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agenda



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European-Balkan games

For years, relations between countries of the region and the EU have been playing out through a mutual misunderstanding that the countries' EU approximating comprises a series of normative adaptations. One side believed that this would bring real change, and the other that everything could go on as before.

Just like the events of the 1990s in the territory of post-Yugoslav countries were marked by war this way or another, it seems that as early as the first half of the last decade, the role of this comprehensive framework switched to what was vaguely called 'European integration'. This shows not only in the frequency of appearance of the European Union in public discourse and the whole variety of efforts of the post-Yugoslav countries to move closer and join it. This also 'shows' when it doesn't show: the EU is even more present in the fact that all the aspects of national public life are discussed with even a tacit reference to it.

At first, it symbolised the universally desirable world, if not ideal, but certainly better, much better than the state these countries found themselves in after a decade of war. After that, as individual countries signed their Stabilisation and Association Agreements with the EU, followed by their candidate status, idealisation slowly gave way to a host of not so inspiring political conditions and technical requirements. They touched upon a wide spectrum of social relations covered directly or indirectly by the *acquis communautaire*; thus, 'Europe' started to appear in the most varied contexts and situations of everyday life, becoming gradually part of the furniture. Finally, through numerous frustrating situations, be it due to national politics or the EU policies towards these countries, and sometimes even due to international justice (as the case was with The Hague judgments), the EU started to assume the role of the culprit, sometimes even the universal one.

For years and years, relations between countries of the region and the EU have been playing out through a mutual misunderstanding. Just like in any other misunderstanding, both sides thought they were in agreement and were talking about one and the same thing. Both sides seemingly agreed that the approximation of the countries of the region to the EU consists of adjustment of a host of norms – from constitutional and legal to technical ones. Representatives of the European Commission have thought that the change of norm also change the nature of work of state and public institutions, thus introducing comprehensive and thorough changes in social life. Representatives of Croatia, Macedonia, Bosnia and Herzegovina, Serbia and Kosovo, on the other hand, have thought that adoption of normative changes were a formal task to be fulfilled, whereas real life remained more or less the same, save the necessary adaptations. The progress of this long process as well as instructive examples of Bulgaria and Romania showed the former that normative change does not penetrate that easily, and it also showed the latter that the 'Europeans' would not be naïve forever and that formal commitments are commitments nonetheless.

In this issue, agenda mainly considers this very topic – what has been the real influence of EU integration of the very different countries of the region and what has been the overall impact of the so-called international community, as well as how influential has been the type of politics generated in those countries. Texts by Damir Grubiša and Biljana Vankovska speak about different paths of impact in two EU candidate countries. Essays by Edin Šar e vi and Milan Podunavac show that endogenous political patterns also possess their own strength, which can be a restriction to some impacts, but also a surprisingly fertile ground for international 'solutions' that follow the logic of ethnic-territorial partitions. And this illusory concord generates the contradictory situation wherein processes in the country depend on external intervention much more than the external actors are ready for (as shown by Adnan Rondi 's contribution). At the same time, some social actors have been testing the possibility of using the game dominated by the Commission and the domestic authorities in order to effect internal change, however ambivalent they themselves are towards EU accession (as shown by informative contributions from Croatia).

The story of action and reaction between the EU and its potential new members from this region has not yet been told in its entirety.

European integrations and local politics

the impact of EU negotiations on changes in Croatia

Damir Grubiša*

Would Croatia have embarked on the path of sustainable reforms had it not been for the pressures of the EU during the negotiations to satisfy the criteria and the standards, or would it have stayed within the boundaries of an authoritarian political system? Yes, changes would have happened, but much more slowly – and this does not mean that they couldn't have been of better quality, for they would have happened due to pressure from within.

three generations of criteria and standards

What kind of changes are necessary (and possible) in countries acceding to the EU – this is the key question of the consequences of the fifth round of enlargement, which first saw eight transition countries join the EU in 2004, followed by Bulgaria and Romania in 2007. At the time, membership conditions included just the Copenhagen Criteria (set in 1993), divided into economic, legal and political ones. The economic criteria meant that the candidate country must develop market economy with no state interventions; the political criteria required the candidate country to function as a representative (parliamentary) democracy with a multi-party system and free elections and to establish the rule of law; the legal criteria required the candidate country to adopt the *acquis* and incorporate it into its own system. The so-called Madrid Criteria were added later, and they require the candidate country to implement a public administration reform in order to be able to correspond with the EU once it has become a full member. The 'administration criterion' was set not only because of the inadequate public administration in the transition countries, but also because of the need for one third of the public administration employees of the candidate country to participate in the decision-making bodies of the EU, which is one of the forms of 'participatory democracy' in the EU (only the participants are states, rather than citizens).

The second generation of membership criteria was set by the stabilisation and association process for the countries of the Western Balkans, launched in 1999. The additional membership criteria referred to repairing the post-conflict situation: full cooperation with the Hague Tribunal for former Yugoslavia, return of refugees, respect for the rights of minorities and regional cooperation.

In 2005, Croatia received the 'third generation' of criteria, presented as individual benchmarks for opening and closing of individual chapters. Until today, the Croatian public has not been informed about the content and the number of such criteria. Vesna Pusi, Chairperson of the National Committee for Monitoring the EU Accession Negotiations, said recently that there were some 120 additional benchmarks for opening the negotiations chapters, and roughly as many for closing them. This means that all the criteria were 'tailored' for Croatia, to make it more 'European' and prepared to function as an EU member state.

effects of external influences

What is the impact of this kind of EU accession process on changes in Croatia? Or, more precisely, what is the result of making Croatia more 'European' on its path towards the EU? It is still too early to say, for this can only be assessed at the end of the negotiations, once the EU has given its opinion on whether Croatia has fulfilled all the benchmarks and criteria.

However, it can be said even now that the process of harmonisation with the accession criteria has resulted in significant changes that would probably not have happened if the political leadership of the country – both the left-of-centre government that started the process and the right-of-centre government leading it now – haven't been determined to really lead the country towards EU membership.

This statement raises the following question: would Croatia have embarked on the path of sustainable reforms had it not been for the pressures of the EU during the negotiations to satisfy the criteria and the standards, or would it have stayed within the boundaries of an authoritarian political system established following the declaration of independence, during the war and immediately after it, until the first free elections in 2000? Our immediate answer is – yes, the changes would have happened, but much more slowly – and this does not mean that they couldn't have been of better quality, for they would have happened due to pressure from within. Thus, the fulfilment of criteria has become a kind of 'external pressure' for faster reforms, which does not improve their quality. On the contrary, the formal satisfaction of the standards and criteria has been the key feature of Croatia's EU accession process. The EU has been an important catalyst for social, political and economic changes in the country, but these changes take place under time pressure, so that the inertia and the remnants of the authoritarian political decision-making, embodied in a reformed party (HDZ) which had led the development of the authoritarian regime in Croatia in the period 1990-2000, have ensured that in most cases the changes are formal rather than substantive.

That is why one must consider several case studies that will show that changes that happen under EU accession pressure are always formal rather than substantive. Several areas will be presented where substantive changes were expected but only superficial and partial ones happened.

However, before we proceed, let us consider an area where the EU did not really insist on changes and which happened out of zealotism of the Croatian political leadership, as proof that changes happen without being requested. This is the area of the so-called Bologna process. Traditional grading was replaced with a credit transfer system, allowing for our diplomas to be recognised in Europe. But at that, the reform was conducted with no basic preconditions in place: the people, the premises and the money. Thus, under the guise of the Bologna reforms, the periods of study were shortened but with no radical reform of the actual programmes of study, so as to abolish the traditional *ex cathedra* lectures and introduce work in groups of no more than 30 students per teacher. Due to the lack of people, premises and money, mass lectures with several hundred students are still held, *ex cathedra* lectures continue, students are still the objects rather than the subjects of the teaching process. A reduction in the period of



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study and replacement of diplomas with certificates of completion left the employers with a dilemma as to the actual qualifications of students who have obtained their first-cycle degrees (bachelor), so that it is now much harder for them to find employment, as opposed to the so-called pre-Bologna students. Due to that, holders of the first-cycle degree, as they are now called (rather than economists, sociologist, etc.) are now forced to proceed with graduate programmes (former post-graduate studies), which basically extends their studies, rather than shorten them. This is just an example of a formal and superficial reform, to show that Croatia is eager to fulfil even the non-mandatory conditions, and thus hide the fact that the mandatory areas have been reformed only formally.

Key areas of change

We will now mention the three remaining areas where integration processes should have led to key changes, but this has not happened yet. Or rather, they have happened, but only formally, although the official government reports showed them as 'full compliance' with the measures set (however, these reports have remained inaccessible to the public, and the public can thus neither control the process nor give a competent assessment of credibility of the government's assessment – but by living in the country, the public feels most directly all the shortcomings of those changes).

The key three areas are the judiciary, public administration and combating corruption, as the representative indicators of change, i.e. how the country is becoming more 'European' on its path towards the EU. At that, one should note that 'becoming European' implies here a complex process comprising construction, diffusion and institutionalisation of formal and informal rules, procedures and paradigms of public policies, methods, beliefs and norms defined in the EU policy-making process, and then incorporating them into the logic of domestic political discourse, identity, political behaviour, political structures and public policies. In other words, this is a change in the modus operandi of politics – both 'low' politics, related to satisfying the needs of the stakeholders, and 'high', related to governing state and society, including party competition and the struggle for power.

So, the first area of observation is the judiciary. Judicial reform is, according to the EU, crucial for the functioning of Croatian society – judging by the standards set. A thorough reform of the judiciary is required, since (according to the EU progress reports for 2006, 2007, 2008, 2009 and 2010) the judiciary, an independent branch of judicial power, was deemed to be subordinated to politics, from staffing to judgements, articulated according to party and government guidelines, secret as much as public ones. This means that the judiciary is politically dependent on the executive, thus turning into an instrument of power, and thus expanding the government's grip on the citizens. On the other hand the aim of the judicial reform on the path towards the EU is to eliminate the absurdities such as long court proceedings, non-instatement of proceedings against war criminals and violations of basic human rights; in general terms, the aim is to capacitate the judiciary in terms of its ability to be independent and act as a counter-balance to the executive and the legislature. Measures taken in that respect have been semi-successful: a new State Judicial Council was appointed under new rules, but its first act was to announce its first competition and elect the first half of the judges under the new criteria, and the second under the old ones. And the old criteria imply party preference and rules of client-driven protectionism, which excludes competence and impartiality. Furthermore, the number of courts has been reduced with the same number of judges (it should be noted that Croatia has almost the same number of judges and prosecutors as the United Kingdom, a much larger and more powerful country, but also with a much more effective judiciary). The Judicial Academy was established, to be attended by all the newly appointed judges in order to gain confidence in opposing the executive and building its own self-consciousness, but this has been nothing but a palliative measure, unable to cover up the fact that the judiciary is still engaged selectively, only when there is 'political will' to prosecute someone. In other words, the judiciary is not autonomous and it reacts only under pressure from either the government or the public, when its dissatisfaction culminates.

Another area of critical effect of the changes induced by EU accession is public administration. It is a paradox that the state itself does not know how many employees it has in public administration, and prior to EU accession it will spend 27 million Kuna (3.7 million Euros) to just count all those who work in public administration and take home a state salary! However, the basic problem is that public administration is still not public, but rather the law and the official documents still refer to it as 'state administration'; which in itself, according to Eugen Pusi, an international administration expert, indicates that this administration provides services to the state, and not the

public. It is bizarre that the title 'state administration' has been preserved only in countries such as Croatia, Belarus and Russia, whereas the rest of Europe changed it quite a while ago into 'public administration', and countries of the Westminster model of democracy refer to it as 'civil service', which is not only a precise terminological determination of its function, but also a political program of making it a true administration for the citizens. As informal analyses show, this administration is staffed by non-public competitions, i.e. direct selection – mainly through party politics and party suitability during the HDZ rule. It is unrealistic to expect such administration to be efficient and to serve the citizens, unless there is a thorough change in its qualifications structure, meaning rigorous assessments of knowledge, additional training and additional competitions to determine the levels of competence. In such administration there is no possibility to plan any career development, since promotion depends on the preferences of a particular authority, with no objective promotion criteria. Furthermore, the competence of administration itself may be annulled by its own bosses at any time. They can annul any act at any time, with no explanation, pursuant to their discretion set by law. In this way, the administration is not independent in its work and its competence is not assessed by professional criteria, but rather by suitability and subordination to a political authority in power. Not to mention any planned recruitment: over the past four years since the start of the EU accession process, there has been but a handful of public competitions, and recruitment plans for younger staff simply do not exist.

Let us consider a paradox: the EU insisted on the adoption of a 'Code of Ethics for Civil Servants', since the EU insists on professional deontology and self-regulation wherever possible. This concept implies that codes of conduct apply to all who work in public service. Of course, this implies contacts with the public – openness, accessibility, transparency and a critical approach, as emphasized by the EU Code of Conduct, listing at least 20 principles of public service work. In the Croatian 'code of ethics', only three articles refer to contacts with the public, and one of them prescribes unnecessarily that all such contacts must be – in the Croatian language (which is a matter for law to prescribe, rather than a code of conduct)!

The third critical area is anti-corruption. The negotiations process set the standards for combating corruption, adopted in 2006, and the National Anti-corruption Strategy. However, the EU assessed the Strategy as fine, but stated that the key was in its implementation. That is why Croatia had to adopt an Action Plan, and after the failure to implement it, in May 2010 it had to adopt a Revised Action Plan. An example illustrates how it works: in order to launch a general national campaign to identify corruption and build public awareness of its damages, the Government engaged an agency, Fimi Media, and instead of real costs, it paid three times more, since the Government and the ruling party, HDZ, sucked money from the Agency for its own corrupt work: illegal party financing and embezzlement of funds which ended up under direct competence of the former Prime Minister Sanader. Despite public disclosures, the anti-corruption mechanisms were launched against Sanader only when the 'political will' to prosecute him had ripened, though it was too late by then, since he had already fled the country. However, there was no continuation, i.e. no discovery of the entire corruption octopus. Just one vice prime minister and one minister have been convicted, though the judgements are not yet final; it is thus clear that this kind of abuse of public funds could not have taken place without adequate 'criminal organisation', meaning that the anti-corruption investigation must reach for the end-users of such money, i.e. the ruling party and its officials who were involved in it, or did not take part, but knew about it and failed to report it, or had reasons to know but did not want to know.

There have been no significant changes in three key areas – the judiciary, public administration and combating corruption – or rather, changes happened only formally, although the (publicly unavailable) reports by the Croatian Government presented them as 'full compliance' with the standards set.

Endemic, or rather systemic corruption and its suppression, which was instigated by EU criteria for accession, has not yet been fully uncovered. This has been only the tip of an iceberg, and it is well known that the visible part of an iceberg is no more than ten per cent of its mass, whereas the rest remains hidden under the water. It is very similar with corruption in Croatia. Changes have started, induced by the EU, which appeared as the real

catalyst of change in Croatia. Moreover, the EU has been a positive facilitator, mediator and promoter of change.



(un)sustainability of formal changes

If it weren't for the EU, changes would have happened more slowly and perhaps with even more dramatic consequences, in form of unrest, protests and rebellions, which would have resulted in political changes and new election results. However, the question is how sustainable are the EU-driven changes, i.e. how much of those changes have been just cosmetic, implemented in order to meet the formal requirements, and to what extent have they been a step towards real change. Similar situations ended in relatively good results in most other transition countries, although those societies also experienced a phenomenon of regression following the formal EU accession. This has been most evident in cases of a serious drop in civic interest in democratic processes and a re-appearance of authoritarian tendencies and forces, with low election turnout, both for the European Parliament elections and elections for national legislatures. Moreover, this regression has been even more visible in Bulgaria and Romania, which is why the EU introduced a suspension clause in relation to those two countries, as well as periodic monitoring in order to determine the sustainability of reforms.

EU approximation in Croatia has led to similar dilemmas: is it better to accede as soon as possible and thus prevent a further decline in public support for EU membership, which has been dropping in Croatia ever since the launch of the negotiations in 2005, or to prepare for longer reforms and slow negotiations, with a possibility for reforms to start rendering results. Just like with Bulgaria and Romania, the third option is to introduce additional monitoring, though in a somewhat more elegant wording, something similar to an 'implementation council' or a periodic 'implementation assessment', with no mention of formal monitoring. The EU observes carefully the reform process in Croatia, looking into whether the changes are purposeful and whether they actually lead towards greater democratisation of the country and the introduction of the kind of democratic standards that will make it not a passive appendix to the EU, but rather an active and equal participant in the process of greater EU integration and its enlargement to the next, the inevitable round of Western Balkan countries. These are the challenges such countries must take into account when implementing their EU reforms. However contradictory and cumbersome, the Croatian experience may set a good example for those countries. Reforms are an imperative, but formal and cosmetic changes contribute nothing to the European transformation of a candidate country. Instead, they can create an even greater gap between the proclaimed ideals of democracy and the real situation, where authoritarian rule still reigns, instead of building a new system of multi-levelled 'European governance'. No one can fit into such a system without radical reform of all of its politics, both high and low.

the EU integration as a security discourse: the curious case of the Republic of Macedonia

*Biljana Vankovska**

As Macedonia was granted a candidate status, but without a date for the beginning of the negotiations, the EU membership becomes a security issue. There could be internal conflict because the Albanians may get impatient and nervous over the Macedonians' "stubbornness" not to give up the name in exchange for the EU negotiations.

The conventional wisdom reads that the EU enlargement policy is all about democracy promotion and spread of values and stability throughout the continent, and especially in its most problematic zones. On the other hand, the post-conflict societies of the South-Eastern Europe look at the EU membership as the only safe shore where the agony of the infinite transition and the painful post-conflict peace-building may come to the conclusion. The elites are unanimous that the EU is the only solution for all the problems that trouble their countries, at least on a declaratory level. The TINA (There Is No Alternative) principle has served as a strong incentive but it is fair to say that it also brought some setbacks.

'securitization' of EU accession

The accession process' logic implies that closer a candidate country is to the final goal (i.e. full membership), more democratic and more stable it becomes. The case of the Republic of Macedonia sheds doubt and makes this premise questionable. The country was granted a candidate status more than five years ago, but with no date set for the beginning of the negotiation process it has been lingering in limbo. Over time the public discourse on EU integration has a tone of a Hamletian dilemma of grand proportions. Even worse, as time passes by, the EU membership becomes a security issue. On one hand, there are prophets who believe that there is no life/existence beyond the safety provided by the EU, but also ones who believe that there could be internal conflict if the state does not move forward soon because the Albanians may get impatient and nervous over the Macedonians' "stubbornness" not to give up the name (and identity) in exchange for the EU negotiations. It looks as if the Euro-integration has transformed a stimulating factor into a securitization tool, especially in the light of the ethnic Albanian claims that they will "join NATO and EU with or without the ethnic Macedonians". Similarly, lately the international representatives have changed their rhetoric, speaking about a need of bulldozer-like diplomacy and mentioning the name of Richard Holbrooke. The "name issue" and the deadlock in the negotiations seem to have transformed the Macedonian "success story" into a "European security problem". In other words, the EU integration has been securitized (to use the concept of Ole Weaver) because it has become a matter of survival rather than a matter of progress, development and democracy. Intentionally, the title of this text makes a reference to the famous film *The Curious Case of Benjamin Button*. Any analysis of the Macedonia's path towards EU should aspire to answer the question: is the country growing "older" (i.e. more mature) or "younger" (weak and dependent on the international mentors)?

Any attempt to make an objective judgment on the real progress faces paramount problems because it is always easy to find enough arguments for both claims. At a conference on the European perspective for the Western Balkans held in Berlin in July 2006, the keynote speaker, Jamie Shea, tried to charm the audience with the claim that depending on his current mood he could always give two opposite versions of his speech on any topic related to the Balkans. Allegedly, he had usually kept an optimistic and a pessimistic speech version in each pocket of the jacket, because both could be equally valid and credible. No matter if one takes this kind of attitude of a senior (NATO) official as cynicism or carelessness, he made a point. For years it has always been a matter of perception if the Balkan "glass" (or better the system of connected vessels) is half-full or half-empty.

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The perspectives differ not only between the so-called 'internationals' and 'locals', but also when confronting the views of the political classes on one hand, and intellectuals, scholars and ordinary citizens on the other. On the other hand, each of the countries in the region tends to believe that their case is the most curious one and that Brussels' conditionality approach is least fair.

There is no doubt that the main problems that trouble Macedonia's progress are to be found within the country. Apart from the almost non-existing economy and growing socio-economic disparities, there is the problem with the political architecture that is highly inefficient and expensive.

'name issue' – obstacle or excuse?

Which criteria are to be taken into account when evaluating a country's achievements? The answer should be very simple: the Copenhagen criteria are well-known. Yet, given the general terms in which these criteria are defined there is a large manoeuvring space for the European elites to modify their opinions regarding the current geo-political constellations, external and internal demands. Sometimes they would be very positive and favourable even if a state does not deserve praises, and vice versa. When it comes to the Republic of Macedonia, she signed the SAA in a midst of a violent conflict in April 2001. Obviously the EU leadership believed that this gesture would serve as a carrot for the conflicting groups and would help mitigate the conflict. Later on the candidate status was granted as a prize to a government that sabotaged an unpleasant referendum (on municipal borders, that were drawn according to ethnic criteria and that were expected to mitigate tense inter-ethnic relations) in 2004. The list of shortcomings and identified problems was lengthy, but the EC turned its blind eye and took quite an opportunist stand - the inter-ethnic peace was more important than democratic and economic reforms. The Macedonian government gained some points with the 'international community' but was punished by the electorate in the following parliamentary elections in 2005.

For years now the country cannot get a date for the beginning of the negotiations due to the Greek veto over the unresolved "name dispute" i.e. due to the issue that has nothing to do with the Copenhagen criteria. Each year the EC and the EP suggest a swift start of the negotiation process, but the Council pays more respect to the will of a member-state, Greece. Thus, an observer meets a rather schizophrenic picture of Macedonia's genuine results on her way towards EU membership. Formally speaking, the state has clearly advanced and the only obstacle is the Greek veto. Behind the façade, however, the Brussels officials can always use another explanation for the country's progress or regress because the reality-check displays a picture of a weak state with lot of substantial problems ranging from the high rate of poverty, unemployment, corruption, to weak administrative capacity etc. Whenever it is embarrassing to point out the "name issue" as the major obstacle or it is necessary to make a pressure on the state leadership, some other (objective) shortcoming is at hand, and vice versa. Whenever the EU elites encourage the Macedonian leadership to be brave and show statesmanship it is a clear message: we are going to tolerate your other deficiencies as soon as you "resolve" the "name problem" (by ignoring the fact that the general public is against such move).

The "name dispute" has been hanging over the Republic of Macedonia as Damocles' sword for years. It was maybe not the only, but surely one of the most serious external challenges that the newly independent state had to cope with simultaneously with other problems that have bewildered her since the moment of gaining independence. Ironically, the precedent for Macedonia's admission to the UN was justified with the necessity to maintain peace and security, and - 20 years later - peace and security are at stake more than ever before. Paradoxically, it is the acceleration of the integration process that gives Greece the impetus to keep on insisting on the name compromise and what makes its plan a winning strategy. The stronger the desire for Macedonia to join NATO and EU, the more firmly committed Greece remains in her position. Thus, being stuck and with no clear prospects for the future, Macedonia resembles a modern Tantalus. For a country led and guided by the TINA principle this status quo situation is but a recipe for a disaster.

The opposite could easily be also true: being an object of intensive pressures and 'encouragements' in a direction of 'resolving' irresolvable identity problem(s), Macedonia risks becoming the biggest failure of the international state-building in the Balkans. At the very beginning of this "dispute" the main worry of the international community was the danger of a spill-over effect from the other Yugoslav violent conflicts in what was

historically known as a powder keg in the Balkans. Twenty years later the situation in the Republic of Macedonia tends to become a self-fulfilled prophecy, for the peace and security that were supposed to be maintained in the first place are now seriously at risk both from the pressures of the international protagonists and Greece itself. The EU tolerance of the Greek nationalism is another paradox (recently manifested clearly in the text of the EP's resolution that avoided mentioning the attribute "Macedonian" in any reasonable context, while all EU representatives use the phrase "your country"). It is strange that the EU has not learned anything from the decades of identity conflicts in the Balkans and is now getting involved into another delicate one, in a manner that may easily trigger another ethnic security dilemma.

contradictions of external 'solutions'

There is no doubt that the main problems that trouble Macedonia's progress are to be found within the country. Apart from the almost non-existing economy and growing socio-economic disparities, there is the problem with the political architecture that is highly inefficient and expensive. Namely, the current political system is a direct design of the international state-building efforts in 2001. The institutionalization of the ethnicity in the political realm, judiciary etc. in a form of power-sharing model took place ten years ago and still very few would dare spell out a critical remark. Apart from the NATO/EU membership, there is one more thing that is "untouchable" and beyond any objective observation: the Ohrid Framework Agreement that allegedly resolved the inter-ethnic problems between the ethnic Macedonians (65% of the population) and the ethnic Albanians (25% of the population). At first sight it looks as if the two main goals are complementary, but the reality-check shows a different picture. For instance, the EU demands a small, professional and efficient public administration, while the implementation of the Framework Agreement enabled uncritical recruitment according to ethnic and party key. At the end of the day, the state administration has become the major 'employment agency' where the coalition parties take care of their party soldiers. Thus, the only "merit" that a person should have is the "correct" ethnic and party affiliation. In the last several years, the number of employed Albanians rose significantly, but a big number of these employees take salaries without even going to work (the administration is so crowded that it is impossible to even provide suitable office space for these people). Given the specific characteristics of the consociation model, the political process and the decision-making have shifted from the institutions towards non-institutional forms of negotiations of the ethnic/political leaders. The collateral victim of this weird political process is the accountability and transparency, let alone the civic participation. The representatives of the 'international community' mediate in case of a stalemate, while the analysts speak about Macedonia's "soft sovereignty". Gradually, Macedonia has fallen victim to the dependency syndrome. The elites make love to their electorate but are still loyal to the international community, to quote Ivan Krastev. Instead of empowering the civil society and "ownership" of the local stake-holders, the state-building process is still directed from the top.

The dilemma on Macedonia's success or failure is false one. Nobody is genuinely interested in the true state of affairs. The EU still badly needs a "success story", especially because its involvement in Macedonia's state-building; Macedonia is supposed to prove that the European medicine works. She should also serve as a stimulus for the states that are far back in the integration process (Bosnia, Albania, Kosovo, and even Serbia). The Macedonian elites stress the progress towards EU (and NATO) no matter how slow it is, because that is the only way to "transcend" the ugly reality. In combination with the patriotic stand over the "name issue", the politicians' promises and rhetoric range from the 'glorious past' towards 'wonderful future'. (There is a Macedonian saying "downwards - too deep, upwards - too high", which one should translate in the following way: the citizens are offered past and future, but they are deprived from the present day life.) As for the general public, it is caught in a trap of its legitimate desires: over 70 % of the population is unwilling to exchange the name of the state/nation for the EU membership (even less for a bare start of the long negotiation process), while the percent among ethnic Macedonians is over 80%; at the same time, the public support for EU membership is among the highest in the region (over 85 %). Sadly, the current EU policy takes these positions as incompatible and conflicting, and the citizens are expected to make a choice. Probably, the most paradoxical aspect of this strong desire to join the Union lies in the fact that it is born out of strong nationalist feelings (such as "preservation of the Macedonian state" or "all Albanians together"), accompanied by some unrealistic expectations that the EU membership means life with no worries, no poverty, and high employment.

(the English version is the original version of the article)

BiH Constitution: a state of 'agreed peoples'

Edin Šar evi *

Whoever asked for an 'agreement of the peoples' must also accept the premises of the Dayton model. When nation-state and civic constitutional patriotism are replaced by a state of ethnic nations and ethno-nationalism the state must be established as a system of mutual control and latent conflict between individual peoples.

1 peoples without citizens

The Dayton model was the desired solution for the goal articulated in 1990 by the SDA leadership, under the aegis of an 'agreement of the peoples'. And in this very model, the 'agreement of the peoples' became the sole determiner of all the political and parliamentary relationships, as well as the entire political life in BiH. They are now called 'constituent peoples', they hold constitution-making powers and are the levers of political decision-making. The 'national' thus becomes devoid, establishing an institutional framework for freeing the 'constituent peoples' from any normative, legal or moral constraints. In this model they are absolutely free, since the Dayton 'law' legitimises anything that serves the peoples. However, abstract citizens have a totally different position. But in a mono-party representation of ethnies they have been no political or legal value ever since the 1990 elections. That was never the idea anyway.

So, whoever asked for an 'agreement of the peoples' must also accept the premises of the Dayton model. Multi-ethnic communities that do not develop a culture of loyalty to the state, but rather strengthen the ethno-cultural loyalty to peoples, must establish constitutional systems that correspond roughly to the Dayton model. When nation-state and civic constitutional patriotism are replaced by a state of ethnic nations and ethno-nationalism the state must be established as a system of mutual control and latent conflict between individual peoples. In BiH, this state of affairs was programmed by the SDA's request for an agreement of peoples and it was the Muslim/Bosniak elites that gave a decisive contribution to its establishment.

2 how did it all begin?

There was first a request made by Alija Izetbegović in his introductory address at the founding assembly of SDA: *'There will be a new agreement of the peoples of BiH and peoples of Yugoslavia on what kind of Bosnia and Herzegovina and what kind of Yugoslavia we want. Such agreements can only be reached by true representatives of the peoples, and true representatives can only be appointed by the peoples themselves, at free elections'*. The continuation was the establishment of a coalition of national parties following the elections held on 18 October 1990.

The *'Resolution of Muslim Intellectuals'* (8 January 1991) followed eight months after the publication of the intention to introduce an agreement of the peoples, and it concluded that SDA was of particular importance in *'representing and interpreting legitimate interests and aims of the people'*. This position was not significant as a mere political propaganda. It was the key premise based on which SDA and Alija Izetbegović were granted exclusive rights to articulate collective interests of the Muslims and act as their political representatives. The process launched in this way did not stop at monopolising the Muslim political will. Under the assumption that this was the only way to reach an agreement of the peoples, it led towards the dissolution of the statehood people of Bosnia and Herzegovina and the destruction of the social stratum that had empirically upheld and maintained a civic republic. From this de facto dissolution of the political order, it moved to the de jure shaping of a new administrative structure of BiH.

And that was the path that ended in its logical conclusion, the Dayton model.

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3 how did it all play out?

The first political response to Izetbegović's initiative came early, in October 1991, in the establishment of the assembly of the Serb people in BiH. The 'assembly' was held under the patronage of SDS and following the logic of the 'agreement of the peoples'; it turned its own assembly representatives into representatives of the Serb people and turned itself into the interpreter of the Serb people's will. According to the *'Decision on territories of municipalities, local communities and settlements in BiH considered to be part of the territory of the Federal State of Yugoslavia'* of 21 November 1991, paragraph 1 of Article IV names the Serb representatives (R. Karadžić, N. Koljević, B. Plavšić, A. Buha and V. Maksimović) who were supposed to negotiate with *'representatives of the Muslim and the Croat peoples about the organisation of future shared life in the territory of the previous Socialist Republic of Bosnia and Herzegovina'*.

The second response came with the establishment of the Croat Community of Herzeg-Bosnia – HZHB. The preamble to the Decision on Establishment of HZHB stated that it was adopted by the very *'elected representatives of the Croat people through their own party, the Croat Democratic Community, HDZ'*. The authentic interpreter of HZHB of the time, Mate Boban, explained the establishment of HZHB like this: *'In that sense, it was accepted that this was a form of expression of the political will of the Croat people, expressed in the most optimal way by the Croat Democratic Community whom the people entrusted the leadership 100%, and this establishment of these Croat communities, which are, therefore, the territorial, political, cultural and economic determination of the Croat people in Bosnia and Herzegovina, should Bosnia and Herzegovina remain an independent state...'*

4 agreement of the peoples

'Agreement of the peoples' could thus begin. However, it could simply not be installed into the political organisation of BiH pursuant to the 1974 Constitution. The constitutional organisation at the time had no organs that could legitimise the 'will of the peoples' and represent the 'peoples'. This required a mono-ethnic party patronage over the peoples. The way out could only be sought in the destruction of the existing system and in the replacement of civic democracy with ethnocracy. The rituals that accompanied the peace talks for BiH were their materialisation.

Since the war for BiH positioned the Serb and the Croat ethnic corpses as the destroyers of BiH statehood, the question is how the Muslim/Bosniak elites shaped the BiH statehood de jure and whether this necessarily led to the Dayton-based BiH.

An 'agreement of the peoples' required organs that may legitimise the 'will of the people' and represent 'peoples', and this required a mono-ethnic party patronage over the peoples. The way out could only be sought in the destruction of the existing system and in the replacement of civic democracy with ethnocracy.

5 two documents

There are two documents that can shed some light on this issue.

Platform for Action of the Presidency of the Republic of Bosnia and Herzegovina was adopted on 26 June 1992. Contrary to the then valid Constitution, it assigned *'management of state affairs'* to the sole competence of the constituent peoples, i.e. Serbs, Croats and Muslims! From this point onwards, the abstract citizen became an insignificant political fact, and SDA became the sole proprietor of the administration of the Republic. The Platform thus cleared the space for more Bosniaks to enter state governance structures. This indeed happened during the war: while cheating the valid Constitution, SDA led by Izetbegović morphed into an authentic, democratically elected representative of the Bosniak people. Izetbegović himself transformed his mandate of the president of the Republic into the representative of Muslims/Bosniaks. An unconstitutional system was established with new political values. Even today, it has retained the 'agreement of the peoples' as the elementary starting point for any future constitutional organisation of BiH.

The Platform received its constitutional equivalent in a different document: the Edited Text of the Constitution of the Republic of BiH. The Edited Text was adopted by the BiH Presidency, and shortly afterwards the

Constitutional Court declared it unconstitutional. The adoption of this document introduced to the constitutional practice in BiH acts of conscious violation of a valid constitution as a natural element of political action. With this, first the Muslim/Bosniak elites adapted the constitutional model to their own needs, and this also allowed SDA as the only coalition party defending the republic structures and insisting on an 'agreement of the peoples' to continue to rule and maintain this unconstitutional state of affairs, as it had created it, until the Dayton Agreement. The importance of the Edited Text is in the fact that state organs and international players, being fully aware of its unconstitutionality, treated it as the basis for preparing an agreement of the peoples.

6 results of the peoples' agreements

The Platform and the Edited Text were a *de jure* reaction to the political programmes of one-party patronage over 'peoples'. However, pursuant to the model of agreement of the peoples, the first constitutional result could only come as an agreement of political parties that had monopolised the political will of the BiH peoples. It was quite clear that the first concrete result had to be an agreement over the Constitution of the Federation BiH of 30 March 1994.

It was this document that finally invalidated the organisation of the republic, and the political practice generated by the Platform and the Edited Text became concrete. This was now a generally applicable mode for adopting constitutional text and content. In this process, two parties appeared as representatives of the respective peoples. They agreed on the content of the constitution, and then defined the areas where collective interests overlapped, as well as methods of mutual control.



7 regularity

Understanding the conditions under which the Federation BiH was established as the product of an 'agreement of the peoples' affects the understanding of *regularity* (Ger. *Regelmäßigkeit*) in developing new constitutional systems that place 'agreement of the peoples' above any 'civic decision' on the content of the constitution. For there is no accident here: Constitution of the Federation BiH was a consciously selected (and the only possible) agreement between two sides, one of which was a self-proclaimed rather than politically institutionalised representative of the Croat people, and the other a self-proclaimed and *de jure* shaped representative of the Bosniak people.

And in the Dayton Agreement, it was simply expanded to include the third side, i.e. the Serb side. The inner logic of agreements, political representation of the 'constituent peoples' and conscious disregard for standards of public law, along with valid constitutional law, were common to both agreements. Whoever wanted an 'agreement of the peoples' in a civic republic must also want the 'Dayton model' or another similar constellation that equally places collective rights above individual ones and establishes a system that is, in reality, antinomic and dysfunctional. As for the regularity of development of a civic republic into a federation of ethnic communities, this is the path for any society which introduces into its political system – at the expense of breaching its own constitution and generally accepted standards of law – prevalence of the collective over the individual and loyalty towards ethnic and religious groups instead to a state of its citizens.

political construction of the 'other' and the modern state

Milan Podunavac*

The rule of law and equality before law have not been violated by the fact that the nature of our political community has been shaped and immersed in the dominant tradition and political culture. Culturally, a nation-state is not neutral, but in terms of law, the constitution of a political nation is blind to the difference.

There are two radically opposed theories in the contemporary political discourse that provide answers to the questions how to organise a polity and how to respond to the phenomenon of diversity in modern society. In line with the first dominant concept, based on liberal republicanism, the starting point is that there is inside a political community an intuitive and widely based consensus on what a well organised liberal order should do, and it is the task of political theory to reflect entirely and make politically visible the theoretical and normative effects of the consensus thus created. According to this concept, political theory plays an active role in shaping the public political culture and contributes considerably to shaping and establishing the democratic identity of a political community. And it is this position that Rawls had in mind when, in the afterword to the second edition of *Political Liberalism*, he warned that in the Weimar Republic none of the old conservative classes defended democracy and implicitly debated with the anti-liberal position of Carl Schmidt. A normative justification for constitutional democracy and political theory is necessary, for the political ideal of a liberal democratic society is still not unquestionable. Hence the necessity for theoretical and constitutional struggle and political and normative contestation.

The dominant construct of a political community and citizenry is based on a particular concept of liberal nationalism and the construct of a political nation. This view indicates that the ethos of liberal politics is based on two starting points. The first is that there are the rule of law and equality before law. Each citizen enjoys equal rights irrespective of their ethnic or other denominators and no one is above the law. At the same time, 'the state is not culturally neutral'. The rule of law and equality before law have not been violated by the fact that the nature of our political community has been shaped and immersed in the dominant tradition and political culture. Culturally, a nation-state is not neutral, but in terms of law, the constitution of a political nation is blind to the difference. Therefore, the answer to the question about the importance of public recognition of separate cultural identities is erroneous. Absence of our identification with institutions that serve public aims, impersonality of public institutions, is the price we pay to live in a society that treats us as equals irrespective of our ethnic, religious, gender or sexual differences.

This construct of robust liberalism was strongly revived in the European political discourse. In his introductory remarks at APSA George Kateb offered the title 'Is Patriotism A Mistake'. He offered two arguments: 'Indeed, the form of group identities violates the basic tenets of enlightenment; and patriotism, which makes up the most robust form of collective identity, intrinsically contains layers of bellicism'. At the Munich Security Conference, David Cameron further strengthened the argument of 'no difference' in his strongly intoned criticism of 'state multiculturalism'. There were two principal levers to his criticism. The first warned about the danger of 'passive neutrality of societies' (passive tolerance), and the other of the substitution of 'passive tolerance with more robust liberalism'.

The highly normative position of this concept is expressed in the idea that any form of group representation and aspiration towards public recognition is non-liberal. This idea is certainly an exaggeration and this type of argumentation has been presented in earlier papers. However, a particular form of non-liberal ethos and democratic deficits have been derived from the fact that the political theory has been reviving the construct of 'the alien' and 'the other', which in modern society serves as the foundation of the 'negative consensus' and the 'security contract'. Both pave the way for violent forms of integration of society.

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The political trinity of 'the enemy', 'substantive homogeneity' and 'ethnic democracy' is important for understanding the political dynamism of Balkan societies. War, post-dictatorship political memory and nationalism are the enemies of democracy, pluralism and civil society, and the return of these constructs is an additional unfavourable element of democratic consolidation of societies in the region of Southeast Europe.



In the field of theoretical contestation, these changes have brought back into the public arena the type of political radicalism that says that there is no liberally understood consensus within a political society, and even if it does exist, it has no political effect. The fundamental question of political theory is the question of order. If political theory means anything it is a doctrine of order in particular social contexts, the 'Konkretes Ordnungsdenken', to use Carl Schmitt's term. There are two levers of this political position. The first is the construct of the 'enemy' and the other is the idea of 'substantive unity' (equality). The first offers the answer to the question how an order comes to be and the other answers the question what is at the foundation of political (democratic) unity of a polity. Within such construction, charged with bellicism, the concept of equality is essentially political and it assumes differentiation between 'us' and 'them'. And that rests on two levers. The first is homogenisation, and the second is the annulment of heterogeneity and pluralism. In such construction, there is no room for 'the other'.

The political trinity of 'the enemy', 'substantive homogeneity' and 'ethnic democracy' is important for understanding the political dynamism of Balkan societies. All these constructs are deeply rooted in the type of bellicose political culture that, in addition to historical foundations, rests on three strong negative legacies of the region. The first is war, the second is post-dictatorship political memory, and the third is nationalism. All these negative forces are the enemies of democracy, pluralism and civil society, and the return of these constructs is an additional unfavourable element of democratic consolidation of societies in the region of Southeast Europe.

BiH road to Europe?

Adnan Rondi *

Rather ambiguous signals are coming from Brussels indicating that those undermining the sovereignty of BiH will be subjected to sanctions. However, it is obvious that a unified standpoint on what the country's sovereignty really means and what sanctions would be used does not exist.

The state government has still not been formed in Bosnia and Herzegovina, although six months have passed since the elections. Entity governments have been formed, but the establishment of the FBiH Government raised a lot of dust. After toilsome negotiations with HDZ BiH and HDZ 1990 representatives, the FBiH Government was formed without representatives of the two parties. The two HDZs refused a compromise proposal which came to light owing to the international community, and which offered them four out of five Croat seats at the FBiH Government.

A Croat National Convention was organized under the auspices of these two parties in Mostar on 19 April. The Convention adopted a resolution seeking the equality of Croats through constitutional changes and territorial reorganisation of Bosnia and Herzegovina, in which at least one federal unit would consist of a Croat majority. The resolution sharply criticises part of the international community for, as stated in the document, favouring certain political options in Bosnia and Herzegovina.

Several days prior to the Convention, Banja Luka issued a decision verified at the RS National Assembly, to organise a referendum at which RS citizens would state their views on 'the laws imposed by the High Representative, the BiH Court and the Prosecutor's Office'.

The referendum story triggered numerous reactions but the international community made no concrete steps, although the High Representative and the Peace Implementation Council expressed 'deep concern and disapproval'.

At the same time, a verdict was passed at the ICTY to the Croatian generals, which resonated considerably in Bosnia and Herzegovina as well.

In such a situation and without strong international pressure, it is indeed difficult to talk about and forecast possible deadlines for the establishment of the state government.

Rather ambiguous signals are coming from Brussels indicating that those undermining the sovereignty of BiH will be subjected to sanctions. However, it is obvious that a unified standpoint on what the country's sovereignty really means and what sanctions would be used does not exist.

And where in such a constellation of relations, both interior and global, is the issue of the BiH road towards Europe positioned?

Unfortunately, there is nothing positive to be seen on this road. The state government is in its technical mandate, without authority to propose laws, while bodies and agencies tasked with, among other, defining the BiH road towards the EU have a very limited scope of activities in this regard.

Declaratory messages coming from Europe repeat time and again that 'BiH is welcome to the EU after all conditions are fulfilled', that 'BiH is at the rear of the Balkan line'... Local politicians are urged to show responsibility, while citizens continue to suffer.

* agenda correspondent from Bosnia and Herzegovina

The vast majority of BiH citizens want to join the EU, but the ones they elected obviously do not share their opinion. Abuse of the now famous entity voting, lack of readiness to act in a pro-European manner within the existing constitutional capacities, lack of willingness to make constitutional changes do not go in favour of the European perspective.



It seems interesting at this point to present parts of a poll conducted by the BiH Directorate for European Integration three months ago, which states that 88.2 per cent of BiH citizens support the country's accession to the EU. Nine out of ten respondents in the Federation of BiH and eight out of ten respondents in the Republika Srpska wish to see BiH within the European Union.

92 per cent of the respondents support the implementation of reforms, while 70 per cent of respondents expressed dissatisfaction with the pace of their implementation.

That is what the citizens say. However, the ones they elected obviously do not share their opinion. The past experience has clearly shown a lack of will for concrete activities on the European path. Abuse of the now famous entity voting, lack of readiness to act in a pro-European manner within the existing constitutional capacities, lack of willingness, especially on the side of the RS representatives, to make constitutional changes are all facts that do not go in favour of placing the European perspective on a normal track.

It is not likely that the mood will change under the existing balance of power, even once the state government has been formed.

The key issue again will be the position of the international community and its (lack of) readiness to take responsibility for the situation in a country whose internal organisation it determined 15 years ago.

how European integration impacts change in Serbia

uro Malobabi *

The process of European integration will certainly spur the improvement of the standard of living; still, the affluent Europe should ask itself how it could help the citizens of Serbia and the region of the Western Balkans, because they deserve to be helped after decades of impoverishment and humiliation at the hands of the local quasi-politicians who have proved time and again that they are not up to the task they so stubbornly wish to perform.

introduction

A massive task lies ahead of the Serbian Government, National Assembly, all the judicial institutions and independent regulatory bodies if Serbia is to be granted EU candidate status by the end of the year. The Government adopted in late December last year the Action Plan for fulfilling recommendations of the European Commission in order to accelerate the EU candidate status. The Action Plan identifies 96 shortcomings falling under the competence of individual ministries and the Government as a whole. Among other things, Belgrade plans to enhance the search for ICTY fugitives in 2011 and to resolve outstanding issues with Prishtinë through dialogue. Following two rounds of talks between teams from Belgrade and Prishtinë on important issues concerning the everyday lives of ordinary citizens in Kosovo, little is known about the results of those talks, nor has anything been implemented in practice so far. The Action Plan also covers regional cooperation, monitoring of commitments concerning visa liberalisation, continuing the fight against corruption, the issue of National Assembly members having ownership over their mandates and the functioning of regulatory bodies. In order to achieve European economic standards it will also be necessary to address issues such as restructuring, unemployment, cases of privatization agreements being annulled, privatization of public enterprises, excessive administration affecting the business environment, competition policy and infrastructural issues. The Serbian Government has identified the fulfilment of tasks from the National Strategy for joining the EU as one of its most important objectives in the upcoming period, which means that Belgrade will have to complete within a very short deadline the adoption of a series of laws that will set the path towards the EU. A small number of very important laws still remain to be adopted, including the restitution law, the law on financing of political activities, as well as changes to the Public Procurement Law. These are all very difficult issues. Belgrade hopes that Serbia could be granted the EU candidate status and given a date for starting accession talks in early December. Full cooperation with the Hague Tribunal, i.e. the arrest of former commander of the RS Army General Ratko Mladić will remain the main obstacle even after the adoption of the necessary laws, while the issue of the other indictee sought by the Hague Tribunal, Goran Hadžić, would no longer be considered seriously by anyone.

In addition to completing cooperation with the Hague Tribunal, the fight against corruption is also one of the more important tasks lying ahead of Serbia prior to obtaining the EU candidate status. The Ministry of Justice, in cooperation with non-governmental organisations, is preparing a new strategy and action plan for battling corruption, which will also include changes to certain existing laws concerning the fight against corruption. The majority of additional questions the European Commission put before Serbia after receiving answers to its questionnaire concern corruption. These questions are very detailed and concern specific forms of cooperation between the police and the prosecutor's office in certain stages of the investigation, but also whether there is coordination and how it is performed. The Serbian Ministry of Interior stated that the police in Serbia achieved the best results in fighting corruption in 2009 when it discovered 44 percent more such cases than during the entire period from 2000 to 2005. Some four thousand individuals suspected of corruption, including company managers, employees and managers in public companies, health institutions, education institutions, banks and government institutions, were reported last year, which is the highest number in the last ten years. The fight against corruption is one of the more

* journalist, Belgrade

important tasks in the Action Plan for joining the EU and progress on this issue is important for the process of European integration, but even more so for the citizens of Serbia. The authorities in Belgrade are also aware that the fight against corruption will not end with the country obtaining the EU candidate status, because six months is not enough to root out corruption, which is limiting the confidence of the citizens in the independence and efficiency of the state, as well as the competitiveness of the economy.

During a recent visit to Serbia, EU Enlargement Commissioner Stefan Füle reiterated that the pace at which Serbia will move towards the European Union depends solely on the authorities in Belgrade. Besides cooperation with the Hague Tribunal, he also mentioned two other problems, including reforms in the judicial sector and the fight against corruption, which should at the same time benefit the citizens and move Serbia closer towards the European Union. Accession of Serbia to the family of European nations is realistic and that objective is within reach, but political criteria will have to be met before receiving a positive assessment from the European Commission on the Serbian bid. Besides the three conditions mentioned above, changes to the electoral legislation, adequate functioning of the independent regulatory bodies, establishment of legal security and ownership rights, protection of human rights and freedoms, reconciliation and regional cooperation, as well as the issue of Kosovo, are all priorities. However, the question on the lips of many people in Serbia is will they live better with the country obtaining EU candidate status, or whether major political changes would have to happen in the country, changes that will be possible only after the elections.

EU funds and Serbia

Rough estimates, agreed upon even by certain interlocutors in the EU and analysts from Brussels institutes that monitor the efforts of the Western Balkan states to join the EU, speak of at least billions of euros – realistic estimates set this figure at a dozen billion at the minimum – which Serbia could have received from EU funds, but also through a stronger influx of foreign investments, had it cleared the constantly raising bar of conditions for obtaining the status of a candidate country in the 'club of twenty seven'. This would certainly help Serbia immensely in accelerating reforms, restructuring the economy and better withstanding the impact of the global financial and economic crisis which has to a large extent caused - notwithstanding all the criticism that can be levelled at the government in Belgrade for how it is conducting its policy - difficult economic and social problems, including high unemployment and a drop in the standard of living. The government was forced to raise loans and spend all the money from the privatization process on covering deficits in the budget and the balance of payments. Had there been investments in the development of the infrastructure and the economy, especially the export-orientated economy, both the budget and the foreign trade deficit would have been lower. Many Serbian economists have criticized this model and some have even demanded the abandonment of the neoliberal concept of the agreement between Serbia and the International Monetary Fund, which was in fact supported as a condition by the European Union. Poland and Hungary, both EU members, have in the meantime abandoned that model used for the agreement with the IMF.

Priorities of all countries, as well as common interests, have been defined at the meeting of national coordinators for European integration of countries of the region. Greater funds from the European budget for countries preparing for EU membership can be obtained only through teamwork and joint projects. Serbia has initiated a principle for providing EU pre-accession assistance. The Serbian team for European integration advocates for more funds from the EU budget to be provided to countries 'heading' towards Europe during the pre-accession period, and less funds to be provided once they become members. The other idea of the Serbia team is for Serbia, like the member states, to send their planned budgets to Brussels for an assessment of expenditures and the sustainability of the economic policy. This would allow Serbia to receive EU guarantees for entering the capital market. These two ideas, which are opening the road towards the European Union, could bring several billion euros to the people of the Western Balkans, and at the same time serve EU interests.

assessment of answers to EU questionnaire

European Commission experts, who following the submission of answers to the Questionnaire visited Belgrade on several occasions, have first checked answers to questions concerning the fields of human rights, security and the judiciary, because these three fields have so far posed the greatest problem to all countries in the process of European integration. The fight against corruption, judicial reform, activities of the High Judicial Council and the State Prosecutorial Council and the Judicial Academy

have come under scrutiny of EC experts. They have also checked the work of independent regulatory bodies such as the Ombudsman, the State Audit Institution, the commissioner for information of public interest, but also how the authorities are treating these institutions. In mid March they analyzed the state of human and minority rights, the position of refugees and internally displaced persons, control of the borders, migrations and asylum. The European experts' final observations will not be made public, but their view of Serbia will be clear once they set additional questions. Practice has shown that all countries on the path of European integration have received additional questions regarding the 'most sensitive' issues in every individual country. Based on assessments by expert missions and answers to potential additional questions, the European Commission will prepare an opinion on whether Serbia is ready for the candidate status, but also if it is ready for the next phase – setting a framework date for accession talks, an issue all EU member states decide on in consensus.

The question on the lips of many in Serbia is will they live better with the country obtaining the EU candidate status, or whether major political changes would have to happen in the country, changes that would be possible only after the elections.

European integration and the White Schengen

European integration of Serbia has resulted in the abolition of visas for its citizens travelling to EU member states in 2009, but officials in European capitals soon panicked because the number of asylum seekers from Serbia quickly rose sharply. More than 10,000 Serbian citizens have sought asylum in 2010, primarily in Sweden, Germany, Belgium, France and Austria. According to figures provided by the Ministry of the Interior, more than 4,000 citizens who have tried to abuse visa free travel have already been sent back to Serbia in accordance with the Readmission Agreement. Serbia is a country with the third highest number of asylum seekers in the EU, following Afghanistan and Russia, both of which are much bigger and have a much larger population than Serbia. In most cases these asylum seekers are Roma, Albanians and Bosniaks from Southern Serbia, Sandžak, central Serbia and Belgrade, and their motives for seeking asylum, according to official information, are primarily economic. This is why relevant authorities in Belgrade, as well as in Brussels, state that immigrants from Serbia in the EU cannot be granted the status they seek. They claim that, all things considered, Serbia will be granted EU candidate status, which means that this is a politically stable country, which in turn removes conditions from granting political asylum.

European integration at the local level

The process of European integration of Serbia entails that more than a half of the European legislation will be implemented at the level of local self-governments, consequently strengthening their capacity and financial assistance are very important. It is also important that the central



Jelko Kacin, European Parliament rapporteur on Serbia

authorities influence the strengthening of local self-government capacities. As a result, these two parallel processes – efforts at the central level to strengthen the position of local self-government on the one hand, and what the EU is doing through its assistance to participate in this process on the other – contribute to the strengthening of the local self-government capacities and its ability to respond to the commitments set by the process of European integration not only before the central authorities, but also before the local self-governments and individuals. In the past several years the EU has supported municipalities in Serbia with more than 250 million euros intended for supporting decentralization, the program of regional and social-economic development.

restitution

The European Union has made it clear that in order to obtain candidate status Serbia would have to fulfil certain conditions and it has also set deadlines for the fulfilment of those conditions. High on that list of conditions is restitution, the process of returning to citizens the property seized after World War II. Serbia is the only transition country not to have adopted the restitution law, which puts it in an unfavourable position, because ownership is an inviolable right in the EU. Despite numerous announcements that this issue would be resolved, the problem emerged when it came to defining restitution models and ensuring funds for its implementation. Representatives of the state structures support the resolution of the restitution issue in a way that would not undermine the economic stability of the country. They believe that this historic injustice needs to be rectified, but in way that will not jeopardize the rights of other citizens. Natural restitution is unacceptable for the authorities because much of the seized property has been sold to new owners during the privatization process. Instead, they support providing financial compensation to former owners and this is where things become complicated.

According to an assessment by the Tax Administration, the value of the claimed property is estimated to be between 101 and 226 billion euros, which is a staggering amount, unattainable even for much richer countries. This is also one of the reasons why the law has still not been adopted, although its adoption had been announced and then postponed on several occasions. According to Deputy Prime Minister for European Integration Božidar Đelić, the Government adopted on 27 December last year the Action Plan which foresees the adoption of the restitution law in the first half of 2011. He called for a restitution model that would, as he put it, fit the measure of Serbia, meaning that it would be modest, especially in a financial sense. On the other hand, the associations of former owners 'Network for Restitution' have been trying for years to prove that in the majority of cases it is possible to return property in kind. Most claims for the return of seized property, almost 97 percent, concern forest, farming and construction land. The state is requested to return 45,000 hectares of forest, 2,652 hectares of construction land and 306,000 hectares of farming land. According to the 'Network', the fact that Belgrade possesses 77,600 hectares of construction land, out of which only 1.44 percent is being claimed, shows how simple it would be to implement this procedure. The process of returning property to church and religious communities also shows that restitution in kind is feasible.

Responding to claims by relevant structures that the state does not have sufficient funds to compensate former owners because hundreds of billions would be needed for this, the 'Network' stresses that a much smaller amount would in fact be needed. This is why a solution is being sought that would provide adequate and fair compensation to the successors of former owners, but would also not impose too big a burden on the country's economic system. According to certain announcements, the law could provide three models for restitution: the natural return of property, replacement restitution in the form of some other property, and if the first two options are not possible, then the principle of providing compensation in accordance with the market value would be applied. However, real work is yet to begin following the adoption of the law because it will be necessary to check every claim, individually assess the value of the property and offer adequate compensation.

Serbia has big environmental problems

Waste management regulations in Serbia need to be harmonized with EU legislation by 2014. Man has always produced waste, however, with the industrialization of the society and the irrational use of resources we are now also faced with its increased production. Waste management involves the implementation of defined measures for handling waste in terms of collection, transport and reuse and disposal of waste, including supervision over those activities and taking care of waste deposit sites following their

closure. Waste management is to be performed in a way that exposes people and the environment to the lowest possible risk. It is at the same time necessary to implement measures on reducing the pollution of water, air and land, as well as on reducing the risk of accidents, fire or explosion. Negative effects on areas and natural goods of special value, as well as noise levels and unpleasant smells need to be reduced. The application of the Waste Management Law at the local level will be covered by the first national plan that will be prepared for certain types of dangerous deposits, such as deposits of medical waste, asbestos, waste oil, used batteries, electrical and electronic products. Serbia needs to develop four national plans for managing individual waste flows in the next two years and this project will be implemented by the Austrian Environment Agency. Besides the development of national plans it is also necessary to develop local and regional plans, increase to 75 percent the number of people covered by the waste management training system and build 12 regional centres for managing them. The South Bačka District, with 11 municipalities and Novi Sad, which is launching a regional project in this field, is a positive example. Activities on planning waste management, which are being implemented in the South Bačka District as a project of strengthening local self-government, have highlighted the need for preparing a feasibility study on its mechanical-biological treatment. Interestingly, more than 30 percent of laws which Serbia needs to adopt are laws concerning the environment, and they will also be a part of the strategy for the accession of Serbia to the European Union. So far, almost 50 percent of municipalities have prepared local plans for receiving waste management licenses, and all this even before the regional plans have been prepared. Harmonizing them represents a problem and this is something that needs to be resolved in the interest of the environment. The Waste Management Law and the Packaging and Packaging Waste Law were adopted in May 2009, while changes and amendments to those laws were adopted in November 2010. This has brought Serbia a step closer to EU standards. A dozen bylaws concerning special waste flows are currently in the process of being adopted, while the Regulation on depositing waste at depots has already been adopted.

how the citizens feel about EU membership

According to the latest opinion poll, public support for the accession of Serbia to the EU has dropped to 57 percent, which is the lowest level since 2002. The poll shows that 18 percent of those covered by it would oppose accession to the EU if a referendum were organized tomorrow, while an almost same percentage stated that they would not vote at all. This drop in support for European integration is a result of disappointed expectations, i.e. citizens feeling exhausted by many promises that have not been followed by concrete results. According to the poll, citizens expect the most from the fight against corruption and the better protection of human rights, as well as reforms in the fields of health, agriculture and judiciary. Furthermore, the citizens of Serbia think that large business, the state administration and the education sector will benefit the most from the accession of the country to the EU, while agriculture, small and medium business and industry will be the 'losers'. Despite certain changes for the better, more than a half of those covered by the poll still think that they are not adequately informed about the process of accession of Serbia to the European Union.

gender equality in light of European integration

Gender equality, as a precondition for the democratization of a society, entails equal participation of both men and women in all spheres of public life. Integration of the gender aspect into key political currents is an important part of the European integration process of Serbia. The establishment of gender balance includes the identification of various conditions and requirements for men and women for the purpose of achieving equal labour rights, elimination of all forms of discrimination by offering equal opportunities to both genders, without giving priority to one over the other, and, in that sense, doing away with the common gender prejudices and stereotypes. An increased number of women in politics is one of the demands related to the realization of human and political rights of women, in the sense of achieving a higher level of democracy and inclusion, and is also one of the steps Serbia needs to make on the way towards EU membership. Improvement of the position of women in public life depends on economic development, existence of the necessary legal framework, democratic institutions and a form of political culture, party and media culture, type and structure of the election system, public opinion and the level of social awareness.

Social and political changes in Serbia have contributed to certain progress

on the issues of the participation of women in the political life. The result of those changes is reflected in the public in an increased awareness of the need for an equal participation of women in the sphere of public authority, their presence in decision making on the content, pace and direction of the current social reforms. After the 2000 elections, a steady increase in the number of women in the National Assembly has been recorded, and the situation improved after the introduction of the system of quotas for the less represented gender in the Law on the Election of Representatives, so in 2008 the number of women participants doubled (21 per cent). The purpose of introducing quotas as a measure of positive discrimination is to ensure a certain percentage of women in the authorities, as a minimum of democracy. Increase in the number of women members of parliament is a direct result of pressure exerted by forums of women in the political parties, as well as activities of institutional mechanisms for gender equality and considerable engagement of the women movement activists in the non-governmental organizations. Although some progress has been seen in the field of the participation of women in political life, the situation is not satisfactory because the defined legal quota of 30 percent of seats in the parliament going to the less represented gender has still not been reached. This is a consequence of incomplete legislation that allows breaches of the nominally defined quotas. For the system of election gender quotas to be efficient, it is primarily necessary to ensure that it is implemented in practice, and party rules regulating the order of female and male candidates is also important, together with the issue of whether the candidate lists are open or closed.

In addition to formal barriers women are facing on the way to political engagement and senior functions, traditional views and prejudices concerning the position of women in the society are also still present in Serbia, and they largely influence the acceptance of their nomination by the party colleagues, leaders, media and sponsors. A negative attitude towards the nomination of women for political positions results in the creation of psychological barriers with women, which is manifested through the loss of self esteem, leadership ambitions and desire for promotion in the political circles. A small number of women are selected for nomination on the political parties' election lists and the selected women are usually at the bottom of the lists, while positions higher on the list do not mean that they will go through and be appointed to senior positions. Such marginalization of women arises from the fact that men in most cases do not want to share power, and from the existence of some informal networks of support among men, which are extremely well developed, yet inaccessible to women.

The necessity and importance of political participation is not measured only by the number of women; their representation in the sense of respecting their attitudes and opinions in the decision-making processes is also important. That is why it is of paramount importance that the idea of political equality is primarily accepted by the political elite, and then by the widest community. Starting with the positive examples and experience of the EU member states, and keeping in mind the system of quotas in Serbia, one may conclude that the activities of increasing the representation of women in politics should be directed more towards the political parties and their structures. An increased pressure of the general public, women's groups and organizations can certainly contribute that and result in an increased recognition of the gender principles in the political parties. The upcoming elections in Serbia can be an opportunity for women to gain a bigger role in the political arena, on the basis of the respect of the European standards on gender equality. Such a situation demands additional organization of women, outside political parties, into interest groups and professional associations, all for the purpose of increasing the presence and lobbying for the improvement of presentation of their own attitudes and interests in politics.

The biggest problem in Serbia today, and by that I also mean Kosovo and Metohija, is the low standard of living and unemployment, and that causes considerable dissatisfaction of the people. In the last year, economy has mildly recovered, but foreign investments have dropped considerably. People are working for a monthly income of 100 euros, some even for 500 euros and more. Those working for 100 euros do not know how they make ends meet and have no one to complain to, while those making more than 500 euros complain because they think they are worth a lot more. They all should make a decent living from their work. That is the point of our existence. The process of European integration will certainly spur the improvement of the standard of living, still, the affluent Europe should ask itself how it could help the citizens of Serbia and the Western Balkans region because they deserve to be helped following decades of impoverishment and humiliation at the hands of the local quasi politicians who have proved time and again that they are not up to the task they so stubbornly wish to perform.

the way how Serbia joins the EU does matter

interview with Dušan Janji , leader of the new social-democracy (NSS)

Jelena Mi ovi *

The electoral body has, to some extent, matured after all. Concrete projects, a new pragmatic approach to problem solving are wanted today. Not only promises of a better life, but also concrete proposals. Profiling of parties in Serbia is, in fact, yet to follow.

There is a prevailing opinion in Serbia that too many parties are active in the country's political field. Supporting this view are in most cases the leading parties. Why have you decided to form NSS and is there a need in Serbia for new political options?

Even in the Miloševi era, there were 200 registered political parties, and in the following years that number increased to 970 in three registers. What was behind that large number of registered parties? Vuk Obradov c alone, for example, had seven registered parties. To many, they served as exit strategies. Not many parties (of moderate or social-democratic determination) in DOS had a functional infrastructure. Once we decided to unify them by a Memorandum of Cooperation, it turned out that only about 100 activists existed.

I do agree that the leading parties are also the leading *party-breakers*, for they have largely achieved to break most of the social-democratic parties.

Changes that took place starting with 5 October, as well as some global trends, contributed to the rise of neo-liberalism and deregulation of the market, which in our case resulted in the robbing of the country and in the tycoonisation of political life. The same people financed the majority of the leading parties, not for political reasons, but exclusively for their own interests. The latest example of such practice is Misa Beka's visit to Tomislav Nikolic in hospital while he was on hunger strike, and Beka is known to have financed some other parties as well. Whatever the political option has been in power so far, it has created its own politics in accordance with the interests of a handful of people. In the process, various permits were issued by large and many cases that could jeopardise them have been concealed in different drawers for years. I think that such a practice is over now and that many changes will have to take place in Serbia. We cannot expect to see an increase in economic investments without serious guarantees that the state will function to the extent necessary to create a firm business environment and decrease social discrepancies.

What are the main program goals of NSS?

Our main program objectives are, in the spirit of the above-stated, curbing the tycoon monopoly over agriculture and energy sources. What we want is true state management through concessions with energy safety. Our next objective is reform of the security services, weak authority of the president and a strong government. We are also of the opinion that all objectives need to be based on sustainable development.

The Democratic Party was once considered a social-democratic party. Are there any relevant parties in Serbia that advocate such an option?

Zoran in i put in a lot of energy to make DS a social-democratic party, but he failed. When DOS came to power, it was a conglomerate of various interest groups resembling, in fact, the Communist Party just prior to dissolution of Yugoslavia. The social-democratic voice became weak; the neo-liberals have taken over. As it has come back to haunt Miloševi , I think the same will happen to DS, for it behaves monopolistically. I think that DS will also dissolve, similar to what had happened to the radicals when the 'progressives' broke away. SPS contains some social-democratic elements

*agenda correspondent from Serbia

in its program, they even cite Tucovi , but their practice has gone in another direction. Members still have populist and socialist inclinations. Even Ljaji 's party, formed in the presidential cabinet, cannot be characterized as such. I will not even mention DSS, the 'Slava' Serbs.

One of the motifs for forming NSS is the fact that, according to certain polls, about 25 % of the Serbian electorate is oriented towards the centre left. Those are, primarily, middle class people. By this I do not intend to say that the ideology will resurface, since the electorate has matured. Concrete projects are wanted today, a new problem-solving oriented programme approach. At the SNS rally on 16 April, you could hear many promises of a better life, but no concrete proposals on how that will happen. Parties in Serbia, in fact, are yet to take shape.



Dušan Janjić, leader of the new social-democracy (NSS)

How does the process of European integration influence events in Serbia?

Association to the EU is inevitable and it is not an issue whether this should happen, but how it would happen. The growing anti-European mood is not only a consequence of the economic crisis but also of how the EU treats Serbia. The attitude of EU officials towards Serbia is ambivalent. On the one hand, certain concessions have been made, which should not have been made; on the other hand, there exists a growing anti-expansion mood within the EU. Efforts by EU representatives for elections in Serbia not be organised before the country is given a candidate status are, in my opinion, unwise and dangerous. Serbia needs to fulfil some key conditions prior to being granted the candidate status. Those include judiciary and police reform, strengthening of political freedoms (for example, formation of a unified voters' list), the issue of restitution, deputy mandates, decentralization, the Kosovo issue, etc. Some of these issues may be solved solely through constitutional changes, and that is something the allegedly pro-European authorities led by DS are not ready to initiate.

In general, the attitude of some EU diplomats regarding political parties in Serbia is, in my opinion, utterly superficial, thus problematic. I cannot accept the thesis that only a small number of political parties in Serbia are pro-European. For example, can we even talk about the European values of the LDP party just because it is ready to recognise independent Kosovo,

while that party's leader behaves authoritatively, giving racist statements that by no means differ from those we often hear from *Obraz* or *Nacionalni stroj*?

What is the New Social-Democratic Party's position in relation to Kosovo?

The reality is that a large number of the leading European countries have recognised independent Kosovo. That is an irreversible process and all of us – the USA, Europe, as well as Serbia will have to raise, cuddle and feed this new-born. Serbia needs to expand activities on improving the social, political and legal situation of Serbs living in Kosovo. I support the cooperation of the Serb population with the local institutions; relations with the Albanian neighbours need to be re-established. The ethnicity of Serbs in Kosovo will not be reduced if they become active in the local structures, on the contrary. It is probable that some solutions for the divided Kosovska Mitrovica will emerge through the efforts of the international mediators, EULEX and others. Perhaps the creation of a mini EU-region, which would connect northern Kosovo with Sandžak in Montenegro and Serbia, would help relax relations and accelerate economic development and cross-border cooperation.

I am also of the opinion that the Serb National Council should be formed in Kosovo for the purpose of local coordination on issues related to culture, education, media, and, initially, in relation to health and social issues, which, in time, need to be encompassed by a unified system in Kosovo. That council should serve as support to strengthening capacities of Serb municipalities and should deal with inter-municipal coordination. I am of the opinion that bridges towards the future should be built, that technical dialogue should be advanced and that many issues, for example, recognition of diplomas should be solved.

I think that Serbia will not recognize Kosovo before it joins the EU, but I also think that there will be no peace or stability in the region of Western Balkans without a historical reconciliation of Serbs and Albanians, similar to the reconciliation between the Germans and the French which had taken place prior to the formation of the EU. Similar to the formation of the European community for coal and steel 60 years ago, I am of the opinion that creation of an energy community of Albania, Kosovo, Montenegro, BiH and Serbia, for example, could much more efficiently guarantee energy safety, which would, in turn, contribute to the stability of the entire region.

The attitude of EU officials towards Serbia is ambivalent. On the one hand, certain concessions have been made, which should not have been made; on the other hand, there exists a growing anti-expansion mood within the EU. Efforts by EU representatives for elections in Serbia not be organized before the country is given a candidate status are, in my opinion, unwise and dangerous.

How do you interpret segregation tendencies in Bosnia and Herzegovina?

A combination of bad politics has culminated in Bosnia and Herzegovina with the inability to form a common state and market being its direct consequence. Today, there is a standoff preventing further development of the country. Double administration is only an additional burden to the difficult financial situation. This situation needs to be changed through joint projects of the Federation BiH and the Republika Srpska, primarily in the field of economy and energy, because it is important to improve the living standard of the citizens and increase employment.

the Venice Commission tells Serbian authorities that the Law on the Election of Deputies is undemocratic and that it should be changed urgently

a bitter pill of democracy financing of parties suspicious as well

*Ljuba or evi **

According to the Venice Commission, a deputy is the owner of the mandate and there may be no blackmail or conditioning – period! A deputy may leave the party, may vote on their own will, may change the caucus, may be an independent 'shooter', may resign...

Europe has found another blemish on the face of 'democracy' in Serbia. The Venice Commission has warned the current Serbian authorities of the need to improve laws on the election of deputies and on the financing of parties, because the new solutions are undemocratic. The Venice Commission suggested the Serbian Assembly to order its Working Group to 'fix the laws, for not even the new solutions are in accordance with the European standards'. The Commission is dissatisfied because blank resignations have not been entirely abolished; because the Commission is also dissatisfied with the latest solutions of how the deputies enter the parliament after the elections.

The Commission also proposes amending the Constitution of Serbia if necessary, because of the blank resignations.

According to the controversial constitutional provision, 'a deputy, under conditions defined by law, is free to irrevocably place their mandate at the disposal of the political party which had nominated him'. When the new Constitution was being drafted, this solution was easily and quickly adopted and 'seen' as a means of preventing the trade of mandates, for 'mandates belong to parties'.

However, immediately after the Constitution was adopted, OSCE suggested that this provision be changed, because it was not in accordance with European standards, according to which, as was emphasized, mandates belong to deputies. This issue will most probably be considered after the elections because solutions offered by the Serbian side are merely of a 'transitional nature' as the Constitution cannot be changed prior to the elections.

clear 'rules of the game'

To put it bluntly: Strasbourg has delivered a six-page dispatch, describing in detail what and how it should be done: a deputy is the owner of the mandate and there may be no blackmails or conditionings – period! A deputy may leave the party, may vote on their own will, may change the caucus, may be an independent 'shooter', may resign... That means that it is not the party, but the deputy who owns the mandate.

Serbian politicians have once again tripped over a 'European pebble'. This is a formula explaining how candidates from the electoral list will be distributed in the parliament. Their wish was to distribute 50 % of the seats in the parliament based on the ranking of the candidates, while the other 50 % would be distributed according to the will of the parties.

However, this will not be possible – Europe said! Lists need to be closed and the way in which parliamentary seats are distributed must be clear prior to the elections, European Commission experts have categorically said.

The formula for the distribution of parliamentary seats needs to be known prior to the elections. Rules of the game need to be such that 'tickets' for the Assembly are given only to those who are at the top of the candidates' lists and to those who win the majority of votes in their electoral units. Other combinations – arbitrary distribution of seats 'based on sponsorship and friendship, as well as on other relations' and after voting – is out of the question. Names of all 250 candidates need to be listed on the ballots. If the party's favourites, who are always at the top of the list, take over some other functions – for example, become ministers or prime minister – the

candidate next in line will succeed them. Everything is fully transparent; there will be no backroom deals, gentlemen! The ruling nomenclature managed to abuse the very word 'transparent' by its promises; now they finally have an opportunity to act accordingly.

Anyway, after a clear message from the European partners that parties in Serbia wield too much power, the ruling parties decided to obey EU demands, albeit unwillingly and with a sour face. Only SRS has opposed this, refusing to give its deputies 'that much freedom'.

The Serbian Assembly announced that Changes to the Law on the Election of Deputies would soon be completed and that blank resignations would be abolished, as well as that the draft law is expected to enter parliamentary procedure in early May.



money on the table!

However, European objections do not end here. On the contrary, there are more! The Venice Commission also has objections concerning the Law on the Financing of Parties.

If the share of public funds in the parties' general budget exceeds 80 to 85 per cent, the question of whether the political parties are a kind of a 'state-party cartel' arises, the Anti-Corruption Agency warns.

Following objections made by the Venice Commission, the Anti-Corruption Agency came with the proposal to limit by law the amount of funds political parties receive from the state budget.

'The Transparency of Serbia' warns that Brussels will pay attention to the Venice Commission's criticism when it starts considering Serbia as candidate for membership, and advises that the controversial provisions be changed.

Rules of the game need to be such that 'tickets' for the Assembly are given only to those who are at the top of the candidates' lists and to those who win the majority of votes in their districts. Other combinations – arbitrary distribution of seats 'based on sponsorship and friendship, as well as on other relations' and after voting – is out of the question.

Serbian authorities will have to swallow this bitter pill, unless they want to jeopardize further integration of Serbia with the EU, regardless of the fact that the pill may cause a counter effect – it may increase the temperature and cause a headache 'at home'; this could happen soon, at the following parliamentary elections, for 'manipulative combinations' will significantly be reduced, together with post-electoral backroom deals. We will not even mention the issue of 'switching allegiances'!

This is a real opportunity for the authorities to prove that they truly want to see Serbia in Europe, an objective they support so vocally. They now have the opportunity to turn words into actions.

* journalist, Belgrade

environment and social values

towards an outline of eco-axiology

Dražen Pavlica*

Without a comprehensive eco-axiology as a relatively complete, integral and non-controversial biophilial value paradigm, there can be no debate on a long-term green policy

what is eco-axiology?

Is it possible – and to what extent – to establish incrementally an effective and comprehensive eco-axiology in Serbia? Notwithstanding our desires and wishes, we must be cautious in judging on the possibility for such a noble and purposeful intention to become reality. There is no need to emphasize that without a comprehensive eco-axiology as a relatively complete, integral and non-controversial biophilial value paradigm; there can be no debate on a long-term green policy.

a given of civilisation

Our society is part of a civilisation that has strived to overpower nature unconditionally, to adapt it and use it endlessly for its own all-justifying progress. We see partial deconstruction of the progress myth, which may be priceless in terms of ecology. Besides, the cyclical regularity of rhythms of nature is in discord with progressivism-driven ideologue and the premise on endless progress in a straight line. In the Western civilisation, progress materialised in territorial conquest and unlimited use of the natural riches found. The ruling model of globalisation (whether we call it neo-capitalist, corporate, neo-liberal...) has disturbed considerably the balance of the eco-system, so that it is necessary to re-examine, re-direct and re-valuate it. It is a global imperative to articulate an alternative to the model of social self-regulation, i.e. an alternative to the belief in the efficiency of the invisible force of the market.

social configuration of Serbia

One should wonder if this society, which has not yet completed the full restoration of capitalism of the (semi) peripheral type and where pre-modern, modern and post-modern forms of life still co-exist in discord, actually possesses all the preconditions for this kind of horizon of values. In an attempt to compensate for the delay in modernisation and within the context of scarce social resources and reduced collective energy, green values are systemically ignored. The existing political order and the fossilised and self-absorbed political class have led to a developmental dead-end street of sorts. A society that has not secured even the basic principles of social justice cannot be expected to have the capacity to redirect the hopes and fears of social conscience towards establishing a balance between man and nature. In a state of reduced and fearful existence, it is unlikely that a decisive number of individuals would be able to think about what kind of a world we are leaving behind for our (distant) descendants.

the green *Weltanschauung*

In order to make the newly established capitalist socio-economic configurations more humane and to preserve the environment, various emancipating social forces must grow stronger, and eco-movements can and should play a pivotal role in this. A fundamental green politics may be the kind of social force that will renew the dried-out utopian energy and weaken the fatalist claim that the current situation has no alternative. In order to allow the participation of as many social factors as possible, the green worldview understood in the widest sense must include all those who do not recognise the logic of domination and uncover the teachings of



hegemony. The green *Weltanschauung* denounces the social Darwinism and predatory behaviour, devastation of nature, inequality and the monopolistic appropriation of resources that belong to the entire society.

the mission of the eco-movement in Serbia

Therefore, the essential mission of the eco-movement in Serbia does not comprise a mere competition for social power and political governance. A credible and persistent advocacy of a different anthropology, economic policy, social ethics and philosophy of nature is its supreme task. The time we live in requires a consistent promotion of awareness of the inevitability of preservation of the environment and saving of the natural, mainly non-renewable resources. What is it that needs to be done for a society that rests on economic drives, hypnotic consumerism, on observation of almost all the social facts through the prism of profitability and superiority of control over people and things to undergo a moral, Copernicus-like turnabout? In its essence, the eco-logic is irreconcilably opposed to the self-absorbed technophilia and unrestrained desire for acquisition. Science and technology as the tools for ruling nature must considerably change the foundations of their purpose.

A society that has not secured even the basic principles of social justice cannot be expected to have the capacity to redirect the hopes and fears of social conscience towards establishing a balance between man and nature.

a view from within

Generally, there is an evident discord within the eco-movement in terms of its aims and the means to reach them. The ecologists, themselves prone to principled and non-conformist positions, believe that a thorough change of the ruling values and patterns of (hyper) consumption and (hyper) production is inevitable. Their opponents, the environmentalists, believe that it would be more purposeful and practicable to reach for a technocratic managerial approach when dealing with ecological problems. An environmentalist thus advocates a gradual and partial approach in dealing with evident ecological problems. The horizons of their ecological engagement reach only those boundaries that protect the current global societal framework and its central mechanisms. At that, out of their naiveté, ideological righteousness or protection of personal/group interests, the environmentalists ignore the fact that the eco-balance has been disturbed by the very model of social development whose preservation they ultimately advocate. There is no doubt that in order to strengthen the eco-movement and install the green values in Serbia, it is necessary and inevitable for ecologists and environmentalists to exist at the same time. In order to increase the significance and the social visibility of the eco-movement in Serbia, it would be desirable to strengthen the ecologist approach, both in terms of organisation and in terms of motivation.

* Sociologist and member of the Argument association, Belgrade.

attitudes towards "space" in Serbia (2)

Sonja Prodanovi

There is a long list of ministries responsible for social and health aspects of quality of life, for natural and man-made resources, for infrastructural systems and organisation of industrial and agricultural production in sectoral agendas. We insist that they have no direct insight or influence on either a binding and synchronised model of administration of the territory, or the control or influence over different aspects of quality (external effects) of the environment.

spatial, planned and institutional organisation today

Today, the territory of the Republic of Serbia is structured as 25 "counties" in its central part, and two provinces, Vojvodina and Kosovo and Metohija, subdivided into 5 counties (still ignoring the issue of status and the international protectorate over this part of its territory); it is further divided into 200 towns and municipalities (16 within the metropolitan area of Belgrade and 29 in Kosovo and Metohija!).

Although there is a Ministry of Economy and Regional Development, in the section on "territorial organisation", our Constitution, this fundamental law, makes no reference to "regions" as a form of territorial organisation!

It is interesting that we also have a Ministry for National Investment Plans (probably the only one in legally, constitutionally and democratically organised states!). It is also interesting to note that in a situation with an endless number of political parties, individuals from these two ministries established a new party – Party of the Regions! All this happens at the time when it is necessary to reduce state administration – central and local budget costs, and following critical talks with IMF (in addition to problems with a delay in fulfilment of EU candidacy conditions) and when there is a proposal to reorganise the Government into just 15 ministries! At the moment, the Government of Serbia comprises 26 ministries and 5 agencies (at least according to its website) in the predominant model of "party-cratic" management and extremely bad results of the transition and privatisation processes, assessed as seriously unlawful and highly corrupt.

The current structure of competences is very complicated in terms of analysing the quality of management of development and protection of the territory, particularly in light of the structure of the ministries. It is unclear how the issue of environmental protection is to be analysed integrally in this de facto fragmentation of management over natural and man-made resources, industrial and infrastructural systems and public health (if speaking within the context of the modern understanding of environment and sustainable development!).

There is also a Ministry for Environmental Protection, but another ministry is also entitled Ministry for Environmental Protection and Spatial Development! There is a long list of ministries responsible for social and health aspects of quality of life, for natural and man-made resources, infrastructural systems or the organisation of industrial and agricultural production in sectoral agendas. We insist that they have no direct insight or influence on either a binding and synchronised model of administration of the territory, or the control or influence over different aspects of quality (external effects) of the environment.

Lists and agendas of ministries that influence, directly or indirectly, the issue of relationship between the quality of territorial management and its consequences for the quality of the environment may be an illustration for the arguments presented (except for issues related to education and youth, social care and human rights, although these aspects cannot be avoided in any valid assessment of "quality of life" or "quality of environmental protection!"):

- Ministry for the Environment and Spatial Planning,
- Ministry for Environmental Protection,
- Ministry for Economy and Regional Development,
- Ministry for Infrastructure,

- Ministry of Science,
- Ministry of Science and Technological Development (?),
- Ministry of Mining and Energy,
- Ministry for Agriculture, Forestry and Water Management,
- Ministry of Health,
- Ministry of Commerce and Services,
- Ministry for State Administration and Local Self-governance,
- Ministry for National Investment Planning.

Where in this can one find adequate explanations and solutions for management of territory (of natural, man-made and made by culture), models of urbanisation and re-industrialisation, revival of rural areas and models of sustainable agriculture, and in particular how can one see that environmental issues "fit" sectorally, or conversely, how they "structurally or synergically" run through all these different areas? In particular, how are they to be articulated in order to identify any direct causal link, or the necessary synergic strategy in this abruptly announced reduction of the number of ministries and agendas?

Following the collapse of the Milošević regime (and this period cannot even be summarily analysed in terms of territorial management or environmental protection), although the Spatial Plan for Serbia was adopted back in 1996!), urban and spatial management and sectorally structured environmental protection were formally covered by laws as of 2005. The Ministry for Capital Investments became competent (following the abolishment of certain ministries of the Đinđić government, including the Ministry for Environmental Protection, now included in the Ministry of Science and Technology, while the Ministry of Economy became partly responsible for forestry and partly competent for superficial waterfowls, irrigation and flood protection). However, the area of local self-governance has never been adequately regulated (for in 1996 Milošević abolished 69 laws related to this issue, following his regime's failure at the local election in 34 towns in Serbia!). Even today, in 2010, issues related to local self-governance have not been adequately regulated in terms of articulation of tasks of local self-governance, issues of its property, budget rights or benefits.

There is a general attitude that this is the source for answers to the current spatial, urban, demographic, economic and environmental crisis. For today, the "quality of life" index is no longer dependent on reform or a more efficient parliamentary democracy, but also on the "quality of the environment" and a model of sustainable development, implemented locally first and foremost, with adequate civic participation in managing and protecting private as well as public goods.

problems related to land ownership and construction rights

The 2003 legislation on planning and construction, along with the 2006 changes and amendments and the new law from 2009, defined the previously "state-owned" construction land as two categories: as "public" construction land and "other" construction land. All the land is still owned by the state, and buildings on a plot may be owned by an original owner or a legal title-holder (there is an ongoing process of "restitution" of ownership over plots, allowing owners of buildings to prove their continuous possession, but this is still far from responding to the natural ownership restitution claims by numerous owners of urban, farming or forest land, previously confiscated or nationalised).

However, it is interesting that despite the dominant privatisation and references to the rule of law and market economy, "expropriation" of land and buildings continues under the old socialist norms and prices, in the name of "public needs" (construction of transport and energy corridors or facilities, although they too are subject to profit-based privatised economy!)

The Law on Environmental Protection was adopted in parallel to this; its link to spatial planning is effected in the mandatory development of "environmental" or "strategic effects" analysis as part of planning documents for different levels of plans. However, there are frequently different methodological incompatibilities and different development thresholds for sites, visibility of short or long-term external effects. These two documents are thus becoming "decorative" annexes rather than mechanisms for coordinating environmental protection with spatial planning and construction.

"Other" construction land is also divided into two categories: developed and undeveloped, and if the latter is state-owned, it can be leased on the basis of a public bid, but only for the purpose of construction. City and municipal authorities (urban development institutes or municipal departments for urban development define procedures, requests and

programmes for such leases, but are limited in terms of areas and types of buildings, to be further decided on by the competent ministries and the Spatial Planning Agency of the Republic of Serbia). In any case, the lack of clarity and the complexity of competences and levels for licensing create one of the key obstacles to investments, particularly foreign. This also creates a major abuse opportunity, which is the likely explanation for a boom in "illegal construction"! Illegal construction wastes no time or money for environmental protection or for compensating the damage caused by its external effects on communal utility systems, public goods or the locality and the environment in general.

There is serious criticism of legal aspects of the process of obtaining construction land and, consequently, the issue of ownership status of investments. Very wide legal options, particularly in relation to "state-owned" land, may lead investors to situations of legal uncertainty. As there is still no clear position or legislation on systemic restitution of previous ownership rights (including uncertainty of codification of the "public construction land/resources") and with just partial restitution of land ownership and entry into cadastral registers, all this causes uncertainty in both planning and construction. In such a context, this further marginalised the issues and competences related to environmental protection, and indicators of "quality of life", "environmental" and "strategic effects" expertise become nothing other than bureaucratic additions to project designs.

The discrepancy between plans and reality is "read" from the evident devastation and neglect of different spaces, traffic jams, destruction of urban green surfaces, non-systemic development of industrial zones on agricultural land of category "zero" and "first"...

agreements in principle as a conclusion

Environmental protection as part of spatial planning is observed only partially and frequently on no more than a declaratory level, sectorally rather than holistically.

Urban development chaos and poor environmental protection indicate that new stakeholders and new interests are at play, unfortunately usually related to unlawful transition privatisation, marked by a high level of corruption and illegal money flows.

The discrepancy between plans and reality is "read" from the evident devastation and neglect of different spaces, traffic jams, destruction of urban green surfaces, non-systemic development of industrial zones on agricultural land of category "zero" and "first", failure to observe legal requirements in, for example, open-shaft or other mines, to refurbish the site following the end of (or even during) exploitation, or to remove cinder adequately. Owners are free to do as they want due to the "enormous criminality in state administration and different services", unclear ownership status, long and complicated licensing procedures, as well as legislation that allows for "investor-driven urban development" in a situation when local self-governance and private owners have no power whatsoever.

There are no clearly defined professional requirements or procedures for scientifically based expert analyses of environmental or external effects. This necessitates a thorough re-examination of both the paradigms and the models for sustainable development, institutional competences and regulation of ownership – but also of education syllabi.

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events and actions

anti-government protests

Zoran Oštri *

Protesters rallied around two main demands: the resignation of the Government and new elections immediately. In addition to that, certain groups expressed various other political demands, ranging from the reorganization of voters' lists to rejecting accession to the EU, which gave rise to claims describing protests as inarticulate.

From mid-February until early March, Zagreb was the scene of dramatic and (considering Croatian circumstances) relatively mass anti-government protests. Lacking a better expression, the media characterised them as 'Facebook protests', making comparisons to a wave of protests in the Arab countries. Within a month, about twenty protests took place, which at their peak gathered some 10,000 protesters. A smaller number of protesters assembled outside Zagreb, measuring in hundreds or only dozens. Still, protests were held in about twenty towns. Opinion polls show that about 70 per cent of citizens supported the protests.

Protesters rallied around two main demands: the resignation of the Government and new elections immediately. By doing so they expressed strong mistrust of the citizens towards the Government, whose former prime minister is now in an Austrian jail awaiting extradition, but also towards politicians in general. In addition to that, certain previously formed or ad-hoc groups expressed various other political demands, ranging from the reorganization of voters' lists to rejecting accession to the EU, which gave rise to claims describing protests as inarticulate. During one such protest, the flag of the ruling party was ripped off a building and destroyed and after that the same was done with the SDP party and EU flags. The destruction of the latter two flags caused fierce controversies even among the protesters. 'They are all the same' could be heard often, while others insisted that they should be protesting against the current Government, not the opposition.

Since war veterans, farmers, fishermen, university teaching staff (...) were protesting at the same time, the Government appeared seriously shaken for a while. However, actions of the opposition coalition led by SDP were very restrained and they did not try to use the opportunity to force new elections (which are to take place in November) and come to power earlier (all opinion polls placed the 'Kukuriku' ('Cock-a-doodle-doo') opposition coalition, named thus after a restaurant in which they had first met, well ahead of others). In addition, there was a division within several groups that aimed to become leaders of the protests, some of which were undoubtedly politically manipulated. Some minor unions supported the protests, but not the union leaderships, which, according to one senior union leader, favoured a weak Government that would make concessions to them.

In spite of strong general support, the number of protesters remained insufficient to truly shake the Government. There are fear and resignation on one hand, while on the other many people are still not in such a bad economic situation or morally disgusted (they are convinced that all politicians are thieves, that this is normal, and that it cannot be changed – while many of them have certain connections and 'sponsors' of their own from whom they hope to profit something) to sincerely engage in mass protests and remain persistent in the demand for the departure of the Government.

In that way, from mid-March, the number of protesters rapidly declined, causing an end to the protests. However, about a hundred activists who emerged during these events remained, and they are now getting organised as they go and are preparing further activities. The past events resemble the peasant and people's revolts from the Middle Ages, but also from the more recent past: an accidental spark followed by a romantic, symbolic gesture, which leads to a mass uprising, followed by a rapid melting away after the first more serious challenge so that only small groups of rebels remain. The real question is whether the development of civil resistance in its modern form can ensue from this.

*agenda correspondent from Croatia

from three to 10,000

A group of people discussed the organisation of anti-government protests on Facebook. 25-year-old Ivan Pernar 'jumped out' of the conferring process and called for a process of 'bringing this ruling mafia down' at Marko's Square on 17 February. The location is important because there is a special legal provision banning any protests at Marko's Square (Parliament and Government headquarters) and within a radius of 100 meters. Only two people responded, in spite of the registered 5,000 friends on Facebook. The Prime Minister found them likeable and called them over for coffee, which Pernar refused and scheduled a new protest for 22 February.

Most probably, the key event that triggered further activities was the national television's decision to devote considerable attention to this marginal event in the central news broadcast. Motifs for such a decision remain unclear. Later, when protesters started turning out in their thousands, they consistently falsely reported on the turnout as much lower for a long time.

On Tuesday, 22 February at 1 pm, several hundred people gathered at the gates of Marko's Square blocked by the special police forces. Pernar, assisted by several accomplices, jumped over the barricades and was immediately arrested. That symbolic act, which he repeated two days later, immediately caused an enormous interest of the general public. Overnight, he became a star. He called for the overthrow of the government, promoted his economic programme (a weird mixture of ideas, mostly resembling the 'Tea Party' movement in the USA) and announced: "If I come to power, many will lose their freedom". In a Youtube video, he mentioned the possibility of using force, throwing Molotov cocktails, etc. He insisted on further attempts to break into Marko's Square.



Latent scuffles boiled over on Saturday, 26 February. After a protest organised by a group of war veterans at Ban Jelacic Square, several hundred people headed through the Radic Street towards Gornji grad. At the top of the Radic Street, they encountered a police cordon. A large group of hooligans, mostly members of pseudo-football fans, started throwing stones at the police, turning waste bins, smashing shop-windows. Special police forces reacted (too) fiercely; many were hurt and injured. Without any arguments, the ruling party accused 'some opposition parties' of supporting the protesters, and the police denied this.

Pernar scheduled new protests for Monday, 26 February, at Cvjetni Square, at 6 pm. Everybody understood that the procession would head towards Marko's Square. The issue of violent methods of street fights was an object of fierce controversies during those two days. However, it turned out that the majority of protesters condemned the violence.

Demonstrators headed through the Radic Street (which leads to Gornji grad and Marko's Square), having spontaneously agreed to isolate all possible hooligans. They peacefully encountered the police blockade, shouting 'We love you'. After that, the protesters started walking towards the HDZ party headquarters at the Zrtava fasizma Square, facing another police cordon.

That is when the critical moment occurred: someone saw on their cell phone a news report that the Prime Minister was attending the 'Zlatna Kuna' award ceremony for the most successful businessmen at the National and University Library and that the national television was providing live coverage of that event. A proposal was made to go there and it was accepted. The police became confused because they did not know where the protesters were heading, so they ran after them and managed to form a cordon in the nick of time in front of the National and University Library. The protesters shouted slogans and all viewers of the national

television could see how Prime Minister Jadranka Kosor was nervous. After a while, they again formed a column and headed towards the city centre via Savska Street. Special police forces were walking alongside and protesters were shouting 'Don't walk on the grass' and 'Call the cops!'.

These 'peripatetic' protests, being symbolically brought to a standstill and accompanied by chants of slogans outside several institutions of authority and power and 'outwitting' the police, had become a kind of spontaneously organised performances involving thousands of participants. For a while, the protests were organised every two days, lasting for four hours. Providing a detailed description of what happened is impossible. An unusual 'differentiation' soon followed: the introductory part at the Cvjetni Square, led by Pernar who attracted a number of eccentrics, but also those from the extreme political right-wing who delivered political speeches, soon became marginal. The young initiator whose weaknesses soon surfaced was ignored by the majority and was overrun by the events that followed.

For many participants, this was a precious experience. Alongside a number of groups organized earlier, new activists and organizers also emerged, and the "Social Network of Citizens" was established as well. This is an important step in the events that can be characterised as the third wave of civil activism in Croatia.

what remains

The Government was not overthrown, so the goal of the protests was not realized. However, for many participants, this was a precious experience. Alongside a number of groups organised earlier, new activists and organizers also emerged, and the 'Social Network of Citizens' was established as well.

In my opinion, this is an important step in the events that were triggered by a series of protests in the fall of 2008, which can be characterized as the third wave of civil activism, i.e. the development of a civil society in Croatia.

The first wave took place in 1989–1990, when the one-party system was brought down. Enthusiasm of the period disappeared because of the rigidity of the new HDZ authority, unprepared for pluralist forms of political life, as well as because of the war that followed. In the following years, small groups of activists gathered in associations and the independent media advocated the main principles of human rights, freedom of the media, equality of women, protection of the environment, etc., opposing the authoritarianism and arrogance of the authorities.

The second wave followed in 1999, when a number of associations and activists took part in urging citizens to participate in the elections, implicitly supporting the opposition (the 'Glas 99' campaign). That wave also rolled over, civic activism reduced considerably and associations became institutionalised and professionalised, or, as Srdjan Dvornik stated in the title of his book '(social) actors without (civil) society'. The patriotic system stiffened and democracy was, as one witty remark states, limited to ten seconds – until you circle a number on your ballot paper.

Thus came a new awakening. We are now in the middle of a complex, pluralist process. That can become a true revolution, which will not, however, contain a spectacular one-time event like the capture of the Bastille.

links

Savez za promjene (the Ivan Pernar blog) - <http://zelenapolitika.wordpress.com/>

An exclusive interview with Ivan Pernar prior to the second protest - <http://www.youtube.com/watch?v=mKZkgrGNzQs>

Jela i plac and Radi eva Street: We raised those hooligans - <http://www.monitor.hr/vijesti/jelacic-plac-i-radiceva-mi-smo-odgojili-te-huligane/162799/>

On the self-proclaimed leaders and main ideas of the protest - <http://zoranostriic.blog.hr/2011/03/1629081562/o-samozvanim-voama-i-vodeim-idejama-prosvjeda.html>

Karadžorđevo, shadows of the past and talks of the present

Members of the BiH Presidency, the President of Serbia Boris Tadić and the President of Turkey Abdullah Gül met in Karadžorđevo.

Although hot topics had been announced, judging by the statements that followed the meeting, nothing spectacular happened.

'At the meeting, we discussed openly all the issues of common importance, in a friendly atmosphere, searching for common solutions and supporting the sovereignty and integrity of all the countries,' said the statement from the trilateral meeting dedicated to 'advancing mutual cooperation aimed at promoting peace, stability, tolerance, a shared future and the European perspective of these states'.

However, it should be noted that Boris Tadić, the President of Serbia, stated that Serbia would not support a referendum in BiH that could mean partition of the country or a challenge to its territorial integrity.

Far more reactions – at least in BiH – were triggered by the actual choice of the venue, which reminded a large part of the BiH public about the 1991 Milošević-Tuđman meeting which, according to statements made by the closest associates of the then Serbian and Croatian presidents, discussed the partition of BiH.

It was no easy task for Bakir Izetbegović and Željko Komšić, members of the BiH Presidency, to explain to the public the actual reasons that led them to accept the meeting in Karadžorđevo. As they stated, this was a way for them to deal with the vampires of the past and receive satisfaction from the fact that the Karadžorđevo agreement of 20 years earlier was never implemented.

Adnan Rondi

civic associations: Croatia not ready to close chapter 23

As Croatia is heading closer to the end of negotiations with the European Commission on EU membership, the situation is becoming increasingly critical regarding one of the few remaining chapters. The (23) chapter concerns 'the judiciary and fundamental rights'. Although the Croatian Government has suggested numerous legal and institutional changes to the Croatian Parliament, which has regularly adopted them, domestic civil society organizations note that many gaps still remain. While there is a dangerous possibility that the changes will remain at the sheer formal level, associations assembled around the Initiative for Monitoring and Inclusion in the Process of Closing Chapter 23 have publicly warned of a number of deficiencies which, in fact, prevent the closing of the chapter.

Even though very little time remains to finish the job (the Government constantly assures us that all chapters can be closed by the end of June), what is worrying is that the public has still not been informed what the actual problems are. In addition to its regular Annual Progress Report (published in late November last year), in early 2011 the European Commission adopted a special Interim Report on Chapter 23, while the Government adopted the Action Plan for fulfilling the measures proposed in the Report. However, the public knows nothing about the Report's findings and about the procedures that will follow.

The Initiative of Civil Society Organisations demanded the contents to be made public and has decided to propose several measures to eliminate the existing deficiencies related to the judiciary and fundamental rights. They are summarised in 10 concrete demands that the Initiative addressed to the Government and the public. The ten demands, among other things, ask for all documents related to the negotiations to be made public, especially the closed chapters, the action plan for closing Chapter 23, the action plan for prosecuting war crimes, as well as the complete EU acquis in the Croatian language. Secondly, they demand an efficient mechanism for monitoring reforms of the judiciary that would be implemented by the domestic stakeholders, independent reporters to the Croatian Parliament and EU institutions, for a period of at least three years. The third demand concerns amendments to the Law on Free Legal Aid, which would truly ensure that justice and judicial institutions are available to the most indigent citizens. The fourth demand concerns the annulment of the Law on Golf Courses (which does not directly concern Chapter 23, but does encroach on some fundamental rights such as ownership and the environment); the fifth demand concerns a two-third majority in the decision-making process, if

possible even in the appointment of a Commission for Prevention of Conflicts of Interest.

Changes to the Law on the Freedom of Access to Information (ZPPI), together with amendments to the Law on the Ombudsman, which will ensure the application of the public interest test, are also requested. Hate crimes, attacks on human rights defenders, whistle-blowers and journalists should be treated as criminal acts, slander should be decriminalised and media censorship should be criminalised under changes to the Criminal Code. Respect of the national minorities' rights needs to be ensured, including sustainable return and employment in the public services, extension of the period of providing accommodation to former occupancy right holders and equalising redemption values for flats. The ninth demand concerns the more efficient prosecution of war crimes, allowing the use of ICTY witness statements before domestic courts, the establishment of a fund for providing compensation to families of war crime victims and for covering the expenses of legal procedures to families that have lost cases against the Republic of Croatia. Finally, the Initiative seeks the removal of the legislation prohibiting assembly in the vicinity of the Parliament, Government and Constitutional Court buildings, as well as the President's Office, in order to allow citizens free expression of their political views.

links

Joint Opinion of the Croatian civil society organisations on the readiness of the Republic of Croatia to close negotiations on Chapter 23 – <http://kucaljudskihprava.hr>

(sd)

the spring in Serbia

Protest of the Progressive Party of Serbia (SNS), which took place on 16 April in Belgrade, did not have much to do with the situation in which the citizens of Serbia are living, but was an attempt of the party leaders to keep potential voters and prevent them from returning to the Serb Radical Party (SRS), since it seems more than likely that Vojislav Šešelj will soon return from the Hague.

Tomislav Nikolić decided, in the manner of a spoiled child who was refused a bar of chocolate by his parents, to ask for early elections as soon as possible, so that his former SRS compatriots are not given enough time to recover under the wing of Šešelj. In order to achieve his goal, Nikolić chose a pre-political form of fighting – a tragically controlled hunger strike, together with a water deprivation strike, which he abandoned in a matter of days. Intensive talks were in progress with the Serb Patriarch Irinej to at least partially save Nikolić's dignity by having him personally rescue Nikolić from hunger and thirst allowing him to break his fast on Easter in good spirit and health.

This small episode could not have come at a better time for the Serbian authorities led by President Tadić, for they are now able to continue blackmailing the EU which is already out of its mind when it comes to Serbia. Although they failed to fulfil many things, including the extradition of Ratko Mladić or the adoption of the law on restitution, having concocted a little something on the ownership of parliamentary mandates, and after selling everything of value to the tycoons, and now turning even to selling them agricultural land, the 'United for Europe', being the guardians of the holy pro-European grail, appeal to their western friends to once again let them off lightly and grant Serbia as soon as possible the status of a candidate country, for, already at the following elections, the alternative to their government could be Šešelj the Horrible, most probably in coalition with the eternally second – Nikolić!
(It is spring, I live in Serbia...)

Lucky are the countries that have a good and efficient justice system such as Serbia! Serbian Justice Minister Snežana Malović stated a few days ago that the agreement on the guilty plea made between Serbian folk singer Svetlana Ražnatović and Serbian Public Prosecutor's Office is very beneficial for Serbia, because Ceca is obliged to pay three times the amount for which the state was damaged by the non-payment of taxes for the stolen, pardon me, the 'earned' money from the transfer of 'Obilić' Football Club players.

Madam Minister only wonders (together with us all) who insisted on leaving this case unopened for almost five years at the Prosecutor's Office, which is accidentally under the authority of her ministry. As far as the capital is concerned, 'Obilić' Football Club had been informed of the possibility to press charges, in order to return the money. Still, our most famous folk singer can feel relieved because the club announced not to have enough money even for a lawyer.

The message which has been sent by such successful activities of the Prosecutor's Office to all the Cecas in Serbia is clear: those who confess will be forgiven three quarters of their sins, plus cufflinks. The people are, I guess, expected to become overjoyed for having been given an opportunity to take pleasure in Ceca Nationale's return concert a year from now, when she will, in her own manner, spread her arms and shake her motherly bosoms and sing.

(It is spring and my children live in Serbia...)

Jelena Mi ovi

Bosnia and Herzegovina and EU

EU opposes the RS referendum

EU High Representative for Foreign Affairs and Security Catherine Ashton expressed concern over the situation in Bosnia and Herzegovina and stated that the decision on a referendum passed by the RS National Assembly is 'a step in the wrong direction', Brussels announced.

Because of that, the European Union is supportive of the BiH Court, the BiH Prosecutor's Office and the High Judicial and Prosecutorial Council', the EU High Representative stated.

Ashton called on the political leaders of Bosnia and Herzegovina not to undermine the progress achieved so far, urging them to express their opinions through relevant institutional channels.

'BiH should include its political elite into a constructive political dialogue between all the parties concerned, which opens the way to the necessary reforms. I expect all politicians in BiH to take responsibility, both individually and collectively', Ashton stated.

establishment of the authorities – internal issue

Managing Director for Europe and Central Asia in the European External Action Service Miroslav Laj ák, stated during a visit to Sarajevo that the EU will not directly interfere in the establishment of the authorities, because 'interfering in who is going to enter the authorities is not the European way'.

The former High Representative stated that political leaders have full electoral legitimacy and Brussels expects them to lead the country towards Europe.

He did, however, emphasize that not all leaders are 'on the same track regarding the issue', and added that Brussels will help the future government which will be representative and with the mandate of all three peoples.

Laj ák said that the EU is closely monitoring events in Bosnia and Herzegovina and is concerned by the fact that the institutions have still not been established even though five months have passed since the elections, and as a result reforms have also stalled.

President of the European Commission Jose Manuel Barroso stated during his April visit to Sarajevo that BiH would remain in the focus of EU's political attention, including its enlargement policy, and urged all the political parties in the country to agree on the formation of the government at state level.

Addressing participants in the 'Parliament for Europe', Barroso stressed that it was not for the EU to mediate in the establishment of the authorities and added that the responsibility for that rested solely with the local political leaders.

According to him, it is a fact that the EU is clearly committed to the European future of BiH, just as it is a fact that the future of BiH and its European fate rest in domestic hands.

Adnan Rondi

Croatia journalists stage strikes

Journalists in Croatia have staged three strikes during the first couple of months of this year: journalists of the Zagreb's Radio 101 went on strike, as well as journalists of the Glas Istre and Ve ernji list dailies. This is a surprising 'flood' of strikes considering the traditional dislike of journalists for union action. These strikes were preceded earlier by only one first strike in 'Ve ernjak' two years ago. Prior to this, journalists expressed their dissatisfaction with the state of the profession at several public protests organized by the Croatian Journalists Association. Protests and debates

over the state of mass media are primarily directed against pressures by politicians, but not against the questionable policies of the owners, the large domestic and foreign media houses. Journalists held a large protest on 25 March, but it received only limited coverage by the state and corporate media.

Zagreb's *Radio 101* gained renown even beyond the borders of Croatia as one of the rare bastions of public criticism during the Tu man era. Attempts by the state to take *Radio 101* off the air triggered the largest protest rally in Croatia in 1996. Unfortunately, internal weaknesses in the programme structure and financial management continued to accumulate during the past decade. Journalists were not being paid their salaries for months and ultimately bankruptcy proved the only solution.

The strike in 'Ve ernjak' lasted the longest, almost an entire month, spanning March and April. In the middle of the past decade, the Austrian 'Styria' became the newspaper's owner. They reduced the number of staff and intensified the 'tabloidization' of the paper, reflecting general trends. Sales dropped, but this did not impact the high salaries of the members of the management.

Employed journalists went on strike after the management rejected negotiations on a new collective agreement following the expiration of the previous one. However, the strikers were unable to stop the publishing of the newspaper. This brought to light the old problem dating back to the 1980's: the problem of the so-called permanent part-time workers, those who have been working for years but do not have labour contracts and thus cannot go on strike. They continued to do their work, while no effort was made to call for a boycott of the newspaper. This eventually led to the collapse of the strike. This same cause and result were also seen in Glas Istre.

Croatian Journalists Association President Gabrijela Gali said that following years of silence by the profession the 'situation came to a head', but this also revealed the real problem, 'a situation dominated by informal forms of labour, individual bargaining on the rules of the game, and as a result individual contracts between the workers and the employers'. It is also possible to see that there is solidarity among capitalists: Jutarnji list made almost no mention of the strike in the newspaper that is their top competitor. 'Publishers watch each other's back much more than we journalists do', Gali said. Union action by journalists, 'the proletarians of intellectual work', is still in its infancy.

links

"Štrajk: novinari pozivaju itatelje da ne kupuju Ve ernji list" -

<http://www.zamirzine.net/spip.php?article10574>

"Ve ernjakovci: Ne pristajemo na ultimatum" -

<http://www.snh.hr/?idMenu=4&jezik=hr#189>

"Nismo štrajkolomci!" - <http://www.hnd.hr/hr/homepage/priopcenje/64324>

"Tražit emo novo otvaranje poglavlja o medijima" -

<http://www.hnd.hr/hr/homepage/priopcenje/64360>

"Otvoreno pismo podružnice Sindikata novinara Hrvatske u Glasu Istre" -

<http://www.hnd.hr/hr/homepage/priopcenje/64398>

regional park Mura-Drava

Relevant ministers from five neighbouring countries (Austria, Slovenia, Hungary, Croatia and Serbia) signed in March this year a declaration establishing the cross-border Mura-Drava Biosphere Reserve, under UNESCO protection. This was preceded by a decision of the Croatian Government to join the establishment of the Regional Nature Park, something the other four countries have done long before. This allowed the implementation of the initiative launched in the mid 1990's in which influential international environmental associations Euronatur and WWF, together with foreign researchers and great admirers of Croatia's natural beauties David Reeder and Martin Schneider-Jacoby played a vital role.

The debate on various concepts of exploiting the flows of the Mura and Drava rivers started in Croatia back in the 1980's. After the construction of the first three hydropower plants on the Drava River, the Croatian Electric Utility insisted only until recently that this be followed with the construction of another four 'water steps' subjecting all other interests to the production of electric energy. In doing so they confronted the local population, the newly established environmental organizations, and the expert arguments of environmentalists, agronomists and foresters. Hydropower plants on rivers in low-lying areas require large dams and reservoirs. This not only directly sacrifices large sways of land, but also changes the regime of the ground waters in the area. Forestry experts became particularly involved, claiming that damages would significantly outweigh the benefits (the famous Slavonian oak forest 'Repaš' would come under threat). The neighbouring Hungary scrapped such plans back in 1989 and declared the

Drava-Danube Nature Park in 1996.

Environmental associations united in the 'Drava League' have been warning for years against the anti-environmental behaviour of the 'Hrvatske vode' Public Enterprise. Goran Ižmešija, the founder of the environmental conservation association 'Senjar' from Donja Dubrava, says: 'We have been able to gain victories over the senseless projects of the 'Hrvatske vode' Public Enterprise. This was always done with the support of associations and institutions outside our country which have lobbied towards the Croatian Government to stop such activities and put such projects on hold'.

'Hrvatske vode' acquire significant funds by collecting compensation for the use of water paid by all economic operators. The construction industry, which represents one of the most powerful lobbies in Croatia, is interested in getting those contracts. The economic interest of gravel extraction is also significant, and it needs to be noted that gravel extraction is often being performed illegally or semi-illegally, which provides construction companies with a cheap resource. This problem was also highlighted in a recent analysis on the illegal exploitation of mineral resources prepared by Croatian Deputy State Attorney Snježana Frković, following numerous warnings by the media and the associations.

The EU Water Framework Directive and the Danube River Basin Management Plan, signed by all the countries of the Danube basin in February 2010, played a pivotal role. The EU regulation unequivocally promotes modern criteria for sustainable water management. On the occasion of 22 March, the International World Water Day, the Association for Research and the Promotion of Science 'Baobab' warned that the current state of Croatian rivers and streams is disastrous.

links

International Commission for Protection of the Danube
<http://www.icpdr.org/>
Kako vodeni lobi pljačka Hrvatsku and other presentations
<http://www.scribd.com/collections/2920267/prezentacije>
 Zaštitarsko-ekološka udruga (environment protection association) „Senjar“ (Donja Dubrava) - <http://www.senjar.hr>
 Baobab Association – press statements-<http://www.scribd.com/collections/2920255/Udruga-Baobab-dopisi-za-medije>
 Seljačka buna na obalama Drave 1989.
<http://www.scribd.com/doc/41466402/Seljacka-buna-na-obalama-Drave-1989>

judgments to the generals

Judgments finding two Croatian generals guilty of crimes committed during and after the 'Storm' operation, announced by the ICTY on 15 April, resulted in shock, disbelief and revolt in a large part of the Croatian public. Objective analysts emphasized that the mass media expressed extremely biased views while reporting on the trial, so the main impression was that all evidence presented by the prosecution had been refuted, which did not reflect reality.

Even liberal commentators expressed astonishment over the judgment on 'excessive shelling', considering that the number of shells fired at targets that were not strictly military was negligible when compared to the bombing of many Croatian towns during the previous four-year period (1991–1995).

They also expressed bitterness over the harshness of the judgement: General Ante Gotovina received a sentence four years longer than Momčilo Krajišnik, even 14 years longer than Biljana Plavšić. Žarko Puhovski, former President of the Croatian Helsinki Committee, is of the opinion that the judgments could be reduced during the appeals process, but added that the possibility of acquittal is small.

Mass bitterness and the feeling of national interests being under threat are also caused by the wording of the judgment describing what happened as a 'joint criminal enterprise' for the purpose of ethnic cleansing of areas under the control of the rebel Serbs from Croatia. The media have broadcasted numerous statements with no commentary describing the operation as legitimate and liberating, not as criminal. It was implied that the truth may only be one of the two.

Teams of lawyers are preparing the appeals. In order to provide consolation to the public, a parallel is made to the case of General Tihomir Blaškić, sentenced to a prison sentence of 45, who was acquitted on almost all counts of the indictment in retrial. However, new evidence emerged in that case showing the existence of 'parallel chains of command' over Croat forces in Central Bosnia. Blaškić, although nominally the commander, did not have control over the special unit which committed the war crime in Ahmići. Evidence on the real perpetrators was hidden by the Croatian authorities at the time, while Franjo Tuđman was the President. It is now unlikely that such new evidence could be found in this case. However,

some analysts are of the opinion that the accused generals are not the main culprits and that they are, in fact, scapegoats.

Contrary to the vast majority of the Croatian public, several associations dealing with human rights and similar activities, announced prior to the sentencing certain facts related to numerous cases of killings, lootings and arsons, as well as many threats made to Serbs and measures taken by the local and state authorities to hamper their return. The Croatian Helsinki Committee has documented over 600 cases of civilian killings, with only a small number of those killings having occurred during the fighting and in the area of fighting, when civilians are also inevitable victims. This also continued to happen months later and in most cases the victims were single, elderly inhabitants in scattered settlements. The majority of those cases were never resolved.

President of the Citizens' Committee for Human Rights Zoran Pusić emphasized that the events could have taken a different course. As an example, he mentioned the operation 'Flash' for the liberation of Western Slavonia, several months prior to the 'Storm', after which order was quickly established.

links:

"I nakon haške presude ostaje mnogo neprocesuiranih zločina"
<http://www.zamirzine.net/spip.php?article10622>
 "O presudama, svjedocima i krivcima"
<http://www.h-alter.org/vijesti/uvodnik/o-presudama-svjedocima-i-krivcima>
 "Hrvatska i dalje nesprema za suočavanje s prošlošću"
<http://www.zamirzine.net/spip.php?article10641>

opening of the 'Cvjetni' centre

The 'Cvjetni' mall was officially opened in the Zagreb city centre, in early April. That marked the failure of protests that had begun in 2006 and gained massive support. While some citizens of Zagreb waited impatiently for the new 'shopaholic paradise' to open, others organized protests to warn against the usurpation of the public interest. Facebook protesters participated as well, who had assembled for the purpose of making anti-government protests.

Special police formed a cordon and prevented the protesters, as well as other citizens, to enter the mall for a while. The entrance was granted only under the condition that protesters removed all the banners. In the mall's corridor (nicknamed 'the promenade' by investors), a scuffle broke out, caused by members of the security who were nervous and aggressive towards the protesters, as well as towards the reporters. The 'House of Human Rights' announced that criminal charges would be filed against police and private security officers.

At the same time, a number of cases are currently underway before the petty offence courts, against the leading people of the Green Action and the Right to the City, Tomislav Tomašević and Teo Celakoski, for having organised protests, as well as against several other participants of the protests, who were arrested last year.

redrawing constituencies

Although the law clearly states that electoral laws cannot be changed one year prior to the last legal deadline for holding parliamentary elections, the Government has announced changes to the Law on Constituencies. The issue was evident even at the 2007 elections. Croatia is divided by law into ten constituencies, so that each has 14 parliamentary mandates, while the difference in the number of registered voters in the area of each constituency should not exceed the average by more than five per cent.

However, at the 2007 elections, this difference was higher, and in the meantime it only continued to increase. Therefore, the area of certain constituencies should be decreased, while the area of certain other constituencies should be increased. Despite the fact that the deadline has expired, it is evident that the ruling political party, HDZ, has its eye on that division (the process known as 'gerrymandering'), so that it could, perhaps, win several extra mandates at the expense of the opposing "Cock-a-doodle-doo coalition", which is expected to win.

However, a large discrepancy between formal censuses and the real situation poses the main problem. Some civic organisations had warned of the problem several years ago, but nothing was done. People who have died or who have moved have not been removed from the lists, and estimates show that there are some half a million of the 'supernumerary' people. Some fraudulent frauds have taken place as well: there are known cases of dozens of people being registered at the addresses of small, deserted houses, and who are, in fact, living in the territory of the neighbouring state. This case is an example of the lack of capacity or willingness of the government to resolve even a relatively simple problem.

Zoran Oštrić

activities of the Heinrich Böll Foundation

partnership for higher environmental standards in BiH

Over the past few years, Bosnia and Herzegovina has been faced with ever growing degradation of environmental rights. We have seen numerous examples of water, soil and air pollution that threaten the health of BiH citizens. Such processes not only violate the right to clean and healthy environment, but also ultimately the right to life. A series of changes in the area of environmental rights are necessary to change this situation, which is also a precondition to join the European Union. This is why the Office for Bosnia and Herzegovina of the Heinrich Böll Foundation, together with its partners, the Helsinki Human Rights Committee in BiH and the Tuzla Centre for Ecology and Energy, launched a project (funded by the EU) entitled 'Partnership for Higher Environmental Standards in BiH'.



The aim of the project is to promote and strengthen the third generation human rights in BiH, i.e. the right to healthy life and environment. This two-year project will include a host of activities to be organised in Tuzla, Zenica, Livno, Bosanski Brod and Sarajevo, focusing on civil society empowerment in BiH. Its activities will also focus on raising public awareness of environmental rights and improving the mechanisms for monitoring and early warning systems, in order to prevent further endangerment of the right to healthy life and environment.

Following the completion of the project, the citizens, the professional public such as journalists and lawyers, civil society organisations as well as politicians, are expected to participate more than before in the processes aimed at protecting the right to a healthy and clean environment, which should result in legislative changes and approximation with the EU in relation to environmental rights. We hope that this project will motivate the BiH public to understand that the right to a healthy and clean environment is not an entitlement of privileged groups, but rather a right we all have and must fight for.

Lejla Kusturica

green academy 2020

a crisis of political imagination and the transformative potential of green politics

Vis Island, Croatia, August 21-26, 2011

The Green Academy 2020 will take place from 21 to 26 August 2011 on the island of Vis and will gather some one hundred participants in a five-day program discussing the topic of 'a crisis of political imagination and the transformative potential of green politics'. Through an intensive programme comprising lectures, debates and workshops, it is our intention to connect more closely groups and individuals from Croatia, the region of Southeast Europe and the EU active in the field of green politics, but also to cover a number of areas within which capacities for action based on such a platform can be strengthened. By organising discussions and lectures on selected topics, we wish to highlight the transformative potential which green politics can wield in certain environments and create conditions for closer integration and cooperation between stakeholders in this field, both in the field of politics and on articulating policies.

The central topics of this year's Academy will focus on a) the future of the European Union and the position of the region of Southeast Europe, b) the issue of urban development and the management of public goods and c) the link between solutions for the energy, climate and economic crisis. Furthermore, the programme of the Academy will also include a host of other issues pertinent to shaping green politics and initiating a broader social discussion.

Some two dozen distinguished and influential theoreticians, activists, journalists and experts, as well as more than 50 debaters from Croatia, countries of the region and Europe, both from the green political movement and the civil society, the media and the academic community, will take part in the programme of the Academy.

HBS Zagreb is organising this year's Green Academy 2020 with the support of the Green European Foundation (GEF) from Brussels. Partners, such as the Subversive Film Festival, Kulturpunkt, Zelena Akcija, etc., will also participate actively in this year's programme of the Green Academy.

The competition for selecting participants in the Academy will be announced on the www.boell.hr website in the first half of June, while the initial drafts of the programme will be made available by 1 July. All the instructions concerning conditions for attending the programme and the application package will be made available in a timely manner on the www.boell.hr website.

Vedran Horvat

