries, soft power policy is controlled and directed to a large extent by the government, and this makes it less flexible and effective. In Nye’s (2013) opinion, Russia and China made a mistake by underestimating the importance of civil society’s institutes and initiatives; for instance, on the other hand, in the US, the main sources of soft power are universities, NGOs, and cinema and pop culture rather than the government. According to Nye, the state should multiply the effect of civil society’s activities rather than limit them. However, it would be wrong to depict the BRICS soft power strategies as a complete failure. Along with some shortcomings, these strategies have certain achievements and competitive advantages. For example, the BRICS managed to successfully demonstrate the inclusive nature of its cooperative format. The BRICS countries are located on different continents and have different political systems, levels of economic development, histories, and cultural traditions. However, the BRICS shows that different countries are able to overcome old conflicts, negative historical experiences, and mutual misperceptions and successfully cooperate in a mutually beneficial way. Moreover, India, China, and Russia have long histories and unique cultures that have substantially enriched world culture and still remain very attractive to other nations. Generally speaking, the BRICS countries use soft power in their own way, trying to avoid copying the Western experience and going beyond Nye’s “narrow” interpretation of the soft power concept. In practical terms, they stick to an instrumentalist and pragmatic approach to the use of soft

power, which is oriented to the promotion and protection of national interests rather than accounting for international partners' preferences. At the same time, the BRICS countries have tremendous soft power potential, which could strengthen their international positions if it is properly used. On a number of occasions, the BRICS countries demonstrated successful use of the soft power arsenal: China's economic, financial, and cultural expansion in Southeast Asia, Africa, and Latin America; Beijing's "Belt and Road" initiative; Russia's rather successful integrationist projects in the post-Soviet space (Eurasian Economic Union, Collective Security Treaty Organization), etc.

GLOBALISM

The globalist IR paradigm prefers to interpret the BRICS through the peaceful coexistence concept. Historically, this concept was and is one of the distinctive characteristics of Russia's, India's, and China's foreign policies, although Moscow and New Delhi have not used it in their official vocabularies since the end of the Cold War. It was developed in various forms by representatives of neoliberalism, globalism, and neorealism. This concept dominated Soviet foreign policy thinking not only in the times of its author, Vladimir Lenin, but also in the post-World War II period, including Mikhail Gorbachev's "perestroika" (restructuring). However, it turned out that with the end of the Cold War, the concept was no longer interesting to the Russian political class, partly because of its Marxist-Leninist connotations and also because, in the 1990s, Moscow aimed to integrate Russia into the world capitalist economic and political systems rather than coexist with them. The concept itself thus disappeared from Russian doctrinal documents.

China, in contrast with Russia, never abandoned the peaceful coexistence concept and elevated it to the status of a fundamental international relations principle after the 1999 NATO military intervention in Kosovo. China suggested peaceful coexistence as an alternative concept to American "neo-interventionism". In India, the peaceful coexistence concept was transformed from its initial version (*Pancha Chila* or *Five Principles*) into the *Vasudhaiva Kutumbakam* concept (*the whole world as one family*), which rejected the very idea of hegemony (Gupta and Chatterjee, 2015). In formal terms, Brazil's foreign policy doctrinal documents stopped mentioning the peaceful coexistence concept in the 1960s; however, the state's real international policies were in line with this

principle (Abdenur, 2015). In South Africa, the peaceful coexistence principle in the form of the *Ubuntu* concept was formally acknowledged in the 2011 White Paper on foreign policy. This concept was defined as “respect for all States, nations, and cultures,” while the understanding of national security was based on the acknowledgement of the priority of human security (Mandrup & Smith, 2015). It should be noted that, presently, the peaceful coexistence concept has a different meaning as compared to the Cold War era, as the antagonistic confrontation between the two sociopolitical systems – capitalism and socialism – has ended. The BRICS countries do not aim to defeat the global capitalist system, as was the case with socialist states in the past. They just want integration into the world economy and global governance systems on an equal basis. In geopolitical terms, Russia has lost its superpower status and cannot compete with other poles of power as it could previously, while other BRICS countries try to avoid global confrontation with the US altogether. The updated interpretation of the peaceful coexistence concept by the BRICS countries can be summarized as follows: countries with different economic and sociopolitical systems can coexist peacefully; the dominance of one or several countries in world politics is unacceptable; preference should be given to soft power tools, while military force should be used only as a last resort, on an exceptional level; despite the numerous divergences with the West, the BRICS countries have a broad cooperative agenda with the US, EU, Japan, NATO, and other Western-led institutions that includes weapons of mass destruction non-proliferation; arms control and disarmament; conflict prevention and resolution; fighting international terrorism and transnational crime; environmental protection and climate change mitigation; civil protection; outer space and world ocean research; humanitarian and cultural cooperation, etc. It should be noted, however, that the peaceful coexistence concept cannot embrace the entire complexity and diversity of the BRICS and its international activities. This partly sheds light on the motivation and certain features of “the five” in the international arena, but it cannot give a full explanation as to why these countries have united into a group and what long-term strategic goals they pursue. It cannot explain where the limitations of the peaceful coexistence policy are, beyond which the BRICS countries are willing to resort to force, and what factors induce them to take such sometimes risky steps (De Coning, 2015; Sergunin, 2016).

POSTPOSITIVISM

There are two main post-positivist schools that try to explain the BRICS phenomenon from different theoretical viewpoints.

Status theories

Being rooted in psychology, status theories are also used by the social sciences, including IR theory. They are particularly useful for explaining those cases in which the BRICS countries' policies seem emotional, irrational, and unpredictable. Such policies do not fit into the theories built on the principles of rationalism, including the PTT, peaceful coexistence, and soft power concepts. Status theories address policy motives related to self-esteem, reputation, honor and dignity, fame, sympathy, and other emotional and psychological categories that introduce an element of unpredictability into the political behavior of leaders, social groups, and states. In terms of status-seeking strategies, states seeking to improve their international standing may try to pass into a higher-status group of states (mobility strategy), compete with the dominant group (competition strategy), or achieve preeminence in a different domain (creativity strategy) (Larson and Shevchenko, 2010). The choice of one type of strategy over another depends on the openness of the status hierarchy as well as the values of the status-seeker and established powers. For example, since the end of the Cold War, the BRICS states have embarked on liberal democratic reforms to enter the economic and political institutions of the West, such as the International Monetary Fund, the World Trade Organization, the Council of Europe, and the G7. At the same time, the closed nature of organizations such as the OECD, EU, or NATO prompted China and Russia to move to a strategy of competition (Larson, Shevchenko, 2010). On the path of creative strategy, Russia is trying to rely on the neoconservative ideas of collectivism, spirituality, and orthodoxy as opposed to the individualism, materialism, and liberal morality of the West (Laruelle, 2008; Sergunin, 2014). Creativity is also produced by charismatic leaders at the level of "grand" diplomacy. For example, due to these qualities, President Vladimir Putin has managed to achieve the international fruition of his September 2015 plan to destroy Syrian chemical weapons and thus avoid U.S. military intervention in this country. The "New Silk Road" concept of another charismatic leader, Xi Jinping, was perceived as a Eurasian economic integration project that could be mutually beneficial for all its participants. Despite their

attractiveness, status theories still leave a number of important questions unanswered. For example, the question about status indicators (which should help in measuring a state's international rating) should be clarified. It is also important to clarify the question of when status becomes more important than material interests. In terms of content, the question of which instruments – peaceful or coercive – the state uses to change its status is of great importance. As for the internal aspects of status-seeking strategies, it is necessary to examine the extent to which domestic political institutions can influence the growth or reduction of the feeling of status inconsistency/underachievement in their society. These are the questions that status theories have yet to answer.

Theory of “global regionalism”

The BRICS is unique because it does not represent a typical geographical region consisting of a set of states that are geographically close to each other and form a single historical, economic, political, and socio-cultural community (or at least seek to create such a community). According to the theory of “new regionalism” (Lagutina, 2009; Lagutina & Vasilyeva, 2012; Acharya, 2014; Hettne et al., 1999; Langenhove, 2011), the BRICS belongs to the category of the so-called “global regions”, which are based on functional, network-type, identity, multi-actor, and multifactor principles rather than on geographic proximity. Such regions have a cross-cutting nature: they easily permeate various levels – local, regional, and global – to create a completely different type of world politics. In addition to the BRICS, such global regions include, for example, the European Union, the Association of Southeast Asian Nations, the Mercado Común del Sur, the Eurasian Economic Union, and the Arctic. Supporters of the global regionalism theory believe that during its existence, the BRICS has managed to form a common transnational agenda. Among the most important areas of the BRICS countries' cooperation are the following: improvement of the global financial system; development of industrial and commercial relations; energy security; cooperation in the field of climate change and environmental protection; joint research projects; the fight against cyber terrorism; and coordination of these countries' activities in international organizations, including the UN and its specialized agencies. In support of this global agenda, the BRICS created a number of its own financial institutions, such as the New Development Bank with a capital of \$100 billion and a Contingent Reserve Arrangement (\$100 billion as well). In 2013, China launched the New Silk

Road (or Belt and Road) initiative. At first, it was aimed at the development of a land transport corridor through the territory of Eurasia. It was then supplemented by sea routes from East Asia to Europe, both in southern (through the Suez Canal) and northern (Northern Sea Route) directions. In the end, the project has acquired a truly global dimension, incorporating the Asia-Pacific region and South America, where one of the BRICS members is located (Brazil). At the same time, critics of the global regionalism theory note that in the framework of the BRICS, a truly unified agenda has not yet emerged. With rare exceptions, most of the cooperative ties within the BRICS are bilateral, not multilateral. In addition, there are numerous differences between the members of this international group. In particular, there are serious disagreements between India and China, including territorial disputes between them that regularly lead to direct military-political confrontation. Opponents of this theory believe that it is too early to speak of the BRICS as a whole community comparable with other integration entities. For this reason, the BRICS is not yet able to play a truly influential role either in world politics or the global economy.

CONCLUSIONS

Various IR theories offer their explanations of the BRICS phenomenon, including the sources of this assembly, the motives for its member-states' behavior, and the role that this group plays in present-day world politics and the global economy. Speaking about the relative value or explanatory power of each of these theories, it seems that they often complement rather than exclude each other. Together, on the basis of an interdisciplinary approach, they form the foundation for studying a complex politico-economic phenomenon such as the BRICS. The newest IR theories (post positivist schools) tend to hold that, along with the pursuit of purely material and pragmatic interests (hedging financial and economic risks in the era of globalization, developing joint industrial and infrastructure projects, counterbalancing Western expansionism, solving various common problems ranging from environmental protection to fighting international terrorism and transnational crime), the BRICS countries are actively using this forum to strengthen their positions on the world stage and elevate their international statuses. In their status-seeking policies, the BRICS member-states apply various methods, from mobility and competition strategies to different types of creativity. These foreign policy strategies have had some effect, with the exception of Russia, whose

international reputation has suffered because of the Ukrainian crisis. In general, most of the BRICS countries have managed to create an image of themselves as constructive and peaceful states, preferring cooperation to confrontation while respecting international rules and their international partners. Even for Russia, participation in the BRICS has proved to be very useful from a reputational/status point of view. Since the BRICS countries did not support Western sanctions against Moscow, Russia managed not only to avoid complete international isolation but also to actively influence international developments both regionally and globally. In general, BRICS has managed to shape its image as an alternative model of world order based on principles and rules of interstate cooperation that exclude discriminatory and hierarchical types of relations. It is too early to say that a fundamentally new type of international relations or international institution has been created within the BRICS framework, but, undoubtedly, some positive experience has been accumulated by this association. It is safe to assume that, in the foreseeable future, the BRICS phenomenon will remain a subject of the closest attention of IR theorists.

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THE RELEVANCE OF THE EMERGENCE OF NEW STATES IN THE ERA OF THE UNITED NATIONS

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Abstract: The issue of the creation of new states is one of the most controversial issues in international law and international relations. The existing dilemmas are still very relevant when discussing this process that seems to elude any established international rules and is subject only to the facticity of laws. The paper looks back at the positions of the doctrine of international law but presents certain points of view regarding the application of international legal rules and principles usable in international practice. For the emergence of the main subjects of international law and international relations, this is very significant because it represents the starting point for further elaboration of the issue of the emergence and functioning of international organizations and other international institutional forms in which states play a decisive role. The creation of states is treated in the paper as a very complex process which, no matter how intriguing, should not escape international legal regulation, at least in terms of legal consequences. In this sense, the author tried to shed new light on the importance of general international law in regulating this process. In the context of the contemporary development of international relations, the application of international legal principles and goals of the universal organization of the United Nations can be useful in this regard since they provide certain guidelines for the recognition of new states in the context of admission to this international organization. Consequently, according to the author's opinion, there is a chance for a more extensive interpretation of the existing criteria of "statehood", which in the extreme case may affect the overcoming of the United Nations itself, whose universal role in preserving world peace and security should not be questioned.

Keywords: International law, emergence of new states, the United Nations.

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INTRODUCTION

The phenomenon of international law cannot be observed or understood, and therefore cannot be explained without understanding and explaining the phenomenon of the state. It should be noted that the norms of international law are created by the consent of the states participating in the design of its rules, as well as the fact that the dominant position in the teaching of international law is that states are basic subjects of international law. Again, although the phenomenon of international law can be said to be a phenomenon that began to occur in a certain historical and social context, when it comes to the state, things are a little different. Namely, the theory of the state and law can only state that certain forms of human organization that we recognize as a state throughout the millennia really existed in the distant, ancient, and even "pre-ancient" past. However, the theory itself raises the question of the identity of all these forms of states. Thus, Spektorski (2000, p. 21), writes the following: "Unlike geometric shapes and other simple and unchangeable things that know neither the past, nor the present, nor the future, the state is a multiple phenomenon that changes significantly over time. Thus, for example, the ancient or feudal state is so different from the state in the modern sense that the question even arises as to whether the same notion of the state can be applied to these fundamentally different phenomena". We come across similar thoughts with other prominent writers. Thus, Professor Košutić points out that political communities in Antiquity, the Middle Ages, the New Age, and Modernity have many specific things that qualitatively distinguish them. (Lukuć & Košutić, 2008, p. 13). That specificity, he says, is so significant "that it excludes the possibility of using the same name (names) for pre-modern and modern political communities" (*Ibidem*). Thus, it is further emphasized that the "state is understood differently depending on whether there are more similarities or differences between the so-called modern states (since the 16th century) and previous political communities (*polis, medieval states*)" (Vukadinović & Avramović, 2014, p. 31). In an interesting discussion, Georg Jellinek points out the following: "No matter how true it is that the state order has some legal remnants from earlier feudal times, it is certain that these remnants have fundamentally changed their essence even when the content of the legal rule has remained the same" (Jellinek, 1998, p. 90). This certainly means that the content of the notion of the state is something that has changed over time. This is especially due to the fact that, at one point, the state began to appear together with a new phenomenon, which, although a creation of the state, in many ways began to limit and define the

state itself. That phenomenon was international law. Just like international law has evolved and changed, so the meaning of the state in legal terms has changed over time. All this means that when we talk about the state in the modern sense, we must stick to the context in which it takes place. Of course, that context itself has changed over time. We consider the establishment of an organization like the United Nations to be an excellent moment in this centuries-old evolution of international law (Krivokapić, 2015, pp. 14-16). It is in this context that we look at the issue we are dealing with.

STATE AS A MEMBER OF THE ORGANIZED INTERNATIONAL COMMUNITY OF STATES

The evolution of international law, which has lasted through the centuries, has led to an evolution in the understanding of the state, which increasingly had to communicate with the legal order within which it was realized. The state, as we have already mentioned, thus received its new legal content. As we pointed out earlier, this is because the state has always reflected the law within which it took place. The fact that at some point in the development of international law, international rules binding on states without their consent began to appear, which over time weakened the idea of a legally unlimited state, as well as the emergence of an organized international community that managed to direct international relations and international communication, also meant the emergence of a new understanding of what the state is in the international legal sense. Certainly, the issue of the creation of new states has not yet reached the level of a universally accepted norm of international law. However, it cannot be said that, in that sense, certain changes did not happen, which means, if not the establishment of rules on individuals, i.e., individual recognition, it certainly established rules and procedures that, if successfully passed, mean that one entity has become an equal member of the international community with all the rights guaranteed to the states, despite the individual views and oppositions of individual states *vis-à-vis* that entity. Although it is indisputably true that the act of recognizing a new state is a political act, the essential question we ask here is whether international law knows the mechanisms that, despite the fact of recognition or non-recognition of an individual state by another state, and regardless of the political position of an individual state, can say whether it is about the state or not. Following the answer to this question, we will start by quoting a legally interesting document. Article 3 of the Montevideo Convention on the Rights and Duties of States says the following: "The political existence of the state is

independent of recognition by the other states. Even before recognition, the state has the right to defend its integrity and independence, to provide for its conservation and prosperity, and consequently, to organize itself as it sees fit, to legislate upon its interests, administer its services, and to define the jurisdiction and competence of its courts. The realization of the mentioned rights has no other restrictions, except if the realization of the rights of other countries according to international law is taken into account" (Montevideo Convention, 1933). So, even before the founding of the UN, it was stated that the act of individual non-recognition, as a political act, must also accept the political and, we believe also, international legal reality of the existence of the state regardless of that individual or many individual non-recognitions. International law, which is largely based on customary rules, certainly knows the mechanisms of the creation of its rules, which, when a sufficient number of states in the international community give them legitimacy, become general and binding in many ways. We do not want to reduce the issue of new state formation to a strictly legalistic and legal issue separate from politics and other complicated moments in this way. It is impossible to separate politics and the law. Every law, including international law, is an expression of the political will of those in power. In international law, we call this will the "will of the international community", which does not necessarily incorporate every individual will of states. We are attempting to find some, perhaps overly simplistic, answers to one complex phenomenon through the lens of the existing institutional and international legal structures, which is a challenge. It seems to us that the procedure of admission of a "state" to the UN, however, gives a certain international legal answer to the question we are asking here, so we will look at it below.

ADMISSION PROCEDURE TO THE UNITED NATIONS AS AN INTERNATIONAL LEGAL TEST OF STATEHOOD

The Charter of the United Nations stipulates that "membership in the United Nations is open to all peaceful states that accept the obligations contained in this Charter and, in the opinion of the Organization, are capable and willing to fulfill those obligations" (Article 4 of the UN Charter). The conditions given in the provision have created doubts over time and have been subject to different interpretations (Ganić, 2018). An authoritative interpretation of this article was given by the International Court of Justice in an advisory opinion on the conditions of admission of a state to membership in the United Nations (ICJ Reports, 1949, p. 62). This

advisory opinion was given at a time when there was a stoppage in the admission of new states to the UN and when attempts were made to admit some countries to membership, bypassing the provisions of the UN Charter and the Security Council. In an advisory opinion in which he addressed this issue, the International Court of Justice stated that the applicant for admission must go through the appropriate procedures in both the Security Council and the General Assembly. It was also pointed out that an applicant for UN membership must be: 1) a state; 2) that the state must be peaceful; 3) the state must accept the obligations contained in the Charter; 4) that it is capable of fulfilling those obligations; and 5) that it is willing to execute them (ICJ Reports, 1949, p. 62). It is interesting that one of the conditions required by the Court's interpretation is that the candidate (applicant) must be a state. The admission procedure takes into account whether it is a subject whose request for full membership in the international community has been more widely agreed upon, that is, whether it is an entity that is a state. This specifically includes the decision-making process in the Security Council and the United Nations General Assembly. As a rule, a wider international consensus is required for admission to the membership of the world organization, which is necessary when one wants to legitimize the existing reality on a general international level. We believe that this procedure reflects an international legal norm on the emergence of the state as a full-fledged subject in the international community. Because, as it is pointed out, "international law gives and ensures the legal validity of the request for sovereignty to that collective to which a sufficient number of states recognize sovereign status as an empirical fact" (Mecklem, 2007, pp. 586-587). The consent of all, in many ways, different permanent members of the Security Council on this issue, with the qualified majority required for the admission of a state to the UN, certainly represents sufficient proof of international legitimacy, which is verified by the procedure of admission to this universal international organization. Although we have relied here on an advisory opinion which is non-binding in its legal nature, there is no doubt that the International Court of Justice did not accidentally point out that one of the parameters to be assessed by the Security Council and the General Assembly is whether the entity aspiring to UN membership is a state or not. Although non-binding, the impact of advisory opinions on international law is enormous and, together with judgments, advisory opinions constitute the jurisprudence of the International Court of Justice, which the court views as an established rule of law (Ganić, 2010a; 2010b). The reasons why we believe that the international legal legitimacy of a state is marked by its

membership in the United Nations are numerous. Most of them are related to the fact that if a state or entity aspiring to be a state is left outside the UN system, it indicates the fact that there are serious disagreements among the members of the international community regarding its state-building request, which makes that entity isolated from the decision-making process at the international level. An additional reason is that this organization has almost universal membership today, and the UN Charter limits its signatories to its provisions in their possible appearances with non-member countries (Article 103 UN Charter). Entities that claim to be internationally recognized states but are not members of the UN are almost invisible in the international community and communication, and the only countries with which they communicate are the countries "patrons and inspirers" of their unilateral secessionist acts declaring independence (Crnovršanin, 2011a). Such is the case with the "Turkish Republic of Northern Cyprus", which is recognized only by Turkey (Crnovršanin, 2011b). The situation is similar in South Ossetia and Abkhazia, which, apart from Russia, is recognized by only a few other countries in the world (Samkharadze, 2016). We will not even comment on the latest recognition of the Ukrainian territories by Russia due to the topicality of the events and the impossibility of observing these issues from a sufficient time distance, which is a condition of scientific objectivity. The importance of membership in the UN is sufficiently indicated by the positions of the countries that are facing the secession of a part of their territory. Proof that the mechanism established by international law still works in this regard is evident in many cases. Thus, "Kosovo", despite numerous recognitions, even the recognitions of some of the most powerful countries in the world, still faces the practical impossibility of normal institutional functioning and communication with other countries in the international community. These countries and entities that aspire to be states, in their international appearances, are often forced to pursue their interests with the help of other states. This again leads to, as the International Court of Justice pointed out in one of its advisory opinions, "the alienation of sovereignty" (P.C.I.J. Publications, 1931). This is because, according to the position expressed by the ICJ in the advisory opinion concerning the Austrian-German customs union, the independence of a state as a subject of international law implies "the exclusive right to decide in all economic, political, financial, and other matters" (Đorđević et al., 1988, p. 145). We should not forget the extent to which the calls of the United Nations for non-recognition of some entities by the members of the United Nations have contributed to their marginalization at the international level. Such is the case, for example, with the collective non-recognition of the

already mentioned “Turkish Republic of Northern Cyprus”, or the unilaterally declared independence of Rhodesia (Crnovršanin, 2011a, pp. 184-185). In any case, the UN mechanisms have an effect on this matter (Gajić, 2015, pp. 296-299). For this reason, we view this issue completely legally and moving within the normative reality of international law, which is certainly not able to eliminate what, due to lack of legal basis, is often called in science a *de facto* state, which for this reason in this paper we call “an entity that aspires to be a state”. It is important to mention that in this review we do not deal with the principles that justify the state-building demands of today, such as the principle of self-determination of the people. In this review, we will be satisfied with the statement of the International Court of Justice that this is a principle that, in certain circumstances (see more in: Declaration on principles of International law: friendly relations and co-operation among states in accordance with the Charter of the United Nations), operates *erga omnes* (ICJ Reports, 1995, p. 102, Para. 2). The focus of this brief review is to recall the international procedures that we consider to be a test that entities that aspire to be states must pass in order to obtain an international legal basis.

CONCLUSIONS

In one of his textbooks, Le Fur (*Louis Le Fur*) made a bold statement in the 1930s when he said that “international law is the last stage of law that finally manages to bring the states under its own laws” (Le Fur, 1934, p 6). Although we believe that international law has greatly changed the way we understand the state and the legal concepts and principles related to it, such as the principle of state sovereignty (Ganić, 2013), and although we are ready to state that, at least when it comes to the normative reality of international public law, things are possible and explainable, we are far from being able to say that the issue we are dealing with in this paper has been clarified, and we are very aware of that. The relations of states to one another, and the relations of states to the international community as a whole, but also the relations of the international community to the state, still elude complete international legal regulation. However, it cannot be said that there are no rules in this area and that this is a sphere that should be outside the reach of international public law. On the contrary, international law must be continuously interested in this phenomenon. It is not only important because it deals with the basic subject of international law and the creator of the very rules of international law, but it also reveals to us the unprincipledness of some important states on this issue. Because it is

common in the international community for the same country to have completely different standards in different situations. This speaks of a strong political moment and the real and exclusive states' interests, which, when it comes to these issues, the states are guided by. This fact, on the other hand, cannot be ignored and reminds us that any legal construction on this issue can be radically endangered due to any sudden disturbance on the international scene. We are also aware of that.

Pointing out the complexity of the problem of the emergence of new states on the international scene, Christian Hillgruber begins his presentation by quoting the famous internationalist Hersch Lauterpacht, who, although revealing nothing new, further confirms one great truth when he says: "A small number of branches of international law that are of greater and more lasting importance for the Law of nations than the issue of state recognition (...). However, there is probably no other subject in the field of international relations in which law and politics are so closely intertwined" (Hillgruber, 1998, p. 491). However, we repeat, this does not mean that this matter should not be viewed from a legal perspective because reality tells us that in insisting on the rules of international law, which in these cases we recognize in the UN admission procedure, especially small states can protect or see the possibility of protecting their interests. Finally, the views we present in this review are not new. A few decades ago, Polish professor Lech Antonowicz was unequivocal when he said that a sovereign state in terms of international law exists when it has features that accompany international legal capacity, and above all, contractual capacity, right of legation, and the possibility of joining international organizations (Antonowicz, 1885, p. 21). We consider the impossibility of association in the UN organization a fact that tells us that we do not have a complete subject of international law, while the possibility of association tells us that we have a subject of international law. These are the coordinates within which this paper moves, and this brief review is just our attempt to contribute to the debate that is already underway, without saying anything spectacularly new, but only further recalling some legal arguments drawn from contemporary international law.

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SERBIA'S FOREIGN POLICY POSITION IN THE UNITED NATIONS REGARDING THE KOSOVO ISSUE

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Abstract: In the paper, the author discusses four key problems related to Serbia's foreign policy course in the United Nations (UN) regarding the so-called *Kosovo issue*. The first problem concerns the current foreign policy dilemma regarding the unilateral act on the declaration of independence of the so-called *Republic of Kosovo* in 2008. In this regard, the author expresses the opinion that this declaration of independence was not adequate to legitimize the state status of the southern Serbian province in international relations. This is reflected first of all in the fact that this territory, which is under international administration, failed to secure membership in the UN, even though it had the broad support of the so-called *allied countries*. The second problem discussed in the paper concerns the meaning of membership in this universal UN organization. The author is of the opinion that the UN does not have a mandate to create or declare some entities that strive for independence for states. All the more, according to his understanding, the orientation of Serbian foreign policy must be directed towards the protection of its own territorial integrity by stopping the admission to the UN membership of the so-called *Republic of Kosovo*. The third problem in this paper deals with the relationship between Serbia as a member state of the UN and the UN itself in the context of the international regulation of the status of the southern Serbian province of Kosovo and Metohija. The fourth problem included in the text is a synthesis of the discussion on the so-called *Kosovo*

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issue. During the research, the author methodologically analyzed contemporary political, historical, and legal literature using the comparative method and analysis of the content of primary sources (acts of competent state authorities, decisions and resolutions of the UN and EU), relying on the realist theory of international relations.

Keywords: United Nations, Serbia, Kosovo issue, foreign policy, international organizations

INTRODUCTION

Although the Republic of Serbia does not have an officially adopted foreign policy strategy (or other doctrinal document of a similar nature) written by the competent institutions (Government or National Assembly), this does not mean that anything is improvised in that regard. The foreign policy of a state is a set of activities that its institutions undertake in an international environment. These are processes in which “states act, react, and interact with each other” (Evans & Newnham, 1992, p. 100). Analyzing the activities of the state institutions of the Republic of Serbia but also following the statements of the holders of the highest state functions, a certain continuity in the foreign policy performance can be noticed. First, Serbia has been a candidate country for membership in the European Union since 2012. The chronology of the institutionalization of relations between Serbia and the EU can be followed since 2000 (Informacioni centar EU, 2015, pp. 6-7). First, in November of that year, the Framework Agreement was signed, which enabled the realization of EU assistance for political and economic reforms in Serbia. Shortly afterwards, during the Zagreb Summit of the Western Balkans and the EU, Belgrade was included in the Stabilization and Association Process (then the Federal Republic of Yugoslavia, a joint state of Serbia and Montenegro). Negotiations on the conclusion of the Stabilization and Association Agreement started in the second half of 2005, and successfully ended with the signing of this document in 2008. In December 2009, Serbia filed for EU membership, and in 2012, the European Council adopted a decision to grant Serbia candidate status. In 2013, the European Commission first recommended the opening of membership negotiations with the Republic of Serbia, and then the Council of Foreign Ministers confirmed that decision and recommended to the European Council that negotiations begin in 2014. Negotiations have been going on since then. However, the result of this cooperation is not as it was originally foreseen or even promised to the officials of the Republic of Serbia. On the one

hand, the multi-layered and multidimensional crisis within the EU has also been reflected in a decline of enthusiasm when it comes to its expansion. Support for further enlargement of the EU is questionable in a number of member states (especially when it comes to public opinion). On the other hand, the negotiation process defined negotiation chapter 35, which was done for the first time in the history of EU negotiations with a potential member (*Ibid.*, p. 41).

This negotiation chapter encompasses questions that need to be considered and agreed upon but cannot be included in any other negotiation chapter. "Therefore, there is no pre-defined *Acquis Communautaire* in Chapter 35. In the case of negotiations with Serbia, the European Union has decided that this chapter will include the entire process of normalization of relations with Priština" (European Western Balkans, 2015). Having in mind that 22 out of 27 member states have recognized the unilaterally declared independence of Kosovo Albanians and have established bilateral relations with Priština (plus Great Britain, which has in the meantime exited the EU), it is clear what most member states (and among them the most influential ones – Germany, France, Italy, and Poland) consider by the term "normalization of relations". So, while on the one hand, the enthusiasm for EU enlargement has been declining, which has reflected on a kind of "freezing of status" of the Western Balkan states in this process, on the other hand, Serbia is facing the choice that if it wants to "unfreeze status" and get EU membership, it needs to normalize relations with Priština, which is a euphemism for finding a model for (un) official recognition of the secession of Kosovo Albanians (Janev, 2013, pp. 287-309). One of the ideas for resolving the dispute between Belgrade and Priština was proposed by German diplomat Wolfgang Ischinger, through the so-called "Ischinger Plan", and concerns the option according to which Serbia would not be obliged to recognize the so-called "Republic of Kosovo" but instead would agree to accept this state-like creation into the United Nations, according to the "two Germanys" model (Proroković & Davidović, 2021, pp. 185-194). Interestingly, the first version of the First Brussels Agreement signed between the representatives of Belgrade and Priština in 2013 with the EU mediation contained this point (that Serbia would agree with the admission of the "Republic of Kosovo" into the UN)! After the refusal of Serbian representatives, this point was removed. However, this incident shows that within the EU, the Ischinger Plan is considered as a possible solution. Therefore, in parallel with the "construction of the first EU pillar" of the foreign policy strategy of the Republic of Serbia, the second one was

strengthened as well – the continuous improvement of relations with Russia and China. The reason for that is that these two countries support the territorial integrity of the Republic of Serbia based on UN Security Council Resolution 1244 (1999) (Gobarev, 1999, pp. 1-17). Support of Russia and China to Serbia presents an obstacle to the membership of the so-called “Republic of Kosovo” in the UN. As long as Resolution 1244 (1999) is in force, it is not possible for Kosovo Albanians to fully legalize and legitimize their own status in international relations. Also, thanks to the Russian and Chinese vetoes, a large number of UN member states refuse to establish bilateral relations with Priština or have even withdrawn their original decisions (Stepić, 2018, pp. 27-49).

During 2015, on the website that records the number of international recognitions of Kosovo (*Kosovo thanks you*), it is stated that 116 states gave that recognition. (Proroković, 2019, p. 133). It turned out, however, that this source was not the most reliable, so at one point, “not even the government in Priština knew exactly how many states recognized them. There was everything there. For example, in 2013, the president of Sao Tome and Principe “annulled recognition of Kosovo”. A little later, it turned out that there was no real recognition at all. The decision on the recognition of Kosovo was brought by the former government in 2011, but it was never confirmed in their Parliament. Therefore, it was not valid. Or, the president of Guinea Bissau sent a letter on “recognition” to the then “president of Kosovo”, Behgjet Pacolli, but it is not clear on what he based such a decision or whether any competent institutions confirmed it (Proroković, 2019, p. 134). By December 2018, even the authorities in Priština started to give more modest estimates and “data”, thus confirming that they were “almost certainly recognized” by 102 countries. But, thanks to the diplomatic offensive action of the Republic of Kosovo, from 2013 until 2020, as many as 18 UN members withdrew their former decisions or clarified whether they had or had not established bilateral decisions with Priština. This has helped to “clear up” the situation and led to the decrease in the number of UN members that recognize the so-called “Republic of Kosovo” to 96 (as opposed to 97 that do not recognize it). Nevertheless, the Kosovo issue remains the priority in Serbian foreign policy despite the fact that the first pillar of foreign policy strategy is based on European integrations that are, on the other hand, conditioned by the “normalization of relations” between Belgrade and Priština.

**THE KOSOVO ISSUE AND THE UN:
FROM RESOLUTION 1244 TO THE "SEAT
ON THE EAST RIVER"**

Of course, the UN does not have a mandate to declare states. The example of Switzerland, which became a member of the UN only in 2002, shows that states can function in the system of international relations even without membership in this organization. However, the case of Kosovo cannot be compared to Switzerland by any indicator. This is precisely for two key reasons. The first reason is that the temporary status of Kosovo is regulated by the aforementioned UN Security Council Resolution 1244 (1999). In the meantime, the Parliament of Kosovo declared independence of the so-called "Republic of Kosovo" on February 17, 2008. In the report of the UN Secretary-General on March 28, 2008 (S/2008/211), it is stated that "the Parliament of Kosovo held a session during which it adopted a 'Declaration of Independence' declaring Kosovo an independent and sovereign state." At the same time, the Council of the European Union is applying a creative interpretation of Resolution 1244, trying to get the new EU mission, EULEX, to take over from the UNMIK jurisdiction in the fields of internal affairs and judiciary (Council Joint Action, 2008, pp. 1-7). The problem with this is that it is a strange interpretation of the SC document and a gross negation of its essence. The EU Council rewrote Article 10 of Resolution 1244, quoting only the first part of the sentence, to the point that the UN Security Council "authorizes the Secretary-General to establish an international civilian presence in Kosovo with the help of relevant international organizations". They evaded the rest of the sentence where it says that the UN Secretary-General may seek and request assistance from other international organizations "to ensure interim administration in Kosovo, whereby the people of Kosovo will be able to enjoy substantial autonomy within the FR Yugoslavia, and which will provide transitional administration by establishing and overseeing the development of temporary democratic institutions of self-government, to ensure conditions for the peaceful and normal life of all the people of Kosovo". Institutional completion of the self-governing bodies of Kosovo and Metohija, with the definition of original competencies, began after the NATO aggression on FR Yugoslavia in June 1999, thanks to the actions of the "Western community". In UN Security Council Resolution 1244 (1999) of June 10, 1999, the introductory part explains the principles according to which the further text of the document should be interpreted: "reaffirming the commitment of all member states to the sovereignty and

territorial integrity of the FR Yugoslavia and other countries in the region, as stated in the Helsinki Document and Annex 2” and “reaffirming the appeal from previous resolutions for broad autonomy and substantive self-government for Kosovo”. It states that point 4 says: “It confirms that after the withdrawal, the agreed number of Yugoslav and Serbian military and police personnel will be allowed to return to Kosovo to perform their duties in accordance with Annex 2”. Also, point 11 explains the main responsibilities of the civilian presence, stating: Paragraph a) – “improving the establishment, until the final solution, of substantial autonomy and self-government in Kosovo, having fully in regard the Annex 2 and the Rambouillet Agreement (S/1999/648)”; Paragraph e) – “Facilitating the political process aimed at defining the future status of Kosovo, taking into account the Rambouillet Agreement”. Annex 1, Paragraph 6 further clarifies: “Political process towards the establishment of an agreement on an interim political framework, which will ensure substantial self-government in Kosovo, taking full account of the Rambouillet Agreement and the principles of sovereignty and territorial integrity of the FR Yugoslavia and other countries in the region” (Resolution 1244, 1999, pp. 2-7). Therefore, the unilateral declaration of independence is not in accordance with UN Security Council Resolution 1244 (1999), which provides for essential self-government and guarantees the territorial integrity of Serbia (that is, of the FR Yugoslavia in the text, which then existed as a joint state of Serbia and Montenegro). The statement of the UN Secretary-General and the decisions of the EU in that context were only supposed to serve as a “fig leaf” in order to hide the gross violation of the Resolution by the states that decided to establish bilateral relations with Priština. As long as this Resolution is in force, the issue of status, i.e., unilaterally declared independence, is problematic. Admission of the so-called Republic of Kosovo to the UN would in fact (most likely and formally) repeal Resolution 1244 (1999), as a result of which there would be no further obstacles for all UN members to establishing bilateral relations with Priština. Another reason is that, without admission to the UN, the so-called Republic of Kosovo is not eligible to join many other international organizations. A large number of international organizations (or, for example, international courts) demand that an entity be admitted to the UN first in order to regulate the issue of its own status. Also, even international organizations that do not have that formal condition for admitting new members take this fact into account. The so-called “Republic of Kosovo” cannot fully legitimize its own status in international relations, despite the fact that all key Western

countries have established bilateral relations with Priština (including three permanent members of the UN Security Council)! For these two reasons, it is crucial for Albanian politicians, but also their Western allies, that the so-called "Republic of Kosovo" joins the UN. Although the UN does not have a mandate to recognize or declare states, undoubtedly, such a step-in practice would mean full legitimization of the status in international relations and, in the legal-formal sense, would lead to the repeal of UN Security Council Resolution 1244 (1999). As a result, the position of the Republic of Serbia would become unsustainable in this regard.

SERBIA'S POSITION IN THE UNITED NATIONS REGARDING THE KOSOVO ISSUE

Having in mind the unfavorable events that led to the withdrawal of the institutions of the Republic of Serbia from the territory of Kosovo, ethnic cleansing of the Serb population (especially in all urban areas), and the fact that the territory of Kosovo is largely controlled by international administration (through the international military presence – KFOR, international civilian presence – UNMIK, and EU missions – EULEX), and that self-government bodies have been thoroughly developed in the last two decades, relying on the arguments offered by Resolution 1244 (1999) is crucial for further insistence on maintaining the territorial integrity and constitutional order of the Republic of Serbia (Yannis, 2004, pp. 67-81). In the context of Serbia's foreign policy, this has gained a significantly broader dimension over the years. "The cessation of insistence on Resolution 1244 is dangerous for the Republic of Serbia and can have long-term consequences. This concerns not only the possible loss of part of the territory, which would cause a dramatic deterioration of the overall geopolitical position, but also the danger of losing allies. Bearing in mind that the foreign policy positioning of a country or taking a certain place in the world political system is very much about its identity, i.e., the perception of how others look at it and how they understand it, we must consider the Kosovo issue as one of Serbia's foreign policy resources" (Proroković, 2019, p. 131). Because it was bombed without a UN Security Council decision, and because Western countries have invested significant political capital in legitimizing and legalizing the status of the "state of Kosovo" in international relations, Serbia is anticipated in the non-Western part of the international community as a country trying to maintain territorial sovereignty and integrity despite aggressive attempts by leading Western countries to deny her that right. The Ministry of Foreign Affairs of the

Republic of Serbia states that “the Republic of Serbia seeks to further increase its visibility and contribute to the work of the Organization by presenting candidacies for various governing and expert bodies within the UN system” and the first goal of the UN is defined as “preservation of territorial integrity and sovereignty”. “The activities of the Republic of Serbia in this area are a reflection of efforts to defend the principles of international law, the UN Charter, and legally binding UN Security Council Resolution 1244 (1999), which guarantees the sovereignty and territorial integrity of the Republic of Serbia. In addition to constantly emphasizing the importance of respecting UN Security Council Resolution 1244 (1999), the role of UNMIK and the rest of the international presence in Kosovo and Metohija, the Republic of Serbia attaches great importance to UN Security Council meetings on UNMIK’s work, in order for the international community to be continuously informed about the political and security situation in Kosovo and Metohija, especially regarding the position of Serbs and other non-Albanians, the rule of law, human rights, sustainable return of internally displaced persons, and protection of cultural and religious heritage.” (Ministarstvo spoljnih poslova, 2022) Action in the UN is an important tool for the Republic of Serbia, which relies on international law, strategic partnership with two permanent members of the UN Security Council and a large number of member states (97), which either in principle or because they have similar problems with separatism, support the position of official Belgrade (Proroković, 2018).

CONCLUSIONS

The UN remains a strong stronghold for the defense of the territorial integrity and constitutional order of the Republic of Serbia, both due to the maintenance of Resolution 1244 (1999) in legal and political circulation, and due to the fact that it is easier to find allies in the UN. In this regard, it should be emphasized that despite the fact that the first pillar of Serbia’s foreign policy strategy was built through its relationship with the EU, the so-called *Kosovo issue* absorbs all the unpleasant and unprincipled pressures coming from the EU (where Germany is leading the way). For the sake of illustration, the negotiating Chapter 35, as well as the attempt to insert a clause on the membership of the so-called *Republic of Kosovo* in the UN during the negotiations on the First Brussels Agreement, is a clear example of what Brussels specifically means by “normalization of relations”. However, such a “normalization of relations” cannot occur as long as there is another pillar of the foreign policy strategy, which

concerns reliance on Russia and China, which is primarily manifested in the work within the UN. Thanks to the threat of the Russian and Chinese veto, the western countries did not even try to put the topic of joining the so-called Republic of Kosovo on the agenda. Active participation in the work of the UN, lobbying and connecting with other members of this international organization, prevents the legitimization of the status of the so-called Republic of Kosovo in international relations. Certainly, the question is how long this kind of multilateral approach based on two pillars could last, since negotiating Chapter 35 essentially puts Serbia before the choice of joining the EU or Kosovo?!

However, due to the internal problems facing the EU and the consequent decline in enthusiasm for further expansion (including in the Western Balkans), asking this question in political practice cannot have much effect. Namely, Serbia is not offered EU membership for the sake of "giving up" Kosovo, but is asked to "give up" Kosovo for the sake of continuing European integration with a very uncertain end (or, in a certain development, it is possible that European integration will not have the expected end). So, looking from the angle of the Kosovo issue as a foreign policy priority of the Republic of Serbia, Serbia's orientation towards the UN certainly remains one of the pillars in conducting foreign policy. It is therefore important for the Republic of Serbia that the UN maintains the status of the most important international organization and that its role in overall international relations is strengthened. Serbia, with its limited military, economic, and political power, cannot have a decisive influence. The fate of the UN depends primarily on the position of the largest and most powerful countries. But what Serbia can do in this regard is to join the initiatives of larger and more powerful actors aimed at that goal.

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LEGAL LIMITATIONS ON NATO'S PRESENCE IN KOSOVO AND METOHIIJA AND CHANGING THE SECURITY ENVIRONMENT

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Abstract: In this paper, the author examines the international legal effects of the Military Technical Agreement, concluded with the aim of ending the armed conflict in Kumanovo (in 1999), between the International Security Forces (KFOR) and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia (the Kumanovo Agreement). Based on the assumption that the Kumanovo Agreement was concluded under coercion, the author expresses the opinion that the "Agreement" limited any participation of Serbian military forces in the area of Kosovo and Metohija, which otherwise represents an integral part of the territory of the Republic of Serbia. Although this was done for security reasons at the time, the question arises whether, with the change in security circumstances, the Kumanovo Agreement represented the main obstacle to the immediate protection of the Serbian and non-Albanian population in Kosovo and Metohija who might be exposed to uncontrolled terror and persecution by the Kosovo temporary authorities. Since the Kumanovo Agreement was concluded under the coercion of NATO and its allies, can this "legal act" produce legal effects according to positive international law, that is, can it produce consequences that directly affect the sovereign equality and territorial integrity of Serbia as an internationally recognized country and a member of the UN? In discussing this issue, the author also refers to the provisions of the Vienna Convention on the Law of Treaties from 1969 (VCLT), which clearly stipulates in Article 52 that "every treaty concluded as a result of the threat of force or the use of force is void contrary to the principles of international law embodied in the Charter of the United Nations". Consequently, the author is of the opinion that the Kumanovo Agreement can be interpreted at least as a "dubious legal act" according to the VCLT, which was added as an annex to Security Council Resolution

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1244 (1999), which was adopted on the basis of Chapter VII of the Charter. Considering the change in the security paradigm in the world, including in Kosovo and Metohija, according to the author's understanding, one could raise questions about its further effectuation. All the more so, if it is taken into account that in the event of an Albanian invasion of the North of Kosovo, there could be an ethnic cleansing of the Serbian and non-Albanian population, in which case the Government of Serbia would have a legitimate right to intervene by raising the question of the further validity of the Kumanovo Agreement due to its inefficiency and contravention of the VLCT provisions but also the imperative norms of international law (*ius cogens*). Of course, this question could be asked independently of the changed security circumstances due to serious violations of international human rights law by the interim authorities in Kosovo.

Keywords: Yugoslavia, Serbia, Kumanovo Agreement, NATO, UN, International Law, coercion, invalidity.

INTRODUCTION

After the dissolution of the former SFRY, the provisional authorities in Kosovo and Metohija unilaterally declared the "independence of Kosovo" in an unconstitutional manner on February 17, 2008, in order to secede from Serbia (Glenny, 1996; Janev, 2019). That unilateral self-declaration by Kosovo Albanians actually revealed the true intention of the military engagement of NATO forces in 1999 as their ally in the process of illegal secession and, apparently, the main goal of the creation of the new state (Chomsky, 2018). For our study in the present article related to UN Security Council Resolution 1244 (1999) and particularly its Annex II, we should emphasize that the 1999 NATO invasion of the Federal Republic of Yugoslavia would not end until the "Kosovo agreement" between the FRY and NATO [Military Technical Agreement between the International Security Force (KFOR) and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia] was signed on June 9, 1999 (a day later, on June 10 to become an Annex to SC Resolution 1244). The FRY and Serbia have never accepted the justifiability and legitimacy of the brutal NATO intervention and the outcome of the war in 1999, including its contractual consequences. Many countries, as well as prominent scholars and intellectuals, condemned NATO's incursions and intervention, particularly a bombing campaign in the FRY and Serbia. For instance, Noam Chomsky argued that the main objective of NATO's intervention was to integrate the FR Yugoslavia into the Western neo-liberal social and economic system since it was the only country in the region that still defied Western hegemony prior to 1999. The

war with NATO (or rather an aggressive invasion) actually started after the refusal of Serbia/FRY to sign the Rambouillet Agreement under apparent extortion or blackmail, i.e., the FRY and Serbia were threatened by NATO with armed attack if they should refuse to conclude the treaty. Yugoslavia's rejection concludes that an unacceptable and undignified accord was used by NATO and its member countries to justify the 1999 bombing, aggression, and essentially destruction of Yugoslavia. Despite the explicit rejection of the Rambouillet Agreement from the FRY, this document was incorporated into Security Council Resolution 1244 that limits the FRY army and police forces from returning to Kosovo, providing for the authority of the KFOR to prevent and control the withdrawal or presence of the FRY armed forces. That part of the SC resolution apparently defies basic norms of *jus cogens* related to the *juridical equality* of states and discrimination under International Law, particularly the prohibition of discrimination of UN members provided by the UN Charter and the Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character (1975). The FRY was invaded with no backing of a UN decision, in violation of the norms of the UN Charter, in a similar way as Russia invaded Ukraine (2022), with the visible distinction that aggression against the FRY was never condemned by the UN and the Western allies.

ILLEGALITY OF ANNEX II OF UN SECURITY COUNCIL RESOLUTION 1244

The alleged right of "humanitarian military intervention" as a reason for the assault on Yugoslavia in 1999 apparently does not provide a convincing justification for the aggressive NATO action, particularly taking into consideration that the action did not have any backing UN Security Council (SC) resolution for endorsement of external military involvement, incursion, or intervention against a sovereign state. Even if we put aside that aspect (that the measure was not approved by the UN Security Council with a resolution), and accept the "significance of the Kosovo Agreement" with respect to "security provisions" for the region, the legality of the deployment of the UN civil administration in Kosovo and Metohija and the KFOR's powers and its entitlements or jurisdiction in the Serbian province based on Resolution 1244 (1999) remains questionable (UNSC/RES/1244, 1999).¹ As we noted, the previously adopted UNSC Resolutions 1160, 1198, and 1203 did not provide any explicit authorization for such violations of national sovereignty. In Resolutions 1160, for instance, the SC recalled only the possibility of taking further action in case the FRY did not meet the SC's

requests (UNSC/RES/1160, 1998). That formulation is also legally dubious, since territorial sovereignty is a basic principle embedded in the UN Charter. As for SC Resolution 1244, the Western authors (US, UK, etc.) have argued that the act did provide for an *ex post facto* endorsement of the NATO action. However, SC Resolution 1244 did not provide any endorsement for a coercive military invasion or UN civilian action or the deployment and replacement of Constitutional organs of Serbia in its province.² The NATO incursion action was not authorized by a Security Council resolution, nor the military intervention, or the process of signing a treaty as a precondition for ending the brutal intervention.³ Therefore, the act of reaching the “Military-Technical Agreement between the International Security Assistance Force (KFOR) and the Government of the FRY” (Kosovo Agreement) appears to be in violation of principles of international law.⁴ It is apparently not correct to argue that the “Kosovo Agreement” (a day after

¹ Among other things, the Resolution demands that the Federal Republic of Yugoslavia immediately and verifiably end the violence and repression in Kosovo and begin and complete the verifiable gradual withdrawal from Kosovo of all military, police, and paramilitary forces according to a rapid schedule with which the deployment of the international security presence in Kosovo will be synchronized. Also, the Security Council decides on the deployment in Kosovo, under the auspices of the United Nations, of an international civilian and security presence, with appropriate equipment and personnel as needed, and welcomes the agreement of the Federal Republic of Yugoslavia and especially the KFOR, entitled “Deterring the renewal of hostilities, maintaining and where it is necessary to implement a cease-fire, and ensure the withdrawal and prevention of the return to Kosovo of federal and republican military, police, and paramilitary forces”.

² Article 2(4) of the UN Charter prohibits the use of force by UN member states to resolve disputes or intervene, and Article 2(1) provides that each member state of the UN is sovereign and equal in rights with any other member state. This prohibits any unequal treatment or discrimination, including privileges or disrespect.

³ According to Chapter VII of the UN Charter, only the Security Council has the power to authorize the use of force in order to fulfill its responsibility to maintain international peace and security. In the case of the FRY, NATO did not even claim that an armed attack occurred against another state.

⁴ Article 2(7) of the UN Charter prohibits the external interference of essential character in domestic jurisdiction of member states, i.e., this norm provide a legal support for the principle of sovereign equality enshrined in the previously mentioned paragraph 1 of the Article 2 of the UN Charter. In addition, the principle of territorial integrity was blatantly violated.

its signing, it became Annex II of SC Res. 1244) can be seen as an implied endorsement for aggressive action, particularly taking into consideration the general provisions of SC Res. 1244 should guarantee the territorial integrity and sovereignty of the existing state (FRY) and especially bearing in mind Article 2(1) of the UN Charter, as a pillar of international law.⁵ Obviously, the reference to the agreement (placed in Annex II of the resolution) does not provide any clear evidence of such an intention, particularly without consent from the other party (Serbia/FRY) in the Kosovo Agreement, since there is no state that aims at self-derogation of (own) sovereignty or could provide in good faith any endorsement of such self-inflicting damages with external or UN involvement actions in that (damaging) direction. In our view, the previous military intervention by NATO in Kosovo and Metohija could not be treated as a legitimate/legal or legally endorsed action, bearing in mind that the brutal bombing of the FRY was provoked by the refusal of the FRY government to conclude another treaty (a similar attempt at extortion was the Rambouillet Agreement). The Act for ending the war, or rather, the illegal aggression on the FRY, certainly did not represent an international occupation (*occupatio bellica*) act, because the intervention and agreement between Belgrade and NATO were subject to subsequent (i.e., conditional/potential) approval by the UN Security Council as an occupational treaty, where the FRY was apparently extorted to sign it. Additionally, with respect to Kosovo as a region of Serbia, Serbia (and the FRY) conducted the actions as self-defense against a foreign invasion provoked by the rejection of the Rambouillet Agreement ultimatum. It should also be noted that since that moment, the territory of Kosovo and Metohija (Serbian province) has been placed under a kind of illegal UN protection, despite the fact that it was not and could not be under "protectorate status" since there was no such treaty between the UN and any state (or UN member) regarding the protective arrangement. The status of the "protectorate" is by definition regulated by an agreement (according to the jurisdiction of the UN Trusteeship Council). However, at the time of the adoption of SC Resolution 1244, Kosovo and Metohija could not have obtained the status considering that Kosovo was not a *state* (or entity that meets the conditions to be a "protectorate"). Hence, a "protector" (state or organization) could not exist in this case. It should be noted that the full name of the "Kosovo Agreement" [Military Technical Agreement

⁵ The "Kosovo Agreement" entered into force on June 9, 1999, and became Annex II of SC Res. 1244 that was adopted on June 10, 1999.

between the International Security Force (KFOR) and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia] suggests its technical nature (or assistance purpose), not occupational intention (*occupatio bellica*) or occupational act (or treaty of surrender). It should also be noted that this agreement was delivered under the threat of armed attack and bombing (i.e., aggression) on the FRY. It was concluded between Yugoslav Army Major General (i.e., divisional general) Svetozar Marjanović (a regional FRY commander in Kosovo), FRY Police Major General Obrad Stevanović on the Yugoslav side, and British Brigadier General Michael Jackson, on behalf of NATO, on the other side (commander on the ground, representing the NATO party to the agreement). Hence, it represents an act concluded under conditions of coercion by the threat of force and the *abuse of force*. This extorted circumstances cast doubts on the legal validity of the treaty (i.e., conclusion under coercion). Moreover, the relatively low military rank of these state representatives (officers below the level of lieutenant general or full general negotiated, prepared, and signed the agreement), in comparison to normal diplomatic officials with proper capacity for state contracting, indicates that the treaty was in fact an imposed “ceasefire agreement” or, as many described it, a “peace-keeping treaty”. It was not an act of surrender or occupation (agreement), as was interpreted for instance by Brig. General Michael Jackson, nor an act for the change of the political status of the state (FRY/Serbia) or loss of its territory. Furthermore, with respect to domestic constitutional aspects, it should also be noted that military officials representing the FRY and signing the Kosovo Agreement (representing the Yugoslav Army and the police) apparently did not have any constitutional power or jurisdiction necessary to place a signature or conclude any valid document that would limit the Serbian sovereignty over its province of Kosovo and Metohija on behalf of the Serbian government.⁶ That fact was also known to NATO and UN officials at the moment of the conclusion of the Kosovo Agreement. Remarkably, a day after the conclusion of the coercive Kosovo Agreement, SC Resolution 124 was adopted and the Kosovo Agreement was annexed to it and endorsed in an attempt to legitimize that act. Nevertheless, this Annex II could be interpreted as a separable part of Resolution 1244 since the wording of the resolution suggests the conditional creation of such an agreement (in the future/conditional tense). Remarkably, the KFOR (led by NATO force) was not defined anywhere as occupying force (in accordance with UN

⁶ The Constitution of the (S)FRY and the Constitution of the Republic of Serbia.

mandate and UN nature or Charter), but rather as a “peacekeeping force”, and therefore the annexed agreement (Kosovo Agreement) could not also be interpreted as occupational (surrendering) agreement placing the state under foreign/external or military rule and occupation. Otherwise, the Kosovo Agreement (as an Annex to the UN resolution) would be entirely inconsistent with the purposes and principles of the UN Charter. Bearing in mind that the KFOR (under the international mandate of the United Nations as a non-supranational and deliberative organization) may not be an occupying (or classical coercive occupational) force under any circumstances, due to the peaceful goals of the UN that entail the purposes and role of UN peacekeeping forces in accordance with the nature of the Charter, the treaty concluded by NATO on June 9 could not meet any occupational criteria (i.e., standards for military takeover of the territory or surrender), but rather usual norms for treaty conclusion should be applicable. It is clear from the preceding that the adoption of Resolution 1244 in 1999 aimed at “restoring the authority of the UNSC” starting from the “*de facto* situation” created by the NATO (assault) intervention, and not the “legalization and legitimization of that military action” (Milano, 2003, 999–1022). However, the members of the UNSC took as granted the “legality” of the Kosovo Agreement and even tried to legitimize its dubious effects despite the controversies related to sovereignty for the FRY and territorial integrity guaranteed to the FRY in SC Resolution 1244 in accordance with the UN Charter. The bias arguments employed by NATO countries to justify their action, and other possible arguments such as “the *ex post facto* endorsement” and the “enforcement of a right of self-determination”, can reveal to us that the NATO intervention was indeed a violation of the basic principles of international law and purposes of the UN embedded in its Charter. The conducted NATO military action in the FRY prior to Resolution 1244 could, for instances, be burdened by possible NATO atrocities (as was actually case to some degree with air campaign), that could not subsequently be legitimized or endorsed by the UN resolution(s) under any pretext or circumstances. In some of the advisory opinions of the ICJ and, for example, in the very first case dealt with by the ICTY, we have observed that the competence of the UNSC has been very broadly defined to act within the powers provided by Chapter VII (ICJ Reports, 1971). In some other situations, the ICJ has taken different positions, arguing that the power of the Security Council should be limited and in accordance with the UN Charter (ICJ Reports, 1948).

Due to the lack of an institutionalized system of judicial review of the acts of the UN political organs, the SC often presumes an unlimited

authority to decide (relying on its own competence) practically on any matter by declaring that such “conflicting” or controversial “matter” allegedly represents a threat to international security (*de facto* “being judge in its own case”). Remarkably, the UNSC also assumes unlimited authority to decide whether to use coercive or non-coercive measures, with no limitations embodied in the UN Charter. As a consequence, a state addressed by such arbitrary SC measures could not seek a judicial review of the decision(s) *per se*. As the author has proved, in the case of illegal derogation of the legal membership status of a state (in this case, the FRY) in the UN, in the spirit of international law and the normative nature of the UN Charter (as a contract), the UNSC should not possess unlimited power.⁷ When presumed arbitrarily and therefore wrongfully, such actions constitute an *ultra vires* act(s), by its nature, because the power of any UN organ should legally always be limited. Another question is how to deal with such illegal acts or how to cure their illegal consequences or effects (Janev, 2021).⁸ Some possibilities were suggested in the jurisprudence of the ICJ related to the advisory jurisdiction of the Court. The arbitrary behavior of the UN Security Council (SC) with respect to Kosovo and Metohija was demonstrated before the adoption of SC Resolution 1244. In UNSC Resolution 1203, for instance, the SC endorsed the agreements of October 15 and 16 (1998) between the FRY and the OSCE, and the FRY and NATO, respectively, which were concluded after the issuance of an activation order by the NATO Secretary-General (UNSC/RES/1203, 1998; Milano, 2003, p. 1002).⁹ Such a “threat of the use of force” without proper UNSC authorization was clearly in defiance of international law and the UN Charter. In lack of reference to international law and legal grounds, the *ad hoc* solution provided (described as “uniqueness of the precedent”) by the

⁷ In our view, an example of an *ultra vires* act was SC Res. 817 (1993), basically recommending that a sovereign state be admitted to the UN without a state (Constitutional) name (i.e., as a nameless member), and using provisional reference until finishing negotiation on its name with a neighboring country.

⁸ One way to deal with an *ultra vires* act of UN organs is the usage of Advisory Jurisdiction of the ICJ.

⁹ Such agreements with the FRY were endorsed by the SC through Resolution 1203, which was adopted under Chapter VII. On October 16, 1998, an agreement was signed in Belgrade between the Federal Republic of Yugoslavia and the OSCE providing for the establishment of a verification mission in Kosovo, with aerial verification over Kosovo agreed the previous day.

SC hardly speaks in favor of the development of “new” normative standards “relaxing the obligation” of the Security Council to abide by the UN Charter. It is apparently not permissible for a Security Council decision to supersede the underlying agreement as a normative source (Milano, 2003). UNSC Resolution 1203 affected a “novation” of the (in) valid or dubious agreement between the OSCE and the FRY by creating a new so-called “legal basis” for the OSCE verification mission. In addition, such novation apparently did not occur with respect to the NATO “air verification” mission (in view of the SC), whose normative content was still dependent on Belgrade’s consent (*Ibidem*). The Kosovo Agreement, which should “provide the legal basis” for NATO’s authority over security matters in the FRY, did not appear to have been superseded by Resolution 1244. It does not appear that Resolution 1244 could legalize the Kosovo Agreement and NATO aggression subsequently. Likewise, without the Kosovo Agreement, Security Council Resolution 1244 has essentially different character and limits; hence, standalone (stripped from annexes), it provides for the territorial integrity of the FRY and Serbia. It should be reiterated that the Kosovo Agreement was subsequently added as an Annex to Resolution 1244 as a subject of the consent of the FRY (under *abuse of force*). In the case of potential termination of the treaty (Kosovo Agreement), Resolution 1244 would still be in force with its original legal effects (in the absence of Annex provisions). Even with the demand enshrined in Resolution 1244 for the “complete verifiable phased withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable, with which the deployment of the international security presence in Kosovo”, the Resolution could not prevent possible action of Serbia for self-defense or defense of its population in Kosovo and Metohija at present day, as the peremptory right stemming from the norm of *jus cogens*. Because of compliance with the UN (SC, UNGA, and other organs), decisions or resolutions with mandatory *jus cogens* norms, by their peremptory nature, limit the powers of the UN and/or UNSC decisions. Given that the prohibition of the use of force outside the UN Charter framework has been considered as a *jus cogens* norm by the ICJ and the International Law Commission (ILC), it may be concluded that general customary principles, such as the norm in Article 52 of the Vienna Convention on the Law of Treaties of 1969 (VCLT) related to the invalidity of treaties concluded under coercion, also represent a supreme *jus cogens* norm (and should be respected as such). Article 52 of the Vienna Convention on the Law of Treaties (VCLT) provides a *jus cogens* limitation related to the Law of contracting treaties that reads: “A treaty is void if its conclusion has been procured by the threat or use of force in violation of the principles of

international law embodied in the Charter of the United Nations” (Vienna Convention on the Law of Treaties, 1969, Art. 52). In the case of the Kosovo Agreement, this dubious contractual act apparently represents an example of an invalid agreement under Article 52 of the VCLT (in violation of a basic norm of *jus cogens*). That act is beyond the limits of UN legality and *jus cogens* prerequisites for contracting since the treaty was concluded in the absence of the essential element of consent and *free will*, with respect to Serbian and Yugoslavian party-contractors that were evidently coerced and extorted under *threat of the use of force*. The Kosovo Agreement was not concluded under the presumption of *bona fides*. One may argue whether Article 52 of the Vienna Convention on the Law of Treaties (1969) provides for a ground of “absolute” or alternatively “relative” invalidity in the case of the Kosovo Agreement (namely, posing a dilemma whether that treaty ought to be considered as *null and void ab initio*, or whether it can still produce some legal effects and be “cured” by the (coerced) party’s subsequent acceptance or acquiescence of that act) (Milano, 2003). The wording and character of Article 52 within the Vienna Convention on the Law of Treaties clearly support the view that Article 52 describes a ground of absolute *nullity* of act(s) created under coercion (or *threat or use of force*). Also, the ILC Commentary on the Vienna Convention on the Law of Treaties leans towards this original interpretation of Article 52 (as *null and void ab initio*). The prevailing ratio of these ILC findings is that the protection against the threat of use of force is of “fundamental importance for the international community that any juridical act concluded against such a principle ought to be fully invalidated”. When discussing the loss of a right to invoke a ground of treaty invalidity by way of acquiescence (Article 45 of the VLCT), the ILC is unambiguous in stating that: “the effects and implications of coercion in international relations are of such gravity (...), that a consent so obtained must be treated as absolutely void in order to ensure that the victim of the coercion should afterwards be in a position freely to determine its future relations with the State which coerced it” (ILC Yearbook, 1966; Vienna Convention on the Law of Treaties, 1969, Arts 48-53). For instance, to change the original interpretation, at the 1969 Vienna Diplomatic Conference, the Swiss delegation proposed an amendment to the draft article to the effect that the coerced state would be entitled to “waive the invalidity of the treaty”. The proposal was defeated 63-12, thereby supporting the idea that only a subsequent agreement would be able to confirm the validity. We may now briefly remind ourselves about the basic provisions of this imposed “peace agreement”, which was concluded outside the valid domestic constitutional requirements of Serbia/FRY (for contracting) and in the

absence of *free will* of the contracting parties (i.e., Serbian free consent and *bona fides*).¹⁰ In Article I of the Kosovo Agreement we have found harsh compulsory and illegal limitations that are contrary to the general provisions of SC Resolution 1244 related to the sovereign status of the FRY and contrary to the Serbian Constitution and the Constitution of the FRY:

1. The Parties to this Agreement reaffirm the document presented by President Ahtisaari to President Milosević and approved by the Serbian Parliament and the Federal Government on June 3, 1999, to include the deployment in Kosovo under the UN auspices of the effective international civil and security presences. The Parties further note that the UN Security Council is prepared to adopt a resolution, which has been introduced, regarding these presences.
2. The State Governmental authorities of the Federal Republic of Yugoslavia and the Republic of Serbia understand and agree that the KFOR will deploy following the adoption of the UNSCR referred to in paragraph 1 and operate without hindrance within Kosovo and with the authority to take all necessary action to establish and maintain a secure environment for all citizens of Kosovo and otherwise carry out its mission. They further agree to comply with all of the obligations of this Agreement and to facilitate the deployment and operation of this force.

As we may conclude from these apparently coercive provisions, the party that concluded the Kumanovo Agreement with Serbia and the FRY was the KFOR (i.e., not occupational NATO), whose basic task was “maintaining a safe environment for all citizens of Kosovo and to carry out their mission in other ways”. The tone and the wording of the provisions of this part of the Agreement are reminiscent of those of a treaty dictated by the party winning the war to the one that had lost the war. Nevertheless, this role of the KFOR is by definition a UN peacekeeping mission that must take care of and respect the human rights of all peoples living in that area, and is supposed to abide by the purposes of the UN Charter. Thus, in the absence of negligence of treaty obligations and/or non-compliance with those obligations by any party, a consequence could be termination of the agreement, even as a unilateral action under *jus cogens* violations. Since this agreed intervention was defined as a peacekeeping mission, not an

¹⁰ Extortion in the process of treaty-making induces the absence of consent by the party to the treaty and therefore implies nullity of the act.

occupational one, a peace agreement under UN authority excludes interpretation of the capitulation that dictates conditions for surrender or change of the state's legal and political status. On the other hand, paragraph 4 of Article I clearly suggests that the purpose of these obligations (for two parties) is the unilateral compulsory imposition of mandatory non-reciprocal obligations that dictate the behavior of the armed forces of the FRY and Serbia and even limit the civil personnel of FRY/Serbia contrary to the UN norms of sovereign territorial integrity:

- To establish a durable cessation of hostilities, under no circumstances shall any Forces of the FRY and the Republic of Serbia enter into, re-enter, or remain within the territory of Kosovo or the Ground Safety Zone (GSZ) and the Air Safety Zone (ASZ) described in paragraph 3. Article I without the prior express consent of the international security force (KFOR) commander. Local police will be allowed to remain in the GSZ. The above paragraph is without prejudice to the agreed return of FRY and Serbian personnel, which will be the subject of a subsequent separate agreement as provided for in paragraph 6 of the document mentioned in paragraph 1 of this Article;
- To provide for the support and authorization of the KFOR and in particular to authorize the international security force to take such actions as are required, including the use of necessary force, to ensure compliance with this Agreement and protection of the KFOR and to contribute to a secure environment for the international civil implementation presence, and other international organizations, agencies, and non-governmental organizations (details in Appendix B)' (Kumanovo Agreement 1999, Art. 1) These cited provisions of the Kosovo Agreement clearly demonstrate extorted impositions of politically self-inflicting damaging obligations otherwise normally unacceptable in the absence of the imminent threat of war (i.e., *abuse of power*). The Kosovo Agreement imposed obligations that, as a sort of sanctions, apparently substantially undermine the state sovereignty in part of the FR Yugoslavia territory, i.e., unacceptably derogate the territorial sovereignty of Serbia. It is obvious that the KFOR-FRY/Serbia agreement (Kosovo Agreement) was created under war-like threats and fundamental coercive pressure in order to surrender a part of the Serbian territory to the invasion forces (NATO), while the formal FRY consent was extorted under the threat of continued bombing aggression against Serbia and the FRY. Therefore, the only possible conclusion is that this unwanted agreement was not concluded in accordance with the general

rules of contracting law, i.e., *free will* and *bona fides*.¹¹ Namely, under no circumstances, other than military coercion and extortion, would Serbia or the FRY agree to surrender part of its territory to the foreign occupational forces that took the side of Kosovo's Albanians. With respect to its legal validity or entering into force, subparagraph *f* provides that: "Entry into Force Day (EIF Day) is defined as the day this Agreement is signed" (i.e., 'Entry into Force Day' hereinafter EIF Day), i.e., the Kosovo Agreement entered into force on June 9, 1999, where the NATO designation was replaced with the KFOR. It should be noted that at the moment of the signing of the Kosovo Agreement, the UN still did not institute the KFOR as its peacekeeping force. The next day, the UN Security Council incorporated the dubious agreement as its Annex II to Resolution 1244 and endorsed the KFOR as the UN force (*ex post facto*).

It should be emphasized that, with respect to general customary law, contracts concluded under pressure (*abuse of power*), threat, fraud, deception, delusion/misperception, blackmail, or violation of basic *jus cogens* norms, as well as the principles of *bona fides* (as emerging *jus cogens*), have no legal effect by definition (they are *null* and *void*). All the enumerated reasons for termination of an agreement or contract (under threat, pressure, fraud, delusion/misperception, *blackmail*, *extortion*) constitute also *jus cogens* norms of peremptory customary law that may invalidate any agreement or treaty. Obviously, an act or statement that inflicts damage or other hostile action, as in the case of Serbia (party to the Kosovo Agreement), constitutes a threat that could invalidate a contract. Furthermore, in addition to the mentioned customary norms, in modern international law, some basic rules of Article 2 of the UN Charter that regulate interstate relations, including genocide (or other blatant human rights violations), are also considered *jus cogens* norms for a state's behavior. These basic peremptory norms include: 1. sovereign equality (paragraph 1 of Article 2) that enshrines a basic *juridical equality*, than as an extension to that norm principle of political independence and territorial integrity (paragraph 4 of Article 2) and particularly a basic principle-pillar of *non-interference* in the internal affairs (and hence internal jurisdiction) of other states (paragraph 7 of Article 2).¹² These principles are

¹¹ Principle *bona fides* appears to be a constituent element in any contracting process since *fraud*, *blackmail*, *extortion*, any abuse of power, or similar behavior in the absence of *good faith* should nullify a treaty.

¹² Article 2 (1) of the UN Charter enshrines legal equality as a basic pre-requisite for sovereign equality under the law.

basic, paramount customary pillars of International public law. At this point, we must derive a conclusion that all these enumerated basic principles of law have been violated by the imposition of the Kumanovo Agreement under threat of armed attack. Clearly, as a consequence, the Kosovo Agreement derogates national sovereignty and provides for the transfer of authority to the UN, nullifying the Serbian presence in Kosovo and Metohija. In paragraph 3 of Article I, subparagraphs d and e impose apparent occupational restrictions that blatantly derogate Serbian statehood, punishing the FRY and awarding Albanian insurgency, supported by NATO invasion forces (or as renamed by UN KFOR): "The Air Safety Zone (ASZ) is defined as a 25-kilometer zone that extends beyond the Kosovo province border into the rest of FRY territory. It includes the airspace above that 25-kilometer zone".

The Ground Safety Zone (GSZ) is defined as a 5-kilometer zone that extends beyond the Kosovo province border into the rest of FRY territory. It includes the terrain within that 5-kilometer zone (*Ibidem*). Undeniably, these stark "commanding style" restrictions that could be typical only for an act of capitulation, clearly represent a dictation of legally dubious obligations and coercive measures under the lack of any basic consent and *free will* in the process of treaty conclusion. Article II provides orders and commands aimed at completing and imposing unconditional limitation of the Serbian or FRY presence in Kosovo and actually assuming transfer of power under a compulsory UN mandate, thus demonstrating enforced humiliating submission of FRY authority:

1. "The FRY Forces shall immediately, upon entry into force (EIF) of this Agreement, refrain from committing any hostile or provocative acts of any type against any person in Kosovo and will order armed forces to cease all such activities. They shall not encourage, organize, or support hostile or provocative demonstrations.
2. Phased Withdrawal of FRY Forces (ground): The FRY agrees to a phased withdrawal of all FRY Forces from Kosovo to locations in Serbia outside Kosovo. FRY Forces will mark and clear minefields, booby traps, and obstacles. As they withdraw, FRY Forces will clear all lines of communication by removing all mines, demolitions, booby traps, obstacles, and charges. They will also mark all sides of all minefields. International security forces' (KFOR) entry and deployment into Kosovo will be synchronized. The phased withdrawal of FRY Forces from Kosovo will be in accordance with the sequence outlined below:

- By EIF + 1 day, FRY Forces located in Zone 3 will have vacated, via designated routes, that Zone to demonstrate compliance (depicted on the map in Appendix A to the Agreement). Once it is verified that FRY forces have complied with this subparagraph and with paragraph 1 of this Article, NATO air strikes will be suspended. The suspension will continue provided that the obligations of this agreement are fully complied with, and provided that the UNSC adopts a resolution concerning the deployment of the KFOR so rapidly that a security gap can be avoided;
- By EIF + 6 days, all FRY Forces in Kosovo will have vacated Zone 1 (depicted on the map in Appendix A to the Agreement). Establish liaison teams with the KFOR commander in Priština.
- By EIF + 9 days, all FRY Forces in Kosovo will have vacated Zone 2 (depicted on the map in Appendix A to the Agreement);
- By EIF + 11 days, all FRY Forces in Kosovo will have vacated Zone 3 (depicted on the map in Appendix A to the Agreement);
- By EIF +11 days, all FRY Forces in Kosovo will have completed their withdrawal from Kosovo (depicted on the map in Appendix A to the Agreement) to locations in Serbia outside Kosovo, and not within the 5 km GSZ. At the end of the sequence (EIF + 11), the senior FRY Forces commanders responsible for the withdrawing forces shall confirm in writing to the KFOR commander that the FRY Forces have complied and completed the phased withdrawal. The KFOR commander may approve specific requests for exceptions to the phased withdrawal. The bombing campaign will terminate on the complete withdrawal of FRY Forces as provided under Article II. The KFOR shall retain, as necessary, authority to enforce compliance with this Agreement.
- The authorities of the FRY and the Republic of Serbia will cooperate fully with the KFOR in its verification of the withdrawal of forces from Kosovo and beyond the ASZ/GSZ;
- FRY armed forces withdrawing in accordance with Appendix A, i.e., in designated assembly areas or withdrawing on designated routes, will not be subject to air attack;
- The KFOR will provide appropriate control of the borders of the FRY in Kosovo with Albania and FYROM (1) until the arrival of the civilian mission of the UN”.

In light of these coercive obligations imposed under threat, which have the character of blackmail and which blatantly affect the dignity of the state

(FRY and Serbia), but also its statehood in relation to the province of Kosovo and Metohija, the Kumanovo Agreement could be qualified as an illegal act. Given that NATO's incursion on the FRY clearly constitutes an act of aggression, as repeatedly stated by FRY officials, as well as the fact that NATO was pursuing Kosovo's Albanian agenda, there is an undeniable lack of willingness (free will) on the Serbian side (FRY) to conclude the Kosovo Agreement. It is blatantly clear that the Kosovo Agreement represents an example of a contract unwillingly and forcefully imposed under severe pressure, threat by armed force and coercion (or against the free will and consent) of the signatory party-state to the agreement. This kind of act, obviously, does not abide by the imperative of *bona fides* criteria or the *jus cogens* norm of juridical equality. Undignified circumstances, from the Rambouillet Accords blackmail, followed by the crime of aggression and finally the war, the analysis of the Kosovo Agreement brings us to the self-evident conclusion that the aggressive attacks, including aerial bombardment on the FR Yugoslavia, would not have been ended or stopped unless such an act of extortion had been signed. A condition for peace was the signing of the Kosovo Agreement. Therefore, the signing (and thereby concluding) of the Kosovo Agreement could not satisfy the "good fate" (*bona fides*) requirement, an imperative norm of sovereign (juridical) equality and territorial integrity, that was undeniably violated. As mentioned above, the *bona fides* principle is a key component of modern legal orders and it appears to be a general principle of international law for contracting or at least an emerging *jus cogens* norm. That fundamental legal principle requires parties to deal honestly and fairly with each other and to refrain from taking unfair advantage. The misrepresentation of NATO forces that actually committed crimes of aggression as "peacekeepers", i.e., the KFOR (replacing the name of the invasion force), appears to be a deception and misconception. With respect to the Kosovo Agreement, we may argue that this act contains *mala fides* since one party apparently *abused the power* without any good intention to achieve common aims.¹³ Therefore, starting from the indisputable and undeniable fact that the contract was coercedly imposed under the threat of advancing brutal aggression with disrespect to *bona fides*, it should be considered that this type of contract, in the absence of a genuine element of consent, was created under illegal pressure and by

¹³ This behavior should be qualified as *mala fides* (an evil intention or duplicity), an act disrespecting a legal order (consciously or unconsciously) that with respect to treaties nullifies them (as *null* and *void*).

involving abuse of power and bad faith (*mala fides*), and hence without the necessary element of validity. Taking into consideration that the military intervention (as a crime of aggression) was not previously endorsed or approved by the UN Security Council and that the war ended with an imposed “peace treaty” with the KFOR as essentially disguised NATO occupational forces, under harsh pressure on the state to surrender and transfer power, we may derive a self-evident conclusion that such an agreement is *null* and *void ab initio*. In the judgment of the validity of the Kosovo Agreement, we should also bear in mind that, with respect to sovereignty and contracting of treaties, FRY Constitutional provisions prohibit the creation and conclusion of agreements or treaties that revise statehood and do not confer entitlement to any official person such contracting power. Furthermore, the absence of such constitutional authority was clearly known to other contracting parties (UN and NATO/KFOR). In Article 46 of the VCLT, it is provided as follows:

“A State may not invoke the fact that its consent to be bound by a treaty has been expressed in violation of a provision of its internal law regarding competence to conclude treaties as invalidating its consent unless that violation was manifest and concerned a rule of its internal law of fundamental importance. 2. A violation is manifest if it would be objectively evident to any State conducting itself in the matter in accordance with normal practice and in good faith” (Vienna Convention on the Law of Treaties, 1969, Art. 46). Therefore, having in mind that territorial sovereignty was blatantly and visibly violated against the FRY Constitution (including obvious lack of competence for conclusion) and the principle of *bona fide* acts as a guiding tool/requirement to the interpretation of the standard for the conclusion of treaties, the Kumanovo Agreement (Kosovo Agreement) violated Article 52 of the 1969 Convention on the Law of Treaties, with illegal coercion and abuse of power against the territorial sovereignty and dignity of the other party, disrespecting its genuine consent, i.e., under *mala fides*. Furthermore, with respect to described violations of pillars of statehood and principles on non-intervention in domestic affairs (matters that are *stricto sensu* in internal jurisdiction embedded in the UN Charter Article 2(7)), we may recall the UN Charter Article 2 (1) bearing in mind that it protects not only the right to “sovereign equality” of all states, but also based on the paramount fundamental norm enshrined in it the *juridical equality* for all states (persons under legal order and applicable even out of scope of the UN system). The norm of *juridical equality* is therefore another general *jus cogens* rule that as a basic principle originates from

Roman law (a customary principle “*subjects are equal under the law*”). Consequently, it could be considered that the Kumanovo Agreement is subject to nullity under Article 53 of the VCLT. Article 53 of the VCLT provides: “A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. For the purposes of the present Convention, a peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character” (Vienna Convention on the Law of Treaties, 1969, Art. 53).

ISSUES REGARDING ANNEX I OF UN SECURITY COUNCIL RESOLUTION 1244

From that angle, with respect to peremptory norms that condemn and prohibit crimes of aggression and thereby protect territorial integrity (as a sovereign territorial right), the limitations on Serbian self-defense (as just another *jus cogens*) are questionable in Annex I of SC Resolution 1244. UN SC Res. 1244 encompasses the Rambouillet Accords, rejected by Serbia (and FRY). Annex I contains “general principles” copied from the Rambouillet Accords on Kosovo agreed at the G-8 Foreign Ministers meeting held on May 6, 1999:

- Immediate and verifiable end of violence and repression in Kosovo;
- Withdrawal from Kosovo of military, police, and paramilitary forces;
- Deployment of effective international civil and security presences in Kosovo, endorsed and adopted by the United Nations, capable of guaranteeing the achievement of the common objectives;
- Establishment of an interim administration for Kosovo to be decided by the Security Council of the United Nations to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo;
- The safe and free return of all refugees and displaced persons and unimpeded access to Kosovo by humanitarian aid organizations;
- A political process towards the establishment of an interim political framework agreement providing for a substantial self-government for Kosovo, taking full account of the Rambouillet Accords and the principles of sovereignty and territorial integrity of the Federal Republic

of Yugoslavia and the other countries of the region, and the demilitarization of the KLA; S/RES/1244 (1999);

- Comprehensive approach to the economic development and stabilization of the crisis region (Annex I of SC Resolution 1244, 1999).

As we may derive from the presented Annex I and the subsequent SC endorsement of the Rambouillet Accords, in the exact wording of Annex I (copy-paste ultimatum), it fundamentally contradicts the basic provisions in the main part of Resolution 1244 that guarantees the sovereignty and territorial integrity of Serbia and the FRY. In addition, it appears that the KFOR failed in its authorized task related to the impartial “safe and free return of all refugees and displaced persons and unimpeded access to Kosovo by humanitarian aid organizations”. Particularly, the KFOR has failed in “demilitarizing the Kosovo Liberation Army (KLA) and other armed Kosovo Albanian groups” as required by Resolution 1244. The Kosovo authorities were obliged by the KFOR related to “demands that the KLA and other armed Kosovo Albanian groups end immediately all offensive actions and comply with the requirements for demilitarization as laid down by the head of the international security presence (...)” (Paragraph 15 of the SC Resolution 1244).¹⁴ Contrary to that explicit obligation, based on the KLA, the authorities in Kosovo actually created armed forces with the view to becoming a regular army, and that happened under the protective mandate of the KFOR. Apparently, the KFOR’s actions have not been impartial, as they were supposed to be. Furthermore, the UN Security Council completely failed in its commitment to “ensure conditions for a peaceful and normal life for all inhabitants in Kosovo” and fundamentally ignored their obligations in “establishment of an interim administration for Kosovo” in an independent and impartial way that could provide a peaceful and normal life for all inhabitants, irrespective of ethnicity. As for the mentioned *jus cogens* limitation (i.e., the norm of sovereign equality of states) applicable to UN decisions, we argue that the FRY’s obligation for “withdrawal from Kosovo of military, police, and paramilitary forces” could be ignored by Serbia under blatant humanitarian conditions of the Serb population in Kosovo and Metohija or any attempt by Kosovo Albanians to generate genocide-like conditions for the exodus of Serbians. The *jus cogens* norms are therefore applicable to the legality of the KFOR and UN presence or entitlement for “maintenance of peace” that

¹⁴ Compare Paragraph 9 of the Resolution.

appears presently to defy the basic norms of International Law (i.e., the norm of sovereign equality of states and the prohibition of exodus of people and crimes of aggression). The same conclusion goes for an Advisory opinion of the ICJ delivered in 2010 regarding the Kosovo Declaration on Independence (2008) that was proclaimed not to be in contradiction with sources of International Law.¹⁵ Even if a document of Declaration on Independence did not challenge any existing rule of International Law or the FRY “Constitutional Framework”, it appears that Kosovo Albanians did not have legal power for secession from the existing sovereign state (having in mind the territorial sovereignty and sovereign equality of states), at least not in absence of proper international authorization (i.e., UNSC resolution or at least an UNGA resolution). Without any doubt, the “Constitutional Framework” of both FRY and Serbia was harshly violated and the International Court did not understand this simple fact in their deliberation and conclusion that were delivered in its Advisory Opinion. In addition, the International Court seems to fail to realize that secession *per se* constitutes an illegal act in flagrant violation of the *jus cogens* norm of sovereign equality of states that enshrines in itself sovereign (territorial) integrity.¹⁶ If we summarize the general situation with respect to the Kosovo Agreement and Resolution 1244, it appears that the legal grounds of the NATO security presence in Kosovo in the form of the KFOR and UNMIK are at least shaky, making the territorial undefined status of “Kosovo” clearly unlawful and therefore subject to endless negotiation between Belgrade and Priština that seems to be futile. The legal limitation of the NATO/KFOR presence and its role in Kosovo and Metohija is also entirely dubious and undefined, despite the clear obligation of the KFOR to protect human rights and dignity for all inhabitants of that region, regardless of ethnicity, and not to allow

¹⁵ The ICJ in its Advisory opinion made a general conclusion on the question of the legality of the Declaration, that merely states: “The Court has concluded above that the adoption of the declaration of independence of 17 February 2008 did not violate general international law, Security Council Resolution 1244 (1999) or the Constitutional Framework. Consequently, the adoption of that declaration did not violate any applicable rule of international law.” This conclusion was apparently different from the opinion of the Serbian Constitutional lawyers who took unanimous standing that the “Constitutional Framework” of the FRY and Serbia was violated by the Declaration. Sovereignty, as a legal term, also covers territorial integrity, and in that sense, it is sometimes used as a term “sovereign territory”.

¹⁶ Under the legal order, a *jus cogens* of sovereign equality of states is a type of juridical equality.

other armed forces on this territory to exist or emerge. It should be noted that the Kosovo Agreement and UN Security Council Resolution 1244 (1999) do not endorse or allow any (other) military forces on the territory of Kosovo and Metohija, while Kosovo and Metohija (in general provisions formally) continue to be part of the territory of Yugoslavia and Serbia. Nevertheless, Priština created paramilitary forces and *de facto* declared the existence of its national army and sovereignty, preventing any negotiation about it, with no reaction from the international community or the KFOR. Western powers and leading UN members that are also members of the NATO strongly and visibly supported international recognition of Kosovo as a “state” in all international organization. These actions were in direct defiance of Resolution 1244 and the Kosovo Agreement. In addition, the crucial contracting obligation of the NATO forces (or KFOR) for demilitarization as laid down in Resolution 1244 and both Annexes was not honored and was ignored. An attempt by the international community to resolve the issue of the status and normalization by proposing the Brussels Agreement concluded by Belgrade and Priština (2013) has failed due to non-compliance by Priština (Kosovo).¹⁷ That peacekeeping effort (initiated by the international community and the EU) and compromise accepted by Serbia failed when Priština, with unofficial Western support, unilaterally decided not to abide by its contractual obligation regarding the creation of the Community of Serb (majority) Municipalities in Kosovo (CSM or ZSO). By stark noncompliance, the Kosovo government *de facto* terminated the Brussels Agreement and even started with violent behavior against the Serb population and Serbian property in the ZSO, with basically no reaction from the international community, the UN, or the KFOR. Recent attacks on the Serb population in September 2021 (with respect to usage of registration license plates) by special police of Priština (ROSU police), as paramilitary heavily armed formation, clearly demonstrated that the KFOR in Kosovo and Metohija is not an impartial peacemaker, but rather a facilitator in line with the creation of the statehood for the so-called “Republic of Kosovo”. As was firmly confirmed in the General Assembly Resolution 12407 delivered on March 2, 2022, any violation of the territorial integrity or

¹⁷ The first Agreement on the Principles Governing the Normalization of Relations was concluded in Brussels under the auspices of the European Union. The so-called *Brussels Agreement* was signed on April 19, 2013, and it contains six points that, *inter alia*, oblige the Government of the Provisional Authorities in Kosovo to establish the Union of Serbian Municipalities.

territorial sovereignty constitutes a flagrant and fundamental breach of International law and the UN Charter (aggression against Ukraine) equal to the violation of peremptory norms of International Public Law (United Nations, 2022, March 2). In that light, particularly, if the provisional government of Kosovo and Metohija firmly insists on becoming a NATO member in the future, as was recently requested by the Kosovo President, or to intimidate Serbs or generate an ethnic cleansing campaign against the Serb population, in our opinion, Serbia needs to consider an adequate response to any possible scenario, including its own non-compliance with Annex II of SC Resolution 1244 or even termination of the Kosovo Agreement as an illegal act. The Kosovo Agreement was generated after the aggression on the FRY, similar in nature to the Russian invasion of Ukraine in 2022. On March 2, 2022, in its resolution, the UNGA strongly denounced the Russian invasion of Ukraine.

CONCLUSIONS

On June 10, 1999, by adopting Resolution 1244 (1999), the UN Security Council placed Kosovo and Metohija, a province within the Federal Republic of Yugoslavia (FRY) and Serbia, under the joint administration of NATO and the UN KFOR (identical to NATO), as an UN “peacekeeping force”. The resolution was approved one day after the end of NATO military intervention against the FRY, i.e., one day after the extorted conclusion of the Kumanovo Agreement (June 9, 1999). The military intervention started when the FRY rejected the Rambouillet Agreement (an attempt at extortion and blackmail that was delivered in the form of an ultimatum to avoid military aggression). These aspects, including the annexes to Resolution 1244, raised considerable controversy over the legality of subsequent NATO aggression as the military intervention was a crime of aggression, i.e., not compliant with the basic norms of *jus ad bellum* and *jus cogens*, particularly with respect to the sovereign equality of states (or juridical equality under legal order). Namely, NATO intervention was not endorsed by the UN organs, and the signing of the Rambouillet Agreement was a precondition for the avoidance of NATO intervention against the FRY/Serbia. After the FRY/Serbia’s resolute refusal to accept and sign (conclude) the Rambouillet Agreement, NATO started its incursion operation. At this point, without authorization from the UN SC, NATO aggression can be characterized only as an abuse of power and a crime of aggression. Likewise, the conclusion of the Kumanovo Agreement was an ultimatum (or condition) delivered to the FRY for ending the NATO intervention in 1999. Unless the FRY and Serbia

concluded the Kosovo Agreement, bombing and intervention would not cease. In the process of the conclusion of the Kosovo Agreement and Resolution 1244 (a day later), the NATO forces were merely renamed by the UN as the KFOR, i.e., peacekeeping force. Therefore, the conclusion of the Kemerovo Agreement was just another example of a treaty conditioned and extorted by the threat of armed attack, thus without legally valid consent by parties (e.g., from the FRY/Serbia). Namely, NATO blatantly abuses the power to coerce Serbia and the FRY to sign the treaty (Kemerovo Agreement) under imminent assault threat. The UN Security Council, acting under Chapter VII of the UN Charter, endorsed the Kosovo Agreement as a legitimate treaty, disregarding the imposed character of this act. The Council did not take into consideration that external NATO military intervention (aerial bombardment) was not authorized by the UN Security Council, nor the conditioning of the Kumanovo Agreement (Kosovo Agreement), nor blackmail circumstances with respect to the Rambouillet Accords/Agreement, i.e., pre-conditioning. It should be noted that the Kumanovo Agreement, signed on June 9, 1999, was understood by NATO officials (including M. Jackson, the NATO general who placed its signature) as an agreement for military capitulation of the FRY and the Serbian armed forces. On the other hand, the UN implicitly defined the Kosovo Agreement as a peacekeeping treaty in the spirit of UN Resolution 1244 and in accordance with the purposes of the UN Charter. At that time, many states openly doubted the legitimacy of such a SC Resolution that endorsed the rejected Rambouillet Agreement, thus disrespecting the illegal conditioning of the FRY and its provisions in harsh inconsistency with Article 2(7) of the UN Charter (i.e., non-interference in domestic jurisdiction). For instance, the abstention of China in the UNSC, organ by which the resolution was approved, was clearly provoked under strong presumption that legality of Resolution 1244 was questionable and dubious. The Kumanovo Agreement was subsequently attached to the Resolution 1244 on June 10, 1999, for endorsement *ex post facto* as its Annex II, with the intention to legalize the intervention and provide a legitimate control over the Kosovo territory by NATO (essentially disguised as the KFOR), despite the contradicting general provisions in the Resolution claiming guaranties for sovereignty and territorial integrity of the FRY and Serbia. The wording of Resolution 1244 provides a possibility for conclusion of the Kosovo Agreement as its Annex, and it appears that in the moment of its conclusion, the KFOR as a party to the agreement did not formally exist. Only the UN Security Council has the authority to create or rename peacekeeping forces under the UN mandate. Therefore, Annex II is basically a separable attachment to the SC resolution.

Thus, in the case of an amendment or termination of the Kosovo Agreement provisions, SC Resolution 1244 would still remain in force. The conditionality of the creation of the treaty (Kosovo Agreement) in the wording (of Resolution 1244) suggests that Annex II (Kosovo Agreement) was legally not an inseparable part of the UNSC resolution. Likewise, in the absence of a SC resolution, the Kumanovo Agreement would independently produce legal effects (rights and obligations) with respect to the parties. As for the legal quality of the treaty, Serbia's valid consent is still missing, and the signatures placed on the Kosovo Agreement were legally unconstitutional (according to the Serbian Constitution). In conclusion, the Kosovo Agreement, *per se*, has demonstrated its unlawfulness as far as the KFOR security presence is concerned, and it is in violation of the *jus cogens* norms of International law to the extent of the abuse of power by NATO. Resolution 1244 itself goes beyond the bounds of UN legality, upholding and revoking the mandate given by the dubious Kumanovo Agreement. From a practical point of view, if the Kumanovo Agreement is annulled, then Serbia will be obliged to intervene with its forces in Kosovo and Metohija. In our research, we pointed out that the absence of true consent and non-compliance with bona fides (by abuse of authority) when concluding a contract is a violation of the imperative rule of general international law. Hence, neither the "legitimacy" offered by "humanitarian problems" nor the "effectiveness of international action" could justify the nullity of this Agreement. This conclusion became self-evident, especially after the adoption of UNGA Res. 12407/2022 that condemns the Russian invasion of Ukraine. Therefore, in the case of the Kumanovo Agreement, the application of Article 52 of the Vienna Convention on the Law of Treaties of 1969 (VLCT) is not only possible, but also recommendable in cases of humanitarian disaster. This Article of the VLCT provides that: "A treaty is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law embodied in the Charter of the United Nations". Furthermore, in our research, we have found yet another source for nullification of this dubious treaty, i.e., the possibility to apply Article 53 of the VLCT. The VLCT Article provides for the *jus cogens* termination as follows: "A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. For the purposes of the present Convention, a peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole, as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character". It goes without saying that

such a measure (termination of an international treaty) should not be applied easily or with no good reason. On the other hand, in the case of complete non-compliance with duties (i.e., the ones presumed by the Kosovo government with respect to the Brussels Agreement and their *de facto* termination of this agreement or in cases of humanitarian crisis sparked by Kosovo's forces), it seems a legitimate step for Serbia to terminate the Kosovo Agreement (Annex II of SC Resolution 1244) on the grounds provided by Articles 52 and 53 of the Vienna Convention on the Law of Treaties (1969). The different treatment of the invasion of the FRY (1999) and the invasion of Ukraine in 2022 clearly demonstrates double standards for international situations of similar nature.

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THE IMPORTANCE OF INTERNATIONAL POLICE COOPERATION FOR THE BALANCED POSITIONING OF SERBIA IN CONTEMPORARY INTERNATIONAL RELATIONS

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Abstract: An important part of modern international relations is international police cooperation, which is based on respect for the principles and standards of international law as well as the autonomous principles of apolitical and anti-criminal solidarity of states. The fight against organized crime, terrorism and other serious forms of crime is not possible without the good institutional international cooperation of police authorities. In the previous period, the Republic of Serbia developed various types of international police cooperation at the bilateral, regional, and multilateral level. The cooperation of the Ministry of Internal Affairs with numerous foreign partners, among which INTERPOL and EUROPOL stand out as leading international police organizations, is particularly emphasized. In addition to this cooperation, the Ministry has also developed partnership relations with some regional police organizations whose activities are not negligible in the fight against organized crime in the former Yugoslavia and the Balkans. In the paper, the authors emphasize the specifics of the actions of domestic police authorities in relation to the area of the Autonomous Province of Kosovo and Metohija, which is under international administration according to UN Security Council Resolution 1244 from 1999, and where cooperation is achieved with international representatives of EULEX and KFOR. The analysis shows that the development of international police cooperation with international police organizations is important for the balanced positioning of Serbia in international relations. International police cooperation also contributes to more effective reforms

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in the security sector, which in turn strengthens Serbia's position for faster EU accession.

Keywords: International police cooperation, Serbia, positioning, international relations, EU.

INTRODUCTION

In the third decade of the 21st century, modern society and the entire international community are faced with numerous challenges, risks, and threats to the survival and further development of humanity. In addition to war conflicts and emergencies, one of the greatest dangers for modern society, the state, and the individual (family) in peacetime is growing crime, especially in its most serious forms like terrorism, organized transnational crime, and others. Today, crime equally affects developed countries and regions, but also underdeveloped and countries in transition where there is a difficult economic situation, an unstable political system, and ineffective mechanisms for the protection of civil rights, human freedoms, and other values. In such an environment, crime in its most severe forms has developed, which has seriously threatened to nullify the good initial results of social, economic, and political reforms and to stop the construction of the legal system in those areas. A similar situation was in the former SFRY and in the Republic of Serbia after the collapse of the common state, the end of the civil war, sanctions by the international community and severe consequences: stagnation of the economy, refugees, unemployment, poverty and rising crime. At the end of 2000, the long-awaited changes in society, public administration, and security sector reforms began with the aim of more effectively fighting crime, establishing the rule of law, and building a legal state. The increase in crime in the pre-war and transition period was affected by the severance of political and other relations between the former republics, as well as the lack of cooperation with the most important countries in the world at that time. The fight against crime at the domestic level emphasizes the multi-agency approach and cooperation of the most important entities in a given country, while at the international level it is international criminal law assistance and international police cooperation that takes place at the bilateral, regional, and multilateral levels (Nikač, 2015, pp. 79-87). As a result of the mentioned changes, Serbia returned to the membership of INTERPOL (2001) and established criminal law and police cooperation with numerous countries and international organizations, especially with the countries of the former Yugoslavia and the Balkans. Serbia has also established cooperation with EUROPOL, as the EU's

specialized police cooperation agency, with which operational and strategic cooperation agreements have been signed (Official Gazette, Republic of Serbia, 2014). Serbia's cooperation with the EU is further highlighted within the EU Strategy for the Western Balkans from 2018 and the New EU Model for the Western Balkans from 2020 (Forca & Nikač, 2020, pp. 148-183). Cooperation with the EU and specialized agencies is also necessary from the point of view of Serbia's application for accession to the Union and to meet the requirements of Chapters 23 (*Justice and Fundamental Rights*) and 24 (*Justice, Freedom and Security*). This includes the harmonization of national norms with EU regulations as well as the operationalization of cooperation through various mechanisms and law enforcement agencies. Of course, this cooperation does not exclude other forms and types of cooperation with other countries and international organizations in the fight against organized crime, terrorism, and other serious forms of crime.

DEVELOPMENT OF INTERNATIONAL POLICE COOPERATION

The emergence and development of international police cooperation in the form we know today is linked to the emergence of anarchism in Europe at the end of the 19th century, which forced the then leading states to oppose the forerunners of terrorism together. According to historical sources, several international gatherings were held with the aim of reforming the penal system, humanizing sentences, fighting crime, and establishing state cooperation. One of the most important conferences was held in Stockholm (1878), where several conclusions, resolutions, and the conclusion of extradition treaties, the establishment of permanent forms of cooperation, and better interconnection of national police were adopted (Babović, 1997, pp. 110-126). An anti-anarchist conference was further held in Rome (1898), at which a resolution on the formation of national anti-anarchist units was adopted, and better cooperation between police organizations and the exchange of information was initiated. Tightening of penal policy for political assassinations, more efficient search activity, and greater participation of experts in the fight against crime are recommended (Jensen, 1981, pp. 322-323). The next anti-anarchist conference was held in St. Petersburg (1904), when the "Secret Protocol for the International War against Anarchism" was signed. Then two important conferences were held in Buenos Aires (1905 and 1929) at which the International Police Convention and the Convention for the Protection of Society and Police Cooperation were adopted, which provide for the exchange of information, criminal records and other measures. (Geifman, 1995). The first congress of

the International Judicial (Criminal) Police was held in Monaco (1914) and a representative of Serbia participated in its work. Important criminalistics and criminal law issues were raised at the congress: identification and arrest of criminals, establishment of a central international file, acceleration of the extradition procedure, establishment of telegraph and telephone lines. After WWI, the Second Congress of the International Criminal Police was held in Vienna (1923), when the International Commission of the Criminal Police (ICCP), the forerunner of today's INTERPOL, was formally established. In terms of international cooperation, it is important to establish departments – services (combating counterfeiting of money and passports), launch international records and fingerprint collections, and promote international public safety. In the period between the two wars, there were several sessions of the ICCP (1928, 1929, 1932, and 1937) whose work was negatively influenced by Nazi Germany, especially after the annexation of Austria (1938) to take control and the archives of the Commission (Lazarević, 1933, pp. 15-22). After WWII, the work of the ICCP was renewed at a conference in Brussels (1946), and the issue of transforming the organization in accordance with the new social circumstances in the world was raised. Several important decisions of a technical nature were made at the meeting. The principle of equality was affirmed (one state-one vote), and the principles of universality, apolitism, and anti-criminal solidarity were emphasized. (Nikač, 2003, pp. 161-163). At a conference held in Vienna (1956), the organization was formally renamed INTERPOL (International Criminal Police Organization) and a new Constitution was adopted (Constitution of the ICPO-INTERPOL, 1956). The delegation of the then Federal People's Republic of Yugoslavia also took part in the conference as the legal successor of the former Kingdom of Yugoslavia (Serbia), which was the only socialist member state of INTERPOL. INTERPOL later received a special status recognized by the UN (1982), concluded the Headquarters Agreement with France (1984) and became the strongest international specialized organization for the fight against crime. Today, the organization has 195 member states and operates through the General Assembly, the Secretariat, the National Central Bureaus (NCBs), and other bodies. The Serbian Ministry of the Interior represents our country in all contacts with INTERPOL, primarily through the specialized Directorate for International Operational Police Cooperation within the General Police Directorate of the Ministry of the Interior. The Directorate is organized in such a way that it has departments for cooperation with INTERPOL (national contact point), cooperation with Europol, for coordination of other forms of international cooperation, and for operational duty and data processing (MOI RS, MUP,

2022, March 30). In addition to cooperation with INTERPOL, Serbia has established significant forms of cooperation with foreign partners at the bilateral and regional level, which is especially important today at a time of technical and technological progress and the misuse of modern tools by organized criminal groups.

INTERNATIONAL LEGAL SOURCES OF POLICE COOPERATION

In a broader sense, international legal sources of police cooperation are general norms of international public law as well as rights and obligations that entities have assumed on the basis of international agreements. These are individual resolutions, declarations, conventions, memos, treaties, and other acts that affirm cooperation between states, international organizations, and other subjects of international law and international relations (Kreća, 2016, pp. 33-52). The UN Convention against Transnational Organized Crime (UNCATOC), from 2000, is the most important legal source for the work of specialized bodies in the fight against organized crime and its most serious forms (UN Treaty Series, 2007). The convention was adopted in 2000 at an international conference in Palermo, in order to send a strong message to the mafia in the city that is its cradle. Additional Protocols I-III to the Convention were further adopted: the Protocol to Prevent, Suppress and Punish Trafficking in Human Beings, Especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Sea and Air (Official Gazette, Republic of Serbia, 2001); and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (Official Gazette SCG, 2005). The Palermo Convention, among other things, envisages harmonization of regulations of the signatory states with the solutions from the Convention, special investigative techniques (methods), and special state bodies for the fight against organized crime, and encourages international criminal law and police cooperation (Nikač, 2015, pp. 265-290).

At the multilateral level, an important legal source of international cooperation in which our country participates is the International Convention for the Suppression of Terrorism, especially in the field of air transport, adopted in 1963 in Tokyo (guilty of aviation, hostage-taking), 1970 in The Hague (hijacking) and 1971 in Montreal (violation of civil aviation security). All the mentioned conventions were ratified by the former SFRY as a predecessor country, which was accepted by Serbia as one of the successor countries (Official Gazette, SFRJ, 1954; 1970; 1972). The

Constitution of the ICPO-INTERPOL is an extremely important international source in the framework of international cooperation in the fight against crime (I/CONS/GA/1956). Of particular importance is the political clause set out in Article 3 of the Constitution, which prohibits any intervention or activity that has a political, military, religious or racial character. In the context of INTERPOL's mandate, vision, and mission, cooperation with governmental and non-governmental international organizations is also envisaged (Article 41 of the Constitution). The PCC SEE-Police Cooperation Convention for SEE and the SELEC Convention are the most important regional legal sources in the field of international police cooperation in our region. Serbia is a signatory of these documents and actively participates in their implementation through forms and types of cooperation such as: exchange of information, development of communications and equipment, joint police actions, implementation of SIM (SIT), staff training, and technical support (Lopandić & Kronja, 2010, pp. 195-212).

Bilateral agreements/cooperation agreements are also very common in the fields of international police cooperation and international criminal assistance. A large number of these agreements have been signed in the function of implementing the commitments made in regional documents, but there are also a large number of agreements that have emerged as a result of good cooperation between neighboring and other countries. The Republic of Serbia (Ministry of the Interior) has signed several bilateral agreements with neighboring countries in the Balkan region and with the most important countries in the world, such as the United States, Russia, and Israel (Nikač, 2016, pp. 159-176).

NATIONAL LEGAL SOURCES OF POLICE COOPERATION

Internal legal sources in this matter include regulations of national legislation governing criminal law, international criminal assistance, and international police cooperation. The Constitution of the Republic of Serbia is a *lex generalis* regulation that stipulates that our foreign policy is based on generally recognized principles and rules of international law, as well as respect for ratified international treaties that are an integral part of the internal legal order (Article 16) (Official Gazzete, Republic of Serbia, 2006). The Law on Foreign Affairs further specifies the basis of cooperation of state bodies in performing foreign affairs, mutual reporting, and coordination of foreign policy activities within the established foreign policy of the

Government (Articles 2-6) (Official Gazzete, Republic of Serbia, 2007; 2009). In the field of criminal legislation, the most important legal sources are the Criminal Procedure Code (Official Gazzete, Republic of Serbia, 2011; 2012; 2013; 2014; 2019), and the Criminal Code (Official Gazzete, Republic of Serbia, 2005; 2009; 2012; 2013; 2014; 2016; 2019), then the Law on International Legal Assistance in Criminal Matters (Official Gazzete, Republic of Serbia, 2009), the Law on Organization and Competences of State Bodies in the Suppression of Organized Crime, Terrorism and Corruption (Official Gazzete, Republic of Serbia, 2016; 2018), and the Law on Confiscation of Criminal Assets (Official Gazzete, Republic of Serbia, 2013; 2016; 2019). The Police Law is the most important national legal source for police affairs and related international police cooperation (Official Gazzete, Republic of Serbia, 2016, 2018). There are also jobs related to the engagement of members of the Ministry of the Interior in multinational operations abroad (Articles 19-21). International police cooperation is realized on the basis of ratified international agreements, with respect to the principle of reciprocity, and also on the basis of membership in a specific international organization.

THE MINISTRY OF INTERIOR AS A HOLDER OF INTERNATIONAL POLICE COOPERATION

The role and tasks of the Ministry of the Interior are normatively defined in Article 13 of the Law on Ministries where it is stated that the Ministry performs state administration tasks such as: policing (fight against crime; maintaining public order, securing gatherings of citizens; traffic safety; control of the state border, movement and residence of foreigners; control of weapons and ammunition; securing of foreign diplomatic and consular offices), emergency situations (accidents, dangerous substances, fires, explosions, accidents), status and legal (citizenship, residence and domicile of citizens, identity cards, travel documents), and affairs of international cooperation in the field of internal affairs (readmission, illegal migration, asylum) (Official Gazzete, Republic of Serbia, 2020). The tasks and duties of international police cooperation are protocol (administrative, legal) and operational (police) in their content. The most important types and forms of international police cooperation are: exchange of information, search for persons and extradition of persons, joint operational activities, joint investigation teams, combined working bodies, staff training, technical assistance, etc. The bearers of activities within the Ministry of Interior as institutions are primarily the General Police Directorate, the Sector for

International Cooperation, European Affairs and Planning, and the Minister's Cabinet. Certain types of cooperation are realized through other organizational units – sectors (example of emergency), work lines (example of traffic police) and organizational units (example of the Police Department for the City of Belgrade). The General Police Directorate is the most important organizational part of the Ministry of Interior, which performs classic police operations and other tasks. The Directorate is organized according to the line and territorial principle; it functions according to the principles of hierarchy and subordination, and it also includes other known forms of policing (object and duty service). The main tasks of the police are to maintain stable public order, fight crime, and perform other tasks in the field of security (Nikač, 2019, pp. 36-39). The General Police Directorate includes the Directorate for International Operational Police Cooperation (DIOPC), which has inherent competence in the field of operational cooperation of the Ministry of Interior with foreign partners. In terms of character and content, it is an operational police activity that refers primarily to the fight against crime, its manifestations and types. Cooperation related to the fight against organized crime, terrorism and the other most serious forms of crime is especially important. Organizationally, the DIOPC includes the departments for INTERPOL's affairs, EUROPOL's affairs, information management and coordination of other forms of international cooperation, and the duty service. The most important jobs and tasks of the DIOPC are the exchange of information with foreign partners, issuing arrest warrants for persons, searching for persons and objects, extradition of persons at the request of authorized claimants, protection of confidential databases, etc. (Nikač & Simić, 2012, pp. 360-368). In terms of international police cooperation, the Criminal Police Directorate has an extremely important role, which is the bearer of the fight against crime, especially its most severe forms. This Directorate includes important services such as the Service for the Fight against Organized Crime and others that deal with the suppression of the most serious forms of crime, especially those that have a transnational dimension. Other lines of work within the General Police Directorate also have a significant role, such as the Border Police Directorate, which is mostly involved in combating cross-border crime, the National Center for Criminal Forensics and others (Official Gazzete, Republic of Serbia, 2017). Significant cooperation with foreign partners is achieved by the Special Anti-Terrorist Unit, which has good connections with related elite services in developed countries (joint exercises, technical assistance, staff training) (Džamić, 2013, pp. 165-171).

The Sector for International Cooperation, European Affairs and Planning is an organizational part of the Ministry of Interior that performs activities related to planning and activities in the process of European integration, management of projects financed from EU funds, etc. The Sector, independently and in cooperation with the Minister's Cabinet, plans and organizes: bilateral and multilateral contacts; participation of Ministry of Interior members in regional initiatives and peacekeeping operations; development of strategies, plans, and other documents; monitoring and evaluation of implementation; meetings and coordination in the implementation of plans; strategic analysis, etc. Within the Sector, there are several departments for European affairs, international cooperation, strategic management, development, and project management. The Sector is the legal successor of the former Bureau for International Cooperation and European Integration under the Minister's Cabinet, formed by novels organized by the Ministry of Interior in 2016 (MoI RS, MUP, 7 May 2022). *The Minister's Cabinet* is the organizational part of the Ministry of Interior in charge of international cooperation at the highest level, and it includes political relations, protocol, legal and other affairs. The Cabinet, with the help of professional services and lines of work, is preparing a platform for the participation of the Minister and representatives of the Ministry of Interior in international conferences, regional gatherings, bilateral meetings, the signing of important agreements, and other forms of international cooperation with states and international organizations (Nikač & Forca.2020, pp. 255-262).

OPERATIONAL ASPECTS OF INTERNATIONAL POLICE COOPERATION

The Ministry of Interior, through organizational units and lines of work, participates in international police cooperation at the bilateral, regional and multilateral levels and cooperates with the subjects of international relations – states (national police) and international organizations, especially specialized (Đorđević, 2010, pp. 214-230). As stated at the bilateral level, the Ministry of Interior has a large number of agreements on cooperation, first with the former republics from the time of the common state, then with countries from the wider environment and others. The subjects of cooperation in these agreements are mainly joint activities in the fight against cross-border crime, joint investigation teams, staff training, and technical assistance. According to available data, the Ministry of Interior has signed bilateral agreements with almost 50 countries, including a special

agreement with the Republic of Srpska, which is an entity within Bosnia and Herzegovina (MUP, 2022, May 7). It is known that the Republic of Serbia has special and parallel ties with the Republic of Srpska because Serbia is one of the signatories of the Dayton-Paris Peace Arrangement. *Regional cooperation* is based on regional agreements and the mentioned bilateral agreements, which are in the function of regional cooperation. In a narrower sense, the most important part of the cooperation refers to the activities of the RS Ministry of Interior and the partner services of the countries of the former SFRY and the surrounding countries. Cooperation is based primarily on the previously mentioned documents: the Convention on International Police Cooperation in SEE (Wien, 2006) and the SELEC Convention (Bucharest, 2011). According to the first convention, the RS Ministry of Interior has quite good cooperation with the partner police of the countries of the former SFRY. In support of this, we are talking about cooperation with the Croatian Interior Ministry in the case of extradition to Serbia of persons suspected of participating in the assassination of the RS Prime Minister (Dr. Đinđić's case), as well as the extradition of persons suspected of killing the editor of the newspaper "Dan" (Pukanić's case). Cooperation with the SELEC is based on the presence of the Permanent Representative of the RS Ministry of Interior at the headquarters of this organization in Bucharest, as well as the participation of representatives of other bodies in the work of this mechanism (e.g., Customs representative). Representatives of the RS Ministry of Interior participate in the work of the working groups of the Center for Combating: Trafficking in Human Beings and Smuggling of Migrants; illegal production and trafficking of narcotics; fraud, cyber and financial crime; stolen vehicle shops; terrorism and the transport of dangerous goods. For more important operational actions, the Operational Coordination Unit (OCU) is launched, in the work of which the liaison officers of all member states participate. (Pena & Sikimić, 2011, pp. 184-191). Among other mechanisms of regional police cooperation, we mention informal forms of cooperation that take place through non-governmental organizations, such as the SEPCA (Southeast Europe Police Chiefs Association) and the PF (Police Forum) (Nikač & Simić, 2014, pp. 424-436). A significant part of the cooperation is related to staff education, the development of the Women's Police Officers Network (WPON), crime prevention (e.g., vehicle theft), and the development of ILP-Intelligence Led Policing (Leštanin, Božić & Nikač, 2018, pp. 241-254). Of particular importance in regional cooperation are other initiatives that are more political and broader, such as: the SEE Stability Pact (SPSEE), the Regional Cooperation Council (RCC), the SEE Cooperation Process (CPSEE), MARRI-

Migration, Asylum, Refugees, Regional Initiative, and the RAI-Regional Anti-Corruption Initiative (Nikač & Juras, 2015, pp. 283-302).

COOPERATION WITH EUROPOL AND EU LAW ENFORCEMENT AGENCIES

From the point of view of geopolitical position, the Republic of Serbia is a country located in the center of the Balkan Peninsula, at the crossroads between the Euro-Atlantic and Eurasian worlds. Serbia is one of the successor states of the former Yugoslavia which, after the termination of the common state and the independence of Montenegro (2006), continued its independent development and participation in international relations. Cooperation with the EU and its institutions, including EUROPOL, the Schengen Agreement, and other cooperation mechanisms, is the most important form of regional cooperation in Europe (Lopandić & Janjević, 1996, pp. 202-225). This is especially important today because the Republic of Serbia is a candidate for EU membership after the Stabilization and Association Agreement was initiated in 2007 and Serbia applied for EU membership in 2009. After the Agreement entered into force on September 1, 2013, the first intergovernmental conference between the EU and Serbia was held on January 21, 2014, which started political negotiations (Ministarstvo za evropske integracije, 2022). This was followed by the procedure of opening several chapters, among which the most important for us are No. 23 (justice and fundamental rights) and No. 24 (justice, freedom, and security). Within this second ("police") chapter, there are important sub-areas: a) asylum, migration, visas, external borders and the Schengen acquis; b) combating organized crime, drug abuse, human trafficking, and terrorism; c) judicial cooperation in civil and commercial matters, and in criminal matters; and e) police cooperation and customs cooperation (EU pregovori, 10 May 2022). The European Police Office (EUROPOL) is the most important partner of Serbia in terms of international police cooperation, which was pointed out by the European Parliament in 2009 in relation to the countries of the Western Balkans (European Parliament, 2009, Europol, priorities of Europol in western Balkans-speaking points for EUROPOL assistant director). Today's security challenges, risks, and threats are almost identical on the old continent and in the world, and among them are transnational organized crime, terrorism, and other most serious forms of crime. The world's most developed countries and their services make periodic assessments of society's vulnerability to the most dangerous forms of crime, as did EUROPOL by adopting the EU SOCTA

document in 2021 and establishing a specialized ESOCC European Series and Organized Crime Center (EUROPOL, 2022, May 10). Following the adoption of the Western Balkans Roadmap (2007) and highlighting EUROPOL's stronger role in our region, EUROPOL has signed several agreements at operational and strategic level with the countries of the former Yugoslavia and Albania. Serbia signed a Strategic agreement with EUROPOL in 2008, and it emphasizes the need for international cooperation in the fight against organized crime, terrorism and other serious forms of crime (Official Gazzete, Republic of Serbia, 2009). The most important type of cooperation is the exchange of information on the most serious crimes, suspects, and criminal elements of crimes. The agreement establishes the classification of information to be exchanged, designates national contact points, defines the procedure for submitting requests for assistance-enforcement and provides for the establishment of liaison officers (Simić & Nikač, 2016, pp. 367-384). The holder of the cooperation is the General Police Directorate, i.e., the Directorate for International Operational Police Cooperation, which consists of the Department for Cooperation with EUROPOL and a seconded liaison officer at EUROPOL's headquarters in The Hague. Cooperation was raised to a higher level in 2014 when the Agreement on Operational Cooperation between EUROPOL and the Ministry of Interior was signed, preceded by a Memorandum of Understanding and Establishing a Secure Communication Line and a Bilateral Agreement on Connecting Computer Networks (EUROPOL, May 10, 2022). The operational agreement includes the exchange of information, the concretization of the exchange of liaison officers, and other forms and types of police cooperation. The most important goal of this document is a more effective joint fight against organized crime, terrorism and the most serious forms of crime (Official Gazzete, Republic of Serbia, 2014). As a good example of cooperation, we point out the recent exchange of information and deciphering of the mobile application "SKY" in the case of the organized criminal group Belivuk/Miljković, which is accused of the most heinous crimes in Serbia, the region and South America. We are of the opinion that the cooperation between the Ministry of Interior and EUROPOL should be improved due to the common geostrategic space, new challenges, risks and threats, and similar work issues. In that part, Serbia can contribute to further harmonization of norms with EU law, preparations for joining EUROPOL's IT system, and activities after eventual EU membership.

Other EU law enforcement agencies also have some cooperation with our country and the Ministry of the Interior, both those of a police-security nature and agencies in complementary areas. The Agency for Operational

Management of the EU's External Borders, better known as FRONTEX (fr. *Frontières extérieures*), was established to coordinate and cooperate with the border services of EU countries, manage external borders and promote common standards (Sintić, 2012, pp. 143-154). FRONTEX analyzes the risks of endangering the EU borders, controls and controls the external borders, provides technical and operational assistance to member states, participates in operational actions of readmission, return of asylum seekers to their home countries, etc. In this sense, FRONTEX cooperates not only with EU agencies but also with non-member countries (border police), especially transit countries with which it has concluded 16 agreements and a memorandum of cooperation (FRONTEX, 2022, May 12). FRONTEX has concluded a Working Arrangement with the Ministry of Interior on operational and technical cooperation, as well as an IBM-Eastern Partnership Integrated Border Management Capacity Building Project. Our representative is the Border Police Directorate, which works closely with FRONTEX in terms of data exchange, technical support, staff training, etc. The most important common task is the fight against illegal migration, human trafficking, trafficking in human beings and organs, and the fight against other forms of cross-border crime. The Ministry of Interior also cooperates with EU police education institutions, such as the European Police College-CEPOL, with which it has established cooperation with the University of Criminal Investigation and Police Studies (UCIPS). The primary tasks of the institution are staff education, training, and scientific and research work. Representatives of the UCIPS have so far participated in several programs under the auspices of the College, such as the European Joint Master Program-EJMP in Budapest (CEPOL, 2022, May 14). The Republic of Serbia and the Ministry of Interior have good cooperation with several EU agencies that are not from the security sector but related to police affairs. There is good cooperation with the *European Body for the Enhancement of Judicial Cooperation*-EUROJUST, whose main task is to detect and prosecute the most serious crimes of transnational organized crime. In that sense, the agency cooperates with partners in the EU and non-member countries in terms of investigations, prosecution, extradition, and mutual criminal assistance (EUROJUST, 2022). Cooperation has also been established with the *European Crime Prevention Network*-EUCPN, which promotes prevention activities and the development of good practice in combating crime. Cooperation primarily includes the exchange of information on the prevention of the most dangerous and most common forms of crime, risk assessment of recidivism, professional expertise, and expertise for the needs of institutions. In order to cooperate more efficiently, the Ministry of Interior uses our

national contact point – the liaison officer at EUROPOL, which it often does in cooperation with EUROJUST (EUCPN, 2022, May 14). The National Center for Criminal Forensics and the Department for Combating Narcotics Smuggling, independently or through a liaison officer at EUROPOL, cooperate with the European Monitoring Center for Drugs and Drug Addiction-EMCDDA (EMCDDA, 2022, May 15). As an information agency, the Center collects, processes, analyzes, and exchanges data in the field of drug phenomenology and addiction in Europe. In this sense, it cooperates with EU members and agencies, non-members, and specialized international organizations (UNDCP, WHO, etc.). The Ministry of Interior also has contacts with the European Network and Information Security Agency-ENISA as an agency that helps EU institutions, members, and users to identify dangers, risks, and threats related to data security more easily. The Agency strives to ensure a high level of protection and security of networks and data, especially personal data of EU citizens and others (Zečević, 2003). The Ministry of Interior also has occasional contacts with the European Monitoring Center on Racism and Xenophobia-EUMC, noting that these problems are not present in our country, but individual incidents at sports events are possible.

COOPERATION WITH EULEX

As it is known, the territory of the Autonomous Province of Kosovo and Metohija has been under international patronage since the end of NATO aggression and the signing of the Kumanovo Agreement (1999, June 30), according to which FRY forces withdrew from Kosovo and Metohija and were replaced by international forces KFOR (Stevanović, 2016, pp. 11-56). The UN Security Council adopted Resolution 1244 in 1999, which established the international administration in Kosovo and Metohija (civilian and security forces), the Ground Security Zone, and the Air Security Zone. Also, the UN Secretary-General is authorized to appoint a Special Representative for the Control of the Implementation of the International Civilian Presence and Coordination with International Forces UNMIK (United Nations Interim Administration Mission in Kosovo) (Leštani, 2017, pp. 61-78). Then the legal successor appears, EULEX (European Union Rule of Law Mission), as an EU mission to ensure the rule of law in Kosovo and Metohija. According to the decision of the Council of Europe, the EULEX mission has a total of 1,500 members, including judges, prosecutors, and police officers in charge of establishing the rule of law, democratic standards, and public order (Council Joint Action on the European Union Rule of Law

Mission in Kosovo, 2008). The Ministry of Interior continued cooperation with international forces in Kosovo and Metohija in a new format and signed a Protocol on Police Cooperation with EULEX on September 11, 2009 (MUP RS, 2009, internal). The protocol is based on the mentioned UN Security Council Resolution 1244, then the Decision of the Council of the EU (Council of the European Union, 2008) and the Report of the Secretary General on the UN Mission in Kosovo (UN GS, 2008, November 11). Among the most important solutions, we emphasize the exchange of information for the fight against organized crime (especially narcotics), investigative mechanisms, mutual information on cross-border events (human trafficking, illegal crossings, narcotics) and joint actions. It is envisaged that police and criminal cooperation will take place according to the principles of data secrecy, conspiracy, confidentiality and other operational standards. The following is the Technical Protocol on Integrated Administrative Line Management, which establishes Joint Crossing Points and Crossing Control by Belgrade and Priština, in the presence of EULEX. At the beginning of 2013, the First Agreement on the Principles Regulating the Normalization of Relations was concluded (Đukanović, 2013, pp. 365-385). The Government of the Republic of Serbia has initialed this 15-point document addressing important issues such as: the Union of Serb Municipalities; the police and the regional chief for Serb municipalities (4) in northern Kosovo and Metohija; the judiciary; and municipal elections (RS Government, 2013, March 22). Documents known as the "*Brussels Agreements*" were further signed under the auspices of the EU. The first in a series is the *Agreement on Freedom of Movement*, which provides for the normal movement of people on both sides of the administrative line, but only with the use of identity cards issued by Priština (Provisional Institutions of Self-Government in Priština). Upon entry of persons from the territory of Kosovo and Metohija into the territory of central Serbia, persons are issued an Entry/Exit Document with a validity of 60 days, while all crossings of the administrative line are electronically recorded (from September 21, 2015) to prevent abuse of freedom of movement, suppression of illegal crossings and committing crimes. On this basis, the use of driver's licenses and license plates issued by Priština is also allowed, which has recently been modified by an agreement that both parties use the so-called markers over the designation of the territory and in order to preserve status neutrality until the final solution of this issue (RS Government, 2011, September 1). The issue of vehicle insurance in the event of a traffic accident and damage has been similarly resolved (RS Government, 2011, December 8). Also, a special decision of the Government of the Republic of Serbia temporarily resolved the issue of control over the

crossing of the administrative line towards Kosovo and Metohija and the issuance of certain documents. (RS Government, 2015, September 10).

An Agreement on integrated management of the administrative line was reached at the end of 2011 and, in the function of its implementation, a year later, the mentioned Technical Protocol was adopted, which established common crossing points and the area of the administrative line was divided into three regions (RS Government, 2011, December 22). In the meantime, they reached an agreement on opening two more common crossing points, so that there are now a total of eight (8). The common crossing points are in the function of simplifying the procedures of crossing the administrative line, control of persons, goods and vehicles and suppression of crime. Mutual information on procedures related to the processing of persons, vehicles, and goods has been agreed upon, and mechanisms for the exchange of operational information for the suppression of crime and the protection of life, property, and other universal values have been established. Special Contingency Plans have also been adopted to provide assistance in the same situations (Technical Protocol and Technical Arrangement on the Functioning of Temporary Joint Crossing Points, internal document). Serbia's official platform for dialogue with Priština is the National Assembly Resolution on Basic Principles for Political Talks with the Provisional Institutions of Self-Government in Priština adopted in 2013 (Official Gazzete, Republic of Serbia, 2013). We are of the opinion that the police cooperation of the Ministry of Interior with the EULEX forces and indirectly through them with Priština is necessary for solving the everyday life problems of citizens, then for economic reasons and especially for supporting the Serbian community in Kosovo and Metohija. Police cooperation is extremely important due to the intersection of criminal roads and the activities of organized criminal groups, which in turn use the current instability and other circumstances.

COOPERATION WITH INTERPOL

International police cooperation of the Ministry of Interior with INTERPOL is the most important type of cooperation between our police in the fight against crime at the global level. Especially due to the fact that INTERPOL is the oldest specialized international organization in the field of crime prevention, transnational organized crime, and its most serious forms. As it was said, Serbia has a rich tradition of cooperation and participation in the work of INTERPOL since the initial international

conferences, the period between the two wars and especially after WWII. The period of disintegration of the SFRY, war conflicts in this area, and international sanctions was especially difficult when the FRY (Serbia and Montenegro) as a legal successor was not granted legal continuity in terms of membership in INTERPOL. At the 62nd session of the INTERPOL General Assembly in Aruba in 1993, Resolution 01/93 was adopted, depriving the FRY of its membership in the Organization and sending it to apply for membership in INTERPOL as a new subject of international law and international relations (Nikač, 2015, pp. 137-143). After the social changes at the end of 2000, the FRY returned to the UN and the international community launched a program of assistance to the FRY (Serbia and Montenegro). In this context, at the 70th Conference of the General Staff of INTERPOL, held in Budapest in 2001, the FRY was readmitted to INTERPOL as an equal member (70th General Assembly, 2022). We are of the opinion that the position on re-application for admission to the organization (legal discontinuity) is not fair, but our country accepted it for pragmatic reasons and returned to the organization in which it participated. Today, the Republic of Serbia cooperates with INTERPOL and other member states through the previously mentioned Directorate for International Police Cooperation within the General Police Directorate, specifically the Department for Cooperation with INTERPOL, which is also the NCB Belgrade and the contact point for cooperation. We add that the Ministry of Interior also has a representative – a liaison officer at the INTERPOL headquarters in Lyon, France. In terms of content, cooperation refers to the exchange of information, joint actions, international criminal assistance (interrogation of persons, procedural actions, etc.), participation in joint investigative teams of national police in coordination with INTERPOL, issuing international arrest warrants, etc. (Nikač, Božić & Simić, 2017, pp. 269-284). Cooperation takes place mostly in the field of combating organized crime and its most dangerous forms, terrorism and other serious forms of crime. Recently, cooperation in combating illegal trafficking in human beings, organs and body parts, cybercrime, hooliganism, smuggling of all goods, etc., has been topical (INTERPOL, 2022, May 16). The Ministry of Interior has a significant place in cooperation with INTERPOL as the leader and the most important specialized international organization for the fight against crime. This is especially seen in relation to the important geostrategic position of Serbia in this part of the world, the Balkan crime route that passes through our territory, and Serbia's desire to contribute to the joint fight against transnational organized crime and terrorism. An integral part of this cooperation is bilateral cooperation with neighbors and

other countries, and especially regional cooperation with countries that were once members of the Yugoslav federation.

CONCLUSIONS

Today, crime represents one of the most difficult problems of the modern world, which knows no borders or physical barriers. It is a social phenomenon of transnational character that threatens to destroy the universal values of human civilization. Organized crime, terrorism, and other serious forms of crime are the number one global problem today, and the fight against them requires solidarity, cooperation, and the involvement of the entire international community. The consequences of crime are equally felt by developed countries, developing countries, and those in transition, as well as by citizens, individuals, and families who have always been the basic cohesive units of the community. Countries in transition, such as those from the former socialist bloc, like Serbia and other post-SFRJ countries, felt even more severe and devastating consequences, primarily due to the lack of effective mechanisms to fight organized crime, corruption, and other serious crimes. In contrast, organized crime groups had no barriers and established a network for criminal cooperation in order to make extra profits. It additionally contributed to the development of other forms of crime that are also very dangerous and harmful, and all together cause further harmful consequences for national economies, socio-political order and the legal system and, in general, for security. At the domestic level, states have responded with new normative solutions within the framework of criminal legislation and criminal-operational measures of the police to combat crime. In Serbia, several new legal solutions and criminal legislation amendments have been enacted. The adoption of the Law on the Competence of State Bodies in the Suppression of Organized Crime, Terrorism and Corruption, the Law on Confiscation of Assets Acquired by Crime, etc. was particularly significant. A multi-agency approach and cooperation between the most important actors in the fight against crime has been developed under the "umbrella" of the National Security Council, which is chaired by the President and coordinated by the security forces. On the international level, international police cooperation was deepened, led by the Directorate for International Operational Police Cooperation, whose task is of a primary nature in cooperation with the most important international organizations – INTERPOL and EUROPOL. Particularly significant is the regional cooperation developed by the Ministry of Internal Affairs through the conclusion of numerous bilateral agreements and

participation in regional cooperation through the most important organizations such as SELEC. International police cooperation contributes to the development of international criminal law and also reflects the mutual trust of states and their services. This is particularly important considering the process of European integration of Serbia and, in that context, also for the cooperation of the Ministry of Internal Affairs with EUROPOL. The authors believe that in the context of the current situation in the world and the numerous challenges, risks, and threats to national and international security, the state and movement of organized crime, terrorism, corruption, and other most serious forms of crime should be looked at in order to find appropriate and effective answers. It would be possible to do this through a thorough consideration of existing internal and international security problems and the adoption of a national strategy for international police cooperation, in order to achieve a more balanced position for Serbia in international relations.

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