DIPLOMATIC ACADEMY
MINISTRY OF FOREIGN AFFAIRS OF REPUBLIC OF KOSOVO

1ST SPRING SCHOOL FOR JUNIOR DIPLOMATS

“HUMAN RIGHTS, PEACE AND SECURITY”

25 – 31 May 2014
Prevallë, Prizren, Republic of Kosovo
The Diplomatic Academy organised its 1st Spring School in the secluded Sharr-Hotel complex near the historical town of Prizren in order to give its participants the possibility to concentrate for a couple of days exclusively on the thematic oriented workshops, lectures and the ensuing debates on Human Rights, Peace and Security. It was organised and held by renowned experts of sister institutions, renowned organisations and journals working in the field of International Diplomacy, Trade and Security, with the generous support of the “Friedrich Ebert” Foundation – Prishtina Office.

The Diplomatic Academy’s primary task is to prepare and train the staff of the Ministry of Foreign Affairs of the Republic of Kosovo, with the aim to enable its personnel to live up successfully to the diplomatic challenges its diplomats have to tackle:

- to strengthen Kosovo’s international personality as an independent and sovereign state,
- to represent the Republic of Kosovo in regional as well as international organisations / fora,
- to support actively Kosovo’s ambition to get more integrated into relevant EU structures,
- to raise its reputation and political stance abroad.

With its organisation of the 1st Spring School on “Human Rights, Peace and Security”, the Diplomatic Academy gave junior diplomats of the Kosovo MFA, the MFA’s of the Southeast European neighbouring countries as well as Kosovo and foreign experts / specialists the possibility to discuss security related, human rights issues and topics of regional relevance and interest (e.g. how to foster regional cooperation among the Western Balkan states).

The Diplomatic Academy has been pursuing the goal to reach out to its sister academies in the Western Balkans, in the EU member states such as Diplomatic Academies of Croatia, Montenegro, Bulgaria, Albania, as well as to institutions like Clingendael, George C. Marshall European Center for Security Studies, Diplomatic Academy of Vienna, political foundations (like the Friedrich Ebert Foundation), to tap into their resources and benefit from their know-how, in developing the negotiation skills of MFA’s personnel, and in improving the knowledge level of MFA’s diplomats, necessary for the fulfilment of MFA’s different tasks.

By organising workshops with regional as well international participation, the Diplomatic Academy contributes to MFA’s political aim to foster its networking activities with foreign colleagues, experts and specialists of academies, universities and institutions dealing with international relations. Hereafter, this monography comprises of the opening and welcoming remarks of the organisers, congratulatory messages of world renowned personalities, short biographies of lecturers as well as the latter’s papers/conclusions on the presented topics, impressions of participating junior diplomats, short background information of organising institutions, and pictures capturing different moments of this event.
# TABLE OF CONTENT

## I. OPENING AND WELCOMING REMARKS
- Mr. Skender Durmishi, Director of the Diplomatic Academy of the Republic of Kosovo
- Mr. Wulf Lapins, Head of Friedrich Ebert Foundation, Pristina Office

## II. CONGRATULATORY MESSAGES
- Ambassador Albert Rohan
- Prof. Dr. Eckhart Stratenschulte
- Ambassador Frank G. Wisner
- Ambassador Wolfgang Ischinger
- Ambassador Wolfgang Petritsch and Ambassador Shaun Byrnes

## III. LECTURERS’ PAPERS
1. “Globalization, Human Rights and Critical Social Science” by Fatos Tarifa, PhD, University of New York Tirana, Former Albanian Ambassador to the Netherlands and the United States
2. “The Constitution of the Republic of Kosovo and Human Rights” by Prof. Dr. Iliriana Ismaili, University of Pristina, Board Member of the Kosovo Diplomatic Academy
3. “Europe on the way to a new security paradigm – or simply watching the old one crumble away?” by Brig. Gen. Mag. Wolfgang Peischel, Editor-in-Chief, Austrian Military Journal (OMZ)
6. “Conference Diplomacy” by Paul Meerts, Senior Research Associate and former Deputy Director of the Netherlands Institute of International Relations “Clingendael”
8. “Understanding the EU Values and Standards: Some Lessons from Croatia” by H.E. Mr. Mladen Andrić Ph.D, Ambassador, Head of the Directorate for Diplomatic, European and Predeployment Training – Ministry of Foreign and European Affairs in Croatia

## IV. REMARKS BY MR. HANS-JOCHEN SCHMIDT (EX-AMBASSADOR OF GERMANY), ADVISOR TO THE KOSOVO DIPLOMATIC ACADEMY

## V. PARTICIPANTS’ IMPRESSIONS

## VI. CONCLUSIONS

## VII. ORGANISING INSTITUTIONS
THE OPENING CEREMONY.
OPENING AND WELCOMING REMARKS
MR. SKENDER DURMISHI, DIRECTOR OF THE DIPLOMATIC ACADEMY, GIVING HIS SPEECH DURING THE OPENING CEREMONY.
Good morning everyone,

Dear participants of the Spring School of the Diplomatic Academy,

Your Excellencies,

Dear Mr. Wulf,

Members of the Board of the Academy,

Ladies and Gentlemen,

Allow me to express myself how delighted I am to welcome you all at the opening of the First Spring School for Young Diplomats of the Diplomatic Academy of Kosovo.

The first thing that comes to my mind at this very moment is the old proverb that says “even the longest road begins with a first step”. The Diplomatic Academy is making the first step. But, the diplomatic course that we are starting today will be a regular one. Our hope is that the Spring School will have a long road ahead, by providing a useful forum for professional diplomats to debate interesting and actual issues of regional and global character.

Today and here with us, to participate at the First Spring School, are young diplomats from Albania, Bulgaria, Croatia, Hungary, Macedonia, Montenegro, Turkey and our colleges from the Ministry of Foreign Affairs of the Republic of Kosovo.

I am pleased to welcome you all to the opening of the First Spring School of the Diplomatic Academy on “Human Rights, Peace and Security”. Let me explain briefly why we have decided for this topic.

Issue of Human Rights is actually in the very core of institutional and social life in Kosovo. So to say, our Factor X. Issue of Human Right is of crucial importance and significance.

It is easy to see that this is not about rhetoric or only nice wording. Human Rights are an important part of our overall legal framework. Kosovo provides legal and constitutional guarantees for gender equality, child protection, minority rights. Human rights and fundamental freedoms guaranteed by international agreements and instruments are directly applicable in the Republic of Kosovo.

On the other hand, on daily basis, our institutions are making progress to implement in reality such high standards for human rights.

However, the topic of Spring School, as you may have noticed from the agenda, has even a wider scope and magnitude. We tried to offer opportunity to sharpen focus on some other topics with global and local significance: cyber terrorism, security on economic investments, European Union and regional cooperation, important topics on International Law such as responsibility of the states, globalisation, techniques of diplomacy, etc.

We consider those as strong topics. Besides, in this project we have with us strong partners such as distinguished academies and institutions, and prominent professors as well as carrier ambassadors.

This is the occasion to thank them all. Many distinguished personalities offered support, and some of them have sent letters of congratulation including Ambassador Wolfgang Ischinger, Ambassador Wolfgang Petrisch, Ambassador Shaun M. Byrnes, Ambassador Frank Wisner, Director of the European Academy Berlin Prof. Dr. Eckart D. Stratenschulte. We are grateful and appreciate their support and hope to have them soon in our programs.

Special thanks I have to extend to the Friedrich Ebert Foundation, especially to its country director Mr. Wulf Lapins and Mrs. Antoneta Coli, not only for financial sponsorship, but for their dedication and friendly cooperation to organise this Spring School.

Launching a Spring School is a huge event for the Diplomatic Academy of Kosovo with only two years of experience. This is one more indicator of the strengthening of Kosovo’s diplomacy. This shows our interest to offer our contribution and commitment to regional partnership and cooperation.

Thank You.
Dear lecturers and participants,

Human rights, peace and security are the general topic of this First Spring School. “Human rights, peace and security are not everything. But without their existence - everything is nothing.” In the meaning that they make life liveable and in human - dignity. These three key terms are the basis of value of the democratic Europe.

Like many of my generation, I grew up with the matter of course for Europe. It was clear to most of my generation that reconciliation with German neighbours in the West was indivisible from the ideas of a unified Europe: Which, at that time meant West Europe. Open borders, travel, other people and culture, new eating and living habits - fascinated us.

But I will admit openly and honestly: The young people of other middle and east European countries, they should have the same possibilities, Europe should offer all citizens peace and opportunity, civil rights and participation: This vision was unfortunately not very common in my generation.

Whenever I was returning from travelling to Warsaw, Prague or Leipzig - back to West Germany - to my fellow students - I was impressed by many conversations and meetings there with people of my generation, discussing with them confidentially about the vision of a unified Europe in general.

Repeatedly, the stereotypical response of my friends in Bonn, Munich or Hamburg had been: This Europe vision is an illusion because of the division of Europe, because of the Soviet Union never will give up its part of Europe and in general that would be a dangerous imagination with respect to the frozen stability in Europe. But history takes no account of political hesitation, worries and convenience.

The European idea was too alluring with its promise of securing peace, human rights and democracy, with an opportunity for prosperity for all, the indispensable cement of social equality for every society. The iron curtain fell.

The triad of security, peace and human rights is shaping the vision of a modern Europe taking its place in a globalised world. The integrated Europe now is a peace community. However, this is not self evident. It is rather the result of many years of diplomatic efforts. And, each generation has to continue.

In the integrated Europe a military conflict is no longer imaginable - because of the diplomatic and judicial procedures for coping with and solving conflicts - have increased in influence and effectiveness. But this welcome state of affairs has unfortunately led to complacency in the democratic Europe that suppressed the awareness.

The European triad (security, peace and human rights) is challenging: Firstly by non-democratic states – but with an authoritarian modernization; Secondly, in particular with regard to the Russian policy towards Ukraine. The integrated Europe is rubbing the eyes and is deeply shocked.

Long gone old pictures appear now again. The European face of Russia is fading. Our friends in Poland and in the Baltic States even say: President Putin does not follow the policy of Peter the Great. This Caesar is not Putin’s model, they tell us. Peter the Great had been an industrializer and cultural visionary, turning his country into a European power.

For them, Putin is much more like another Caesar, namely: Nicholas the First. Nicholas stumbled into military conflict with the British and French and rejected calls for the basic reforms - needed to enable Russia to compete with the world powers of the day. Nicholas had a cramped perspective and an arrogant personality. Always attentive to the armed forces and the secret services, he overlooked the broader necessity to modernize Russia’s economy and society.

Because of the 28 EU member states do not agree in their policy towards Russia, the Kremlin can and will continue to try splitting. Reflecting on the history, principles and development of the EU – it was also merited as it was gratifying - that the EU won the Nobel Prize in 2012. But: the price is committed also for the future.

A return to thinking and acting in categories of the law of the strongest is not acceptable. Russia is unfortunately on this path. In the period of Détente, the Western Europeans came to terms with the political conditions of the so called peaceful co-existence and sometimes mistook with political stability. At that time, too often a lot of our politicians paid the prominent European value of human rights only as lip service. After the fall of the iron curtain they apologized. With regard to Ukraine, I hope that we do not have to apologize.
again in the future – not having paid enough concrete solidarity. Ukraine must itself be able to decide how much it wants to be European.

Human Rights, Peace and Security are not simply theoretical political values. The dark side and the bright side as well of the European history is a commitment to stand up for these values. Not teaching - but with a sense of proportion and self-confidence.

Distinguished participants, you are on the diplomatic front - in your countries - or at the embassies of your countries. You represent style and content of the future diplomacy. It depends a lot on you, whether and how human rights, peace and security will be successful. For this I will finally expound from the point of view as a political scientist and a historian as well ten universal findings as a random sampling of about a longer diplomatic history worldwide.

In international politics the following ten findings are important:

1. If you are not sitting at the political table – you are on the political menu.
2. Misperception and misunderstanding are priority points in negotiations.
3. The finding of compromises is the heart muscle of any diplomacy.
4. Accepting balanced compromises is therefore not a sign of weakness but a prudence and wisdom for thereon based policy.
5. Often it is a matter of diplomatic facts: There are no negotiations about interests- but negotiations about the perception of one’s own interest.
6. You should hold on one’s interest to the other- like a coat- the he can slip in – and not to hit one’s interest like a wet towel around the others head.
7. What is important is the ability to empathize for the negotiating partner. Empathy and sympathy are two different shoes. In this context: Language is the dress of diplomacy.
8. The end of successful negotiations shall produce a win-win situation. Short-term diplomatic profit can in the long run prove to be political baggage.
9. Diplomacy is not a silver bullet. Diplomacy cannot achieve transforming bad news into some good news. For example: To negotiate with the lamb friendly- but purposeful about the necessity of the next Sunday roast.
10. Whoever strives to change a status quo – first needs to recognize the situation.

Thank you for your attention.
H.E. MRS. SONGÜL OZAN, AMBASSADOR OF TURKEY IN KOSOVO, AND TURKISH DIPLOMATS DURING THE OPENING CEREMONY.
II

CONGRATULATORY MESSAGES
AMBASSADOR ALBERT ROHAN

Former Diplomat and Secretary General for Foreign Affairs of Austria; President of the Aus-
tro-American Society and the Austrian Society for European Policies; United Nations Deputy
Special Envoy of the Secretary-General for the Future Status Process for Kosovo in 2005; Mem-
ber of the Independent Commission on Turkey.
Dear participants,

Welcome to the first Spring School of the Diplomatic Academy of Kosovo!

First of all, I would like to congratulate everybody involved in this wonderful initiative: the Director of the Diplomatic Academy of Kosovo, Skender Durmishi and his team, as well as his partners of the Prishtina Office of the Friedrich-Ebert-Stiftung.

At a time when the Republic of Kosovo is making progress in gaining recognition as an independent state and is taking her legitimate role in the international community of states, as well as in international organizations, there is an ever growing requirement and need for well-trained diplomats. Therefore, I not only consider the founding of a Diplomatic Academy of Kosovo as a matter of the highest importance, but am also – given my own close ties with the people of Kosovo – pleased to see how it is developing and that it is active in initiating projects such as this Spring School.

As the challenges of a career in diplomacy are more varied than ever, so the requirements are more than ‘learning-by-doing’. Profound knowledge and wide academic qualifications, as well as intercultural competences and management skills are all necessary. I am therefore very happy that you are taking this opportunity to receive some excellent training. You will be learning from experienced experts, as well as from institutions distinguished for their training of students and young professionals for diplomatic and international careers, institutions such as the Diplomatic Academy of Vienna, Clingendael Institute, the George C. Marshall Center, the Diplomatic Academy of Croatia and others. The lectures of this Spring School will deal with human rights, peace and security – some of the key issues in politics and diplomacy today.

But this Spring School offers other opportunities as well. The most important is the strengthening of regional cooperation in the Western Balkans. I very much appreciate the fact that the Spring School is not only for young diplomats of the Diplomatic Academy of Kosovo, but for all the countries of the Western Balkans, a vibrant and politically important region.

Looking at my own personal experience during my long career as an Austrian diplomat, and above all as former Deputy Special Envoy of the UN Secretary-General for the Future Status Process for Kosovo, I am convinced of the importance of dialogue and cooperation among the countries of the Western Balkans. I am sure that these days spent together in Prizren will be a wonderful opportunity for networking and future cooperation.

I very much hope that you will all enjoy the first Spring School, that you will benefit from the experience and knowledge offered and, finally, that this Spring School will very soon become a tradition. I wish you all every success.
PROF. DR. ECKART D. STRATENSCHULTE

Director of the European Academy Berlin; Representative of the European Academies’ umbrella organisation in Germany, GEA; Guest lecturer for questions of European Integration at the Free University of Berlin’s Institute for Political and Social Sciences.
Message
from the Director of the European Academy Berlin

For more than fifty years, the European Academy Berlin has been an institution based on European values and serving to transmit common understanding and inter-connections between peoples. Since 1963, it has served as a platform for the exchange of ideas and as provider of expert information tailored to high potentials and vision multipliers alike.

It is in this tradition, that I warmly welcome the initiative of Kosovo’s Diplomatic Academy to organize its 1st Springschool on "Human rights, Peace and Security".

Bringing together experts of other Diplomatic Academies, representatives of EU institutions and non-governmental organizations, civil servants along with diplomats of the Western Balkan Countries and EU-member states, is both an indispensable and invaluable undertaking, thereby seizing an opportunity to discuss common challenges and opportunities existing in the region and worldwide.

Within the European family, the aim to enhance Kosovo’s state structures as well its societal advancement remains on the agenda. With this in mind and on the agenda, the upcoming event can now be set off, given also the generous support of the Friedrich Ebert Foundation.

This type of encouragement may well be understood as proof of the target-oriented backing which has been granted to Kosovo by the Federal Republic of Germany, its governmental and non-governmental organizations as well as political foundations since its independence. It is, therefore, gratifying to witness the Diplomatic Academy’s efforts to foster cross-border cooperation.

The European Academy is willing, as it was in the past, to cooperate closely with Kosovo’s (non)governmental institutions and particularly with the Diplomatic Academy, in fields to be agreed upon and based on a needs-assessment.

Wishing the Diplomatic Academy success in its efforts to build up institutionally and a good start with the 1st Springschool!

Berlin, 20 May 2014

Prof. Dr. Eckart D. Stratenschulte
Director, European Academy Berlin
AMBASSADOR FRANK G. WISNER

International Affairs Adviser at Patton Boggs Llp; Former US Ambassador to Zambia, Egypt, the Philippines, and India; Under Secretary of Defense for Policy and Under Secretary of State for International Security Affairs; Deputy Assistant Secretary for African Affairs from 1982 to 1986; Director of the Office of Southern African Affairs; Appointed by Secretary of State Condoleezza Rice - nation’s special representative to the Kosovo Status Talks in 2005; Vice Chairman of External Affairs for American International Group.
May 21, 2014

**Congratulatory Message**

I understand that the Diplomatic Academy of the Republic of Kosovo has launched its first Spring School for Junior Diplomats on human rights, peace, and security. I welcome this news. I am joined in sending my congratulations by the many American diplomats, government officials, political leaders and members of our armed services who have worked closely with your new Republic.

The United States was proud to stand by Kosovo in ending the war of liberation. We were pleased as well to play a role in the development of Kosovo’s new state institutions; it was a matter of particular pride that the United States contributed to the negotiations which resulted in your independence in 2008. I was fortunate to represent the United Stated during those negotiations and to watch the birth of your new state and government, including your diplomatic service.

You are taking an important step in launching the Diplomatic Academy’s first Spring School for Junior Diplomats on human rights, peace, and security. I am confident that your Academy will contribute to the training of a new generation of Kosovar diplomats and civil servants who will be able to represent Kosovo abroad. There is much to do. The last six years have been good to Kosovo. Better than 100 nations have extended recognition. You are developing your judiciary; you are working to improve your nation’s economy; infrastructure, health and education systems. As diplomats, you have elected your government and will shortly engage in a second national election. Your democratic institutions are maturing. You have defended your nation’s interests around the world and in international institutions, particularly at the United Nations. You have succeeded in negotiating the first agreement with Serbia, signed on April 19, 2013. It was a landmark event which gives hope to the entire world that the nations of the Balkans can live in peace with one another, be part of Europe and participate in Euro-Atlantic institutions. Kosovar diplomats have a good story to tell.

Kosovar diplomacy has many tasks ahead and your Academy will help you meet the challenges. You need to develop patterns of cooperation with your neighbors, especially with Serbia. Preparing Kosovo for entry into NATO and the EU are further responsibilities which fall to you. Eventually you must ready Kosovo for membership in international organizations, especially the United Nations. As diplomats representing your country, you will also carry responsibilities for Kosovo’s economic future and it will fall to you to assist in attracting investors to Kosovo and expanding your nation’s trade with Europe and the world. The economic aspects of diplomacy will carry you into negotiating trade agreements and membership in economic institutions. Kosovo’s economic promise, including jobs for its youth, remains to be achieved; diplomats bear a special responsibility in promoting Kosovo’s economic interests.

Well trained diplomats will make a crucial difference in Kosovo’s future and the Diplomatic Academy will serve the purpose of making sure that your diplomatic service has the skills Kosovo requires. As you proceed, you will be able to count on the friendship of the United States and of our Department of State and Foreign Service Institute. I wish you well and look forward to following the progress you make.
AMBASSADOR WOLFGANG ISCHINGER

Chairman of the Munich Security Conference; Global Head of Government Relations, Allianz SE, Munich; Former Deputy Foreign Minister of Germany; Former German Ambassador to the United Kingdom and to the United States; Supervisory Board of Allianz Deutschland AG, on the European Advisory Board of Investcorp (London/New York) and on the governing board of the Stockholm International Peace Research Institute.
Wolfgang Ischinger
Ambassador

Congratulatory Message

The Federal Republic of Germany and the Republic of Kosovo have been working closely in many different fields: in fostering its state-structures proactively after its declaration of independence and Germany’s immediate recognition, in supporting its European integration efforts, in developing basic education, in promoting legal reform. The signing of the Serbian-Kosovar agreement on April 19, 2013, constituted a major step forward to get their relationship “normalized” and paving the way for launching the negotiation process about the conclusion of a Stabilization and Association agreement. Kosovo now has to live up to the challenge to have enough civil servants and diplomats at its disposal to take part actively and competently in the EU relevant negotiations and other endeavors.

Germany considers it to be of utmost importance to develop Kosovo’s capabilities to run its state affairs effectively and democratically. A prerequisite for fulfilling this enormous task is to tap into the potential of its civil servants.

Thus, I welcomed the Kosovar initiative to establish the Diplomatic Academy. I am confident that this Academy will play a significant role to build up a corps of talented and ambitious civil servants with the necessary negotiation skills to take part successfully in the different negotiation processes that are underway or forthcoming (e.g., getting integrated Kosovo into the relevant EU-structures as well as international fora).

I congratulate the Diplomatic Academy for organizing its first Spring School on “Human Rights, Peace and Security” and assembling experts of EU member states as well as diplomats and experts of neighboring countries to discuss EU- and security-related issues as well as human rights in a globalized world – and how diplomats should tackle these topics.

I wish the Diplomatic Academy success in its endeavor to establish itself as an important branch in the Foreign Ministry to raise its professional standards, to become an important player in organizing and delivering specialized training programmes like this year’s Spring School.

I am looking forward to seeing the Diplomatic Academy as the privileged tool of the Ministry of Foreign Affairs in

- selecting its future staff
- developing professional skills, competences and personal qualities these diplomats and civil servants should possess
- organizing tailored, theme-oriented workshops necessary for taking part successfully in negotiation processes and shaping thus Kosovo’s foreign policy.

I wish the Diplomatic Academy the best for its future.

Berlin/Munich—May 2014
AMBASSADOR WOLFGANG PETRITSCH

EU Special Envoy for Kosovo and European Chief Negotiator at Rambouillet/Paris 1998-99; High Representative for Bosnia and Herzegovina; Austrian Ambassador to the Federal Republic of Yugoslavia; Austria’s Permanent Representative to the United Nations in Geneva; President-Designate of the Mine Ban Convention’s First Review Conference; Chair of the Board of the European Cultural Foundation.

MINISTER SHAUN BYRNES

Retired US Diplomat; Former head of KDOM; Member of the Board for International Studies of Indiana University; Special EU Envoy for Kosovo Chief, U.S. Kosovo Observer Mission 1998-99.
We congratulate the participants in this, the first ever Spring School on Human Rights, Peace and Security organized by the Diplomatic Academy of the Republic of Kosova. You have been given a unique opportunity to study, learn, sharpen your diplomatic skills, and make friendships with fellow diplomats from the region that will help to strengthen relations across the region and even help prevent new problems in future. We encourage you to take full advantage of this wonderful opportunity made possible by the generosity of the Friedrich Ebert Stiftung.

Our long experience of diplomacy has taught us that respecting and protecting human rights regardless of ethnicity, placing the highest priority on the building and preservation of peace, and mutually respecting each state’s security concerns is critical to preventing further tragedy in the western Balkans, the scene of too many conflicts, destruction and senseless loss of life over the past decades. Here in Prevalla you will have an opportunity to learn from the mistakes, and successes of others. Your governments, your nations, and your own families will depend in future on your success in dealing with the always present problems and tensions that exist on the Balkan peninsula. Learn as much as you can, and build as many friendships as you can here.

Friendships formed here with counterparts from neighboring states will help promote understanding and can play significant roles in dealing with issues between the states you represent that are sure to arise in future.

The Diplomatic Academy and Friedrich Ebert Stiftung have given you a wonderful gift. Turn it into something bigger for yourselves and the states you represent: put aside your prejudices, participate vigorously, build friendships and return home with a keener understanding of Kosova, of how to build and maintain peace, and with strong new friendships.

Ambassador Wolfgang Petritsch
EU Special Envoy for Kosovo and European Chief Negotiator at Rambouillet/Paris
1998-99

Minister Shaun M. Byrnes
Special EU Envoy for Kosovo
Chief, U.S. Kosovo Observer Mission
1998-99
PARTICIPANTS ATTENDING THE LECTURE.
III

LECTURERS’ PAPERS
H.E. Prof. Fatos Tarifa is Professor of Sociology and International Relations and Director of the Institute for Studies on Democracy and Development at the University of New York Tirana. Tarifa has a double doctorate, with a PhD in Sociology from the University of North Carolina at Chapel Hill (USA), and a doctorate in Political Science from the University of Tirana. He was the founding Dean of the University of Tirana School of Philosophy and Sociology in 1991, and has been, inter alia, a lecturer, a researcher and a distinguished visiting fellow since 1992 at the University of North Carolina at Chapel Hill, the Institute of Social Studies at The Hague, Campbell University, Webster University, Eastern Michigan University. During his long academic career Tarifa has delivered lectures at forty universities throughout the world. He is the recipient of several grants, fellowships and awards, including a Senior Speerpunt Fellowship with the Netherlands Ministry of Foreign Affairs, and a Senior Fulbright Fellowship. A member of the Albanian Academy of Arts and Sciences since its foundation in 2011, Tarifa is also a member of various American and international professional organizations, including the Academy of Political Science in New York, the American Sociological Association etc. He has authored, coauthored and edited 45 books and more than 90 journal articles and book chapters. His books and articles have covered topics ranging from social theory and democratic transition in Eastern Europe to global issues and current international affairs. In 1998 he became the founding Editor of Sociological Analysis, an innovative, international scholarly journal published at UNC-Chapel Hill. He is the Chief-Editor of Academe, the official journal of the Albanian Academy of Arts and Sciences, and a member of the International Advisory Board of the Journal of Social Sciences and the Journal of Applied Social Science.

Fatos Tarifa has served as Albania’s Ambassador to the Kingdom of the Netherlands (1998-2001) and to the United States (2001-2005).
ABSTRACT

Human rights have become increasingly the focus of research and debate in the social sciences. The expansion of human rights legislation and culture in recent decades have occurred in the context of – and in response to – economic globalization, which has accelerated poverty in many countries, has fueled migration, has destabilized communities, and has led to the rapid deterioration of the environment. They have occurred also at a time of new democratization movements that increasingly engage citizens in civil society and governance. Building on Michael Burawoy’s, Judith Blau’s and Bryan S. Turner’s work on human rights and the role of public sociology, this paper argues in favor of a critical science that recognizes the global character of public issues and takes as its first principle the investigation of the institutional context of human rights.

In the past few decades, the concept of human rights has acquired a prominent place in contemporary political, legal and social debates. The debate on human rights has become indeed an essential feature of the contemporary global public culture. Some authors believe that today we live in “the Age of the Rights” (Henkin 1990; Wacks 2006; Morgan and Turner 2009); others describe the present time as one of the “human rights evolution” (Orend 2002; Felice 2003; Moncada and Blau 2006). Turn on the news or read a newspaper: issues of human rights are ubiquitous. The idea rests on the claim that each of us, as a human being, regardless of our race, religion, gender or age, is entitled to certain fundamental – and inalienable – rights, merely by virtue of our belonging to the human race. In short, human rights in our time have got a widespread appeal. They can no longer be ignored or overstated. “Who, after all, can be against human rights?” (Burawoy 2006:5).

HUMAN RIGHTS AS A TWENTIETH-CENTURY IDEA

For a long time there has been considerable agreement among moral and political philosophers as well as among sociologists and lawyers that there are rights that may be called human rights. However, there has been considerably less agreement as to what these human rights are and what the justification for them is (Gould 1999:190). Some human rights theorists have argued that human rights should be limited to civil and political rights and should not include economic and welfare rights (Cranston 1967, 1973; Downie 1971). Others have strongly argued for the rights to well-being as a human right, where such well-being includes economic or welfare considerations (Gewirth 1981; Wasserstrom 1964). Similarly, numerous authors have argued for subsistence or for survival as a basic human right (Shue 1980; Plant et al. 1980).

Although the historical origins of human rights can be traced back to a decision of the Second Lateran Council in 1139 to prohibit the use of the crossbow in wars between Christians (Robertson 2002), “human rights are essentially twentieth-century legal responses to atrocities committed against civilian populations” (Turner 2006:45). More specifically, the contemporary idea of human rights was formulated and given content during the Second World War and its aftermath. During the War, the Allied powers had proclaimed that assuring respect for human rights was their aim. As Bryan S. Turner points out, in 1945, at Nuremberg, the Allies included crimes against humanity among the charges on which Nazi leaders were tried. The acceptance by the United Nations, in the aftermath of the Holocaust, of the Universal Declaration of Human Rights in 1948, as a “common standard of achievement for all people and all nations”, and the International Conventions on Civil and Political Rights, and Economic, Social and Cultural Rights in 1976, reveals a dedication by the community of nations to the universal conception and protection of human rights, what Turner (2006) calls the “judicial revolution” of the twentieth century.

The contemporary idea of human rights does not ground or justify itself in natural law, in social contract, or in any other political theory. Regardless of how much philosophers and human rights theorists may debate, human rights – in a positive or empirical sense – is a subject defined by international law. In international instruments, representatives of states declare and recognize human rights, define their content and ordain their consequences within political societies and in the system of nation-states. It is only through international law that a set of rules for all states and all people is established regarding the protection of human rights for each and every human being. Developed during the decades following the Second World War, human rights are, thus, not the work of philosophers, but of politicians and citizens. Only recently – in the past two decades or so – have phi-
losophers and sociologists begun to try to build conceptual justifications for them.

Be that as it may, the human rights concept (or doctrine) starts from the premise of people’s shared humanity and conditions of being human and having human aspirations (Blau and Moncada 2005:24). Calling these rights “human” implies that all human beings have them, equally and in equal measures, by virtue of their humanity regardless of sex, race, age, regardless of high or low “birth,” social class, and nation origin, ethnic or tribal affiliation; regardless of wealth or poverty, occupation, talent, merit, religion, ideology or other commitment. Implied in one’s humanity, human rights are universal; they are inalienable and imprescriptible: they cannot be lost by having been usurped, or by one’s failure to exercise or assert them.

As a premise of human rights, humanity presumes the interdependence of human beings from one another and the human dignity of each individual. This entails three basic elements which are closely related to one another: (a) equality among people, (b) regard for the Other and (c) human solidarity – all rooted in human freedoms and achievable in a democratic society. As Hannah Arendt has emphasized, human rights rest on the idea of uniqueness and equality and that requires that we think of the other human as always the another human being (Arendt 1951). In her now-classic work The Human Condition (1956), Arendt extended her argument that humans are unique by virtue of being an Other to those who are different from themselves. In her view, freedom is discovered through difference and difference is the discovery of the freedom. “It is your uniqueness that makes me free.” Arendt would say that human solidarity is only achieved when people recognize and respect their differences – in skin, color, language, traditions, customs and beliefs – and their individual freedoms. According to her, it is otherwise that binds people together, in give and take, language and speech, human regard, responsibility, mutuality and reciprocity. Or as Jean-Francoise Lyotard (1993), puts it, the basis of human solidarity is that we privilege the other’s sights.

Human rights are rights of individuals in society. Every human being has, or is entitled to have, “rights” – legitimate, valid justified claims – upon his or her society; claims to various “goods” or benefits. Human rights are not some abstract, inchoate “good”; they are those “benefits deemed essential for individual well-being, dignity and fulfillment and that reflects a common sense of justice, fairness and decency” (Henkin 1990:2). In this sense, human rights have their material expressions and many of them embody the principles of collective goods (Blau and Moncada 2007a).

The human rights concept does not abstract humans according to their position in the social structure or their functional roles in society, but instead asserts that humans have unique identities – acquired biologically, socially, and culturally – and expressed in both the political and the economic realms. Human rights are rights; they are not merely aspirations, or assertions of the good.

To call them rights is not to assert, merely that the benefits indicated are desirable or necessary; or, merely, that it is “right” that the individual shall enjoy these goods; or even, merely, that it is the duty of society to respect the immunity or provide the benefits. To call them “rights” implies that they are claims “as of rights”, not by appeal of grace, or charity or brotherhood, or love; they need to be earned or deserved (Henkin 1990:3).

THREE GENERATIONS OF HUMAN RIGHT

“Rights” have figured prominently in moral, legal and political theory. The idea of rights is related to theories of “the good”, of “the right”, of “justice” and to conceptions of “the good society”. Individual or human rights have passed through three generations (Forsythe 1983; Wacks 2006). As a political idea, such rights are traced to 17th and 18th centuries’ English political philosophers such as Thomas Hobbes, John Locke and John Stuart Mill as well as to famous articulations in the American Declaration of Independence and in the French Declaration of the Rights of Man and of the Citizen.

The first generation were mostly the negative civil and political rights, as developed in England, in the United States, France and Nether-
lands during the 17th and 18th centuries – such as the right to property or the freedom of thought and speech.

The second generation consists of the essentially positive economic, social and cultural rights, such as the right to education, food or medical care.

The third generation of human rights consists primarily of collective rights, which are foreshadowed in article 28 of the Universal Declaration which declares that “everyone is entitled to a social and international order in which the rights set forth in this Declaration can be fully realized”. These “solidarity” rights include the right to social and economic development and to participate in – and benefit from – the resources of the earth and space, scientific and technical information (which are especially important to the Third World), the right to a healthy environment, peace and humanitarian disaster relief (see Wacks 2006:58).

GLOBALIZATION, DEMOCRATIZATION AND HUMAN RIGHTS

In recent years, human rights have become increasingly the focus of research and debate in sociology. Beginning from the mid – 1990s, sociology has formulated new perspectives as well as new empirical and analytical agendas for the study of human rights and the complexity, the practices and the role of institutions dealing with human rights. Sociologists like Michael Burawoy (2006), Judith Blau (and Alberto Moncada 2005; 2006; 2007), Bryan S. Turner (2006; 2008), or Rhiannon Morgan (and Bryan S. Turner 2009), have built up a substantial body of work on human rights and democracy. They have been effective critics of liberalism in search of a broader basis of human rights and have brought such important issues firmly within the scientific discourse of mainstream sociology, arguing that by focusing on the global social reality, or in what we now call international society, sociology can provide concepts and theories that function across conceptual boundaries and territorial borders (Turner 2006; Moncada and Blau 2006). In his article “Global Sociology and the Nature of Rights”, Bryan S. Turner (2006) distinguishes between human rights of individuals (which enjoy a prima facie, presumptive inviolability, and are said to be innate, inalienable), and social rights of citizens (created by states) in a world in which globalization is increasingly limiting the central role of the national states

With the acceleration of the process of globalization in the 1990s that posed threats to populations across the globe, most states began to incorporate into their constitutions provisions for human rights. Judith Blau and Alberto Moncada have estimated that out of 165 constitutions of which an official English translation exists, 122 include provisions for socio-economic rights (such as the right to a decent job, housing rights and food security), 134 have adopted provisions for women’s rights, 89 have adopted provisions for healthcare rights, and 105 have provisions for minority rights (Blau and Moncada 2006; Moncada and Blau 2006).

The great expansion of human rights legislation and culture and the wave of constitutional reform over the past decades have occurred in the context of – and in response to – economic globalization, which has accelerated poverty in many countries, has fueled migration, has destabilized communities and has led to the rapid deterioration of the environment. They have occurred also at a time of new democratization movements that increasingly engage citizens in civil society and governance (Moncada and Blau 2006:112). Under such circumstances, besides political and civil liberties that protect individuals from the overreach of state power, cultural and economic globalization has made the affirmation of what Amartya Sen (1999) refers to as “persons' developmental freedoms,” – that is, their full freedoms to develop their capabilities and talents to the highest degree possible – necessary.

HUMAN RIGHTS AND CRITICAL SOCIAL SCIENCE

Various modern schools of social thought, such as Western Marxism, feminism, World System Analysis, critical race theory and queer theory have for a long time provided western social scientists with theoretical frameworks for the analysis and the critique of western institutions, regardless of their own epistemological blinders which constrain contemporary critical social sciences. As Immanuel Wallerstein points out in The Uncertainties of Knowledge, knowledge frameworks entrap us, and in particular, western social science has been strongly affected by the trimodal division of knowledge into the natural sciences, the humanities, and the social sciences (Wallerstein 2004: 21-27). Here is where C. Wright Mill’s (1959) “sociological imagination” becomes particularly important for the understanding of large-scale societies.

Alberto Moncada and Judith Blau take Mill’s idea

---

a step further, arguing that “in large-world alliances people can together use their imagination to conceive better societies and then, to participate in the realization of their dreams” (Moncada and Blau 2006: 116-117)

Although the prospect that Blau and Moncada propose may simply be a political fantasy, it is important, we believe, to consider the role that Michael Burawoy ascribes to public sociology and public sociologists with regards to defense of human rights. Burawoy strats from the assumption that “at the heart of sociology must lie a concern for society as such, the protection of those social relations through which we recognize each other as human” (Burawoy 2006: 1). That, according to Burawoy, requires an effective professional public sociology of human rights that “refuses to compartmentalize or decontextualize the sources of [human] suffering” (ibid.: 4). In his view, human rights must not be confused with “the rights of states and markets,” as was the case with the previous U.S. Administration, which, in the name of the war against terror, thus in the name a “greater good”, tried to justify and legitimize the violation of human rights, demanding sacrifices of the populations in the United States as stipulated in the so-called U.S. Patriotic Act (ibid., 4-5).

Because of their abstract nature, Burawoy argues, human rights have become “the currency of contemporary international relations,” “an ideology of domination deployed by the United States... as a cover for wars and occupations as well as sanctions and hostilities,” “and the ideological avance guard of occupation and recolonization, whether for geopolitical or economic ends. It has been used to divide the world into good and evil: those nations defending human rights and those supporting terrorism” (Burawoy 2006: 5-6).

Since human rights (or their absence) cannot exist outside the institutions that guarantee (or deny) them, and which they in turn support (or challenge), Burawoy argues that a sociology of human rights must take as its first principle the investigation of the institutional context of human rights. According to him:

In the world of capitalism there are sets of institutions: the market economy, the liberal state, and civil society. Each has its associated rights. The market economy demands the rights of property, and the freedom to buy and sell, to exchange. The state is concerned with its own coercive stability and, in a liberal democracy, with rights to vote, rule of law, and freedom of speech. In contrast, collective organization is society defends human rights of survival whether against the commodification of the market or the violence of the state. If the first two have been the realms of economics and political science, the latter is characteristically the realm of sociology and the allied disciplines of anthropology and human geography. In short, human rights become publicly defensible if they become part of a public sociology (Burawoy 2006: 6).

**CAPITALISM, HUMAN RIGHTS AND WESTERN SOCIOLOGY**

Building on Karl Polanyi’s analysis of the devastation wrought by the market in his seminar work The great Transformation (1944) that presents society as an endangered species in the face of state and market aggression, Michael Burawoy distinguishes three waves of marketization that were accompanied by demands for three types of human rights, which, on their part, motivated there eras of sociology. In the earliest phase of capitalism in England in 18th century and in the United States and in continental Europe thereafter it was the state that originally promoted the birth of capitalist market, which soon gained its momentum reducing everything in a commodity-labor, land, and money. This was the first period of sociology, which Burawoy calls “the period of utopian sociology” (2006:7) since the newly-born discipline was responding to the rawness of markets with a strong moral and reformist bent. In England and France it was represented by the critical thinking of utopian practitioners such as Robert Owen and Charles Fourier, while in the United States utopianism was ripe in the postbellum period (1866-1913). Many of these schemes were rooted in the rights of labor, the defense against its commodification and against the tyranny of the remorseless market in labor.

In that period, Burawoy asserts, sociology took up the cause of the working class, especially when economics, within which sociology had until then developed, distanced itself from the critique of capitalism and adopted the professional mantle of neoclassical theory (ibid.).

In Polanyi’s view, the twentieth century saw the renewed expansion of the market at the international level. The movement for free trade was temporarily halted by World War I but then regained its momentum, in the 1920s with the advance of the gold standard. In the 1930s, however, nation-states recoiled against the ominous uncertainty of the global market, leading to extreme reactions - Fas-
cism (in Italy, Spain and Germany), Communism (Stalinist collectivization and planning), the New Deal (in the United States), and Social Democracy (in parts of Europe)—all aiming at insulation from international markets and at the same time subjugating national markets to state control. Burawoy observes that in some countries—Nazi Germany and Stalin's Soviet Union—these developments meant the end of sociology, while in other countries, such as the United States, sociology turned toward policy science.

Funded by foundations such as Rockefeller or Carnegie, and then by the state itself during the Depression, World War II, and most extensively after the war, academic sociology engaged social issues defined by various clients. This was the era of policy sociology concerned with social rights. It was the era in which sociology, as we now know it, was established with its distinctive concerns, namely, social inequality, status attainment, stability of liberal democracy, participations, and the conditions for modernization. State and civil society were viewed as allies in the containment of the excesses of the market economy (Burawoy 2006:8).

The twentieth century ended with a renewed commitment—both ideological and practical—to the market in the form of neoliberalism. It began with the economic crisis of the 1970s and was consolidated by the collapse of holdouts against market supremacy, the disintegration of the Soviet Union, the market transition guided by the Communist Party (market Leninism) in China, and the slow erosion of social democracy in Western Europe. Under such circumstances of further marketization of the international society, Burawoy argues, sociology has to keep its distance from national states and also from supranational regulatory agencies such as the International Monetary Fund (IMF), the World Trade Organization (WTO), and the World Bank, since such institutions are no longer opposing or containing the market but are promoting its expansion. This, according to him, is the “period of a public sociology, whose concern must be “to protect distinctively human rights of local communities—freedom from the depredations of markets and states, freedoms to survive and collectively self-organize” (Burawoy 2006:9).

It labor rights were won on the terrain of the economy and social rights on the terrain of the state, then human rights will be won on the terrain of self-organizing society (Burawoy 2006:9; emphasis are mine-F.T.).

According to Burawoy, the duty of a critical public sociology today [and in the future] should be “to connect these desperate communities, fac-

A public sociology will have to recognize that global character of public issues. It will succeed in this project only by capturing the imagination of publics with visions of alternatives. It is not a matter, however, of dreaming up alternatives and speculating on their possibility, but of focusing on real utopia, rooted in concrete movements and organizations (Burawoy 2006:13). Burawoy’s insight brings a new focus in sociology. Going back to Emile Durkheim or to Max Weber, we find sociologists suspicious of publics. Durkheim and a long tradition that followed him saw social movements as a voice of a public but as a sign of social pathology, while Weber spoke of an inarticulate mass driven to irrational sentiments, easily manipulated by leaders. It was the idea of a mass society—not a society of publics—that propelled post-World War II sociology in the United States, justifying both a retreat to professional sociology and the emergence of an “applied” or policy sociology designated to regulate politics and consumerism. Even C. Wright Mills, a most vocal critic of sociology as market research, embraced mass society as an inescapable reality. It was only with the civil rights movements and the women’s movement in particular, that sociology developed the idea of articulate publics that can rationally fight for their interests outside the realm of conventional politics. According to Burawoy (2006:14), “Social movement theory, critical race theory, and feminism brought about a revolution in sociology, making possible a sociology of publics and thus a public sociology”.

“HUMAN RIGHTS, PEACE AND SECURITY”
REFERENCES


PROF. DR. FATOS TARIFA AND MR. SKENDER DURMISHI, SHORTLY AFTER THE LECTURE.
Prof. Dr. Iliriana Islami is an Associated Professor of the Faculty of Law at the University of Prishtina “Hasan Prishtina” starting as young assistant since 2006, also member of the Board of the Diplomatic Academy. Ms. Islami was a judge of the Constitutional Court serving in the first generation of judges from 2009 until 2012. From 2000 until 2009, she was part of the OSCE Mission in Kosovo as a senior specialised advisor in the Department of Rule of Law and Human Rights. Meanwhile Ms. Islami has coordinated activities of partnership between Faculty of Law in Graz and Faculty of Law in Prishtina, during 2002-2005, and coordinated tempus project regarding curriculum of bachelor and master programmes during 2005-2009.

Prof. Islami holds a PhD on International Law, under supervision of Prof. Wolfgan Benedek, Faculty of Law - Graz University (2003-2007). She is a grant holder of a post PhD in Graz, 2014, in the subject of International Law and Constitutional Law. She has completed her Masters programme in Bilkent University, American University in Ankara, Turkey during 2007-2009. One specialised year on International Law, she has completed in Utrecht University in the Netherlands during 2004-2005. She completed the Faculty of Law in Prishtina in 2004 awarded by the University with the diploma of a “distinguished student”. Also, Prof. Islami was awarded with the diploma of the student Organisation as the “Best Professor of the Year” during 2010. Prof. Islami has published in many journals in Kosovo and abroad.
“THE CONSTITUTION OF THE REPUBLIC OF KOSOVO AND HUMAN RIGHTS” BY PROF. DR. ILIRIANA ISLAMI.

The lecturer presented a short background of human rights. It was said that “Philosophical foundation of human rights concept is presented in liberal democracy of Western Europe, a tradition which includes in itself Greek philosophy, Roman philosophy, Judo-Christian tradition, Humanism and Reformism and the period of Enlightenment. Countries which have inherited this political philosophy have also spread the tradition in other parts of the world. Some states have absorbed a part of it, but on different levels and not completely.” She explained that principal concept of human rights could be presented in a more simplified manner as follows: (1) The individual enjoys broad autonomy of rights, stipulated by law. (2) Individual rights can be violated only by public authorities (state agents), who exercise public functions on behalf of the state and for the state. And (3) If public authorities (state agents) infringe the human rights then the individual has the right to request full realization of his/her right (to appeal). The individual can file his/her claim through effective legal remedies, which need to be provided to him/her in order to realize his right.

Then she continued with the Magna Carta Libertatum (1245, in Great Britain) document, being the first lists the rights to life, property and fair trial, limiting in this way the prior to this moment unlimited rights of the King. She continued by also referring to the Unilateral Declaration of Independence of the United States of America in 1776, as a basis in the birth history of human rights, as a precondition for the international order and stability. The latter was especially important for its aspect of election, she clarified, respectively the right of citizens to vote their representatives who will govern them in the future. In this sense she also refers to a number of preambles of international documents, including that of foundation of the United Nation Organisation, that establishes mechanisms for protection of human rights in the international arena, due to limitations by sovereignties of states. In here, she also referred to Nurenbeg Declaration, by adding that these documents have enabled the international community to intervene in states in order to protect the human rights of individuals. In regards to mechanisms for protection of human rights, she explained that apart from international mechanisms for protection of human rights, if we are talking about concrete implementation phase, we also have regional mechanisms. For achieving the protection of human rights we should focus at the Council of Europe and at European Convention on Human Rights. This Convention is an effective mechanism that enables the individual to deal with the State Government due to discriminatory laws or discriminatory implementation by their re-
The convention is mandatory part of framework conditions for membership in the Council of Europe. Acceptance of the convention, the right of individual petition and the jurisdiction of European Court are obligatory for membership to the Council of Europe. Membership in the Council of Europe has significantly increased since the breakup of the Soviet Union and the FR Yugoslavia.

Herein she gave details about European Convention on Human Rights and European Court of Human Rights, as follows:

European Convention on Human Rights: The Statute of the Council of Europe requires that each member state “to accept principles of the rule of law, therefore the parties undertake the obligation, that within their jurisdiction, to ensure the rights and freedoms of individuals, foreseen by the Convention”. Therefore, protection of human rights is a fundamental issue in the role of Council of Europe. The Convention is divided into two parts: the first part consists of substantive rights protected by the treaty, while the second part examines the procedural issues, such as the creation and composition of European Court and the rules for submitting of appeals. As such, the Convention remains the most advanced instrument of its kind. It has generated more sophisticated and detailed jurisprudence. The contribution of the Convention is undisputed regarding the jurisprudence for international protection of the human rights. Also, it made the interpretation of specific rights, which it protects, and developed key concepts of general implementation, e.g., the principle of proportionality, then gave a meaning to the term “right” and made a development in approach to interpretation of treaties and human rights in general. Convention contributed, also in other fields of international law, especially regarding the right and the manner of operation of international courts.

European Court of Human Rights: The existence of the Court is based on Article 19 of Convention, according to which, establishment of the Court is enabled in a way to “ensure the supervision” of the tasks that countries have under the Convention and additional protocols. The function of the Court is to receive the appeals, decide whether or not they are applicable and if so, to decide on the main issue. Court decisions are binding. Moreover, the decision-taking regarding the infringement of the Convention enables the Court (under Article 41), to bind the Country to pay reasonable compensation and expenses to the claimant. Administration of the Court work is a primary responsibility of the President, in absence of whom it passes on to his/her deputy. The number of judges in the Court is the same as the number of states that ratified the Convention. Judges usually get elected for a period of six years, with the possibility of re-election. However, they must retire at the age of 70.

Furthermore, she also explained the procedures of submitting the application, explaining that under Article 24, any party may submit the application when it considers that is infringed the right, foreseen in the Convention, and given the fact that the Convention is ratified by the respective state. In here, it was said that submission of the claim can be made only after the party has exhausted all effective means under local legislation, while time-frame for submission of the claim starts from the date of taking final decision in the process of exhausting effective means of the country in relation to each appeal - the day in which the applicant or his/her lawyer was informed of the final decision. She also explained that filing or submission may be done by mail or fax, giving additional details in regards to interfering with the rights that should be grounded as well as on compatibility - when the appeal relates to the events that are submitted before the contracting state have accepted the right of individual petition under Article 25.

She also gave details on who may file a lawsuit, underlining that “any person, non-governmental organisation or group of individuals, who consider themselves to be victims of interference in their rights or other persons, (close friend, lawyer, NGO representative that has the authority to act specifying the willingness of applicant to be represented by that person)”, adding that complaints should not be anonymous, but can be asked that the names remain confidential even though they should be disclosed to the relevant state. Municipal bodies or public corporations, that conduct official business, may not submit an application.

In regards to submission of appeals, she also explained the procedures on preliminary contacts with the Registration Office, registration of the application and appointment of the rapporteur, examination by the Committee, communication with the relevant Government, presentation of facts, oral examinations, the decision for acceptance, proceedings of reaching the agreement, and meritorious evaluation of the decision. In here she also added that under Article 54, the Minister’s Committee supervises the execution of a court judgment in order to see to see what type of action is taken by the Government regarding such prices. She also mentioned the principles of the interpretation of the Convention on Human Rights, being subsidiary (convention bodies are supervisory and subsidiary bodies of the national system, which oversee the protection of human rights), fourth instance (convention bodies will not conclude
that the decision e.g. entrusting the child to one of the parent, was, in fact, a correct decision, but will evaluate that the ways of decision making and implementation have failed in some way to protect the parental right), margin of free evaluation - the right of discretion, autonomous concepts (court holds the stance that the terms included in the Convention are autonomous concepts and is free to evaluate their application in specific situations, in national systems), effectiveness, strict limitations (in regards to the importance of physical freedom of the person, while exceptions are particularly limited, such as those provided by Article 5, paragraph 1), legality, proportionality, and positive obligations.

In regards to the Constitution of the Republic of Kosovo, she presented the particularities of the latter in regards to human rights, as the newest constitution in Europe and the world. Prof. Islami underlined Article 53, citing it: “Fundamental human rights in Kosovo shall always be resolved in accordance with the legal system of the European Courts of Human Rights”, meaning that the latter legislation and decisions are directly applicable in Kosovo.

A second aspect, she mentioned the reference the Constitution of the Republic of Kosovo makes to the Declarations, Conventions and other documents on human rights, especially in regards to Women’s rights, Children’s rights, etc., meaning that these documents are also directly applicable in Kosovo. Prof. Dr. Islami described the international standards on human rights are directly applicable in the local legislation. Nevertheless, she explained that, although these references the constitution makes to international standards and legislation, it does not mean that the latter legislation prevails over the local legislation, but they are only used for cases when issues are not regulated with the local legislation.

The lecturer continues to explain other particularities that the Constitution includes. She underlines Chapter 2, giving details how this chapter gives ethnic/national minorities in Kosovo special standards, dedicating one whole chapter in the Constitution on their rights in regards to languages, reserved seats in the parliament, elections, and more. According to the lecturer, another particularity of the Constitution is that it does not refer to other minorities or majority Albanian population, but it only refers to them as communities, and more specifically, only as communities in the national/ethnic aspect. In the end, she also explained how the Constitution was drafted by international legal experts and was modified by Venice Committee, and the work of the Constitutional Court in regards to the latter’s decisions, especially on the resignation of two previous residents.

She also gave a brief introduction on submission of the cases in European Court of Strasbourg. She raised the question whether Kosovo can submit individual petitions. Based on the applicable law of Kosovo, Resolution 1244 and Constitutional Framework, Regulation 24 -25, European Convention on Human Rights is applicable law in Kosovo. Kosovo has not yet signed or ratified the Convention, therefore, in principle, has no right to submit lawsuit in this court. But if we do an analysis of applicable law (international standards) and “jurisdiction” from the judiciary practise of the European Court, we may come to the conclusion that, exceptionally, we may also be entitled to submit lawsuit. According to her, the submission of a lawsuit may be made under Article 1 of the Convention, which defines the relationship that should exist between a person and member state, in order to apply the Convention. The person in question must be located within the “jurisdiction” of the Member State concerned and the Court does not limit the “jurisdiction” with territorial element”. Under this provision, the States are obliged to respect human rights in the territory where “they exercise their powers effectively”, (it should be noted-effective power). The obligation to respect and protect these rights is not limited only to the territory of High Contracting Parties, (term used for countries that have ratified the Convention), but the High Contracting Parties may also become liable due to actions of their authorities, performed within or outside national boundaries, that have consequences outside their territory.

Prof. Islami concluded the lecture by saying that Kosovo is not a member of the Council of Europe, and that the latter shall accept Kosovo as its full fledged member, based on its competences for improvement of democracy and development of human rights.
BRIG. GEN. MAG. WOLFGANG PEISCHEL,
EDITOR-IN-CHIEF, AUSTRIAN MILITARY JOURNAL (OMZ).

His education includes Military Academy Wiener Neustadt/Austria, General Staff Course, National Defence Academy Vienna, Master of Higher Military Leadership, University of Vienna, Master of Political Science, Department of Military Strategy, MoD Vienna, Commander Infantry Regiment “Vienna”, Director Force Planning / General Staff / Austrian Armed Forces since 2009 Editor in Chief, Austrian Military Journal.
Mr. Peischel lectures at the University of Applied Sciences Wiener Neustadt, Master Studies Programme „Strategic Security Management“- course „Leadership – Theory and Doctrine“.
Starting from the implied hypothesis, Europe were about to realize that it cannot afford to maintain its current security-political paradigm but didn’t have any idea or will to develop a new one either, the presentation for the “1st Spring School” of the Diplomatic Academy KOSOVO, organized in cooperation with Friedrich Ebert Stiftung, aimed at identifying significant influence-factors (including their mutual interdependencies), the analysis of which should enable students and participants to define their own, logically defendable position and to find a personal answer to the question posed in the topic. The presentation was to explore the functional principles that stand behind the mutual interdependence of those factors, which had been selected due to the criterion, that they substantially influence the search for a new European security-political paradigm.

The evaluation did not follow the classical assessment-principle “threat analysis - own opportunities - overall conditions - courses of action”. The intended key performance rather lay with the identification, selection, analysis and dialectical discussion of topic-relevant, constitutive factors- complexes as well as with the explanation of their systemic mutual interdependencies - whereby this approach was given a certain “model-character”. Participants were called upon to discuss their personal opinion about the possible future security-options against the backdrop of the analyzed principles, their own diplomatic expertise and of selected passages, extracted from security-policy-relevant documents. Thereby they made their contribution to the dialectical corroboration of the proposed hypotheses and to the synthesis of the findings that have been deduced during the discussion. The aim was not so much to give a definitive answer to the question on how the future paradigm will actually look like - it much rather lay with the methodological- analytic approach to arrive at arguments that should help to shape a future paradigm that is to lead the way towards a sustainable long-term peace-order.

It might legitimately have been asked what a diplomatically oriented audience could benefit from a military view on this subject? Actually, the presentation was not to be understood as a “military” input in the narrow sense of the term. It rather started from the assumption that any serious comprehensive strategy (in particular security-strategy) requests a systemic, synergetic linking of all relevant policy areas. For this purpose, the military might contribute the findings of its own part/sub-strategy and it additionally could offer its expertise as a moderator for the merging of part strategies to an overarching, comprehensive strategy-approach, to
be proposed to the political decision making level. Considerable thanks have to be expressed to the host for inviting to this seminar, as he thereby shows that the military perspective is seen a beneficial contribution to the discussion of such a primarily peace-oriented security-political issue - which does not go without saying in a “postmodern” European social order.

The one-day „seminar“ built on the following provocatively formulated hypothesis: The current paradigm „Calm crises in the periphery before negative consequences spill over to Europe“, is about to be gradually abandoned. A new security-policy paradigm is not in sight and the decline of the current one might unintendedly lead to what critics denounce as “Fortress Europe”, with its entire destabilizing outcome - a Fortress with closed castle gates and draw-bridges up, but possibly with porous walls.

The following table provides an overview of the selected factors-complexes and thereby outlines a first structure of the analysis:

- **Security political paradigm shifts – principle options**
  - Interdependence between internal stability and external security.
  - The “Solidarity Clause” of the Lisbon-Treaty as a guidepost for European security.
  - Democracy projection using military means vs. the new interpretation of the principle of armed forces as “ultima ratio.”

- **National/European strategy-options**
  - Basics of strategy (idea, term, characteristics) including the minimum requirements for a realignment of the European Security Strategy, resulting therefrom.
  - “Comprehensiveness” versus “ministerial sectionalism” with regard to strategic goal definition (including the interpretation of the characteristics of strategy from the perspective of the “ends-ways-means” scheme).
  - Range and specifics of strategies in the European comparison.
  - Impact of national strategies on internal security (“internal aspect of strategy”),
  - Influence of fundamental geopolitical considerations on a possible reorientation of the European Security Strategy.
  - Impact of the strategic resource “water” on international security.
  - Creation of offensive opponent’s intentions by allowing a one-sided power-vacuum (“balance of powers”)-principle.

- **Legitimation of humanitarian interventions / Responsibility to Protect - “R2P”**
  - Creation of humanitarian interventions that are conducted without a Security Council-mandate via “creation of customary international law”-principle.
  - Two controversial interpretations (stipulation of the “creation of customary international law”-principle vs. legitimation of states to settle internal human rights violations themselves).

- **Europe as a values-defined community**
  - The development of Western democracies towards a postmodern social order against the backdrop of the Inglehart/Welzel “values map”.
  - The influence of migration/demographic development on the security paradigm of Western democracies.

### SECURITY POLITICAL PARADIGM SHIFTS

The Analysis started with the historical derivation of the current European security-political paradigm, i.e. with the explanation of reasons for the changes that have led to its present state.

As the first paradigm shift, the transition from the classical, static “layer cake defense” of NATO towards mobile defense according to the principle of operational counter-concentration and towards the FOFA-concept (Follow on Forces Attack) was discussed. The second paradigm shift of the security-political realignment of the Western state community manifested itself in the transition to the principle of “enhanced” national defense (i.e. a kind of “forward defense” in a figurative sense, because forward stabilization was understood as a means to prophylactically prevent crises in the periphery from generating destabilizing effects on Europe that might else have mutated into a substantial future-threat for the Union). The third paradigm shift arose with the extension of the political motive for foreign missions. Had it been a clear humanitarian and security-policy focus in the beginning, so mingled now additional motives with the original goals, which additionally aimed at securing access to vital resources and at foreign-political shaping power. This third phase represents more or less the current state of he security-political development, which is subjected to the following complex of interdependent framework-conditions:

- **The USA is changing focus to the Pacific-area**

---

7 The article follows with respect to the analyzed influence-factors, to some extent the exploration of military functional principles in the thesis, submitted by the author to the National University of Public Service/Faculty of Military Science and Officer Training, Budapest (Title: Relations between Functional Principles of Democracies and their Armed Forces, 2013).
Russia raises conventional offensive capabilities, and thereby unsettles states on the Northern flank of NATO.

This leads to a diversified threat perception among European states (Central Europe compared to Northern Flank) – and thus decreases the trust in collective defense-measures of NATO and EU.

The terrorist threat to Europe will increase as a consequence resulting from abandoning the current security-political paradigm (this might lead to the demand of mutual military support in case of terrorist-attacks within EU-member states -“Solidarity Clause”).

Europe will – particularly due to the American withdrawal from the Middle-East - need to protect/enforce access to vital resources abroad.

Europe will have to exercise its responsibility for the Mediterranean counter-coast in order to get the migration-problem under control.

All of these challenges require an intensified European stability projection, more credible collective defense measures and logically higher defense expenditures.

However, what actually can be observed is a decline of European defense budgets, due to which European countries might have to downsize crises response operations and to withdraw to a “Fortress Europe”. Crises that would not have been calmed in time, might lead to an increased flow of poverty-driven refugees, who will have to be stopped at the EU’s external borders. Together with the then still necessary, selective operations to secure the access to strategic abroad resources, a renewed perception of injustice might build up in the periphery of Europe that would be detrimental to a global peace order and finally draw the main message of this analysis – will have to avoid such a development by all means.

**NATIONAL/EUROPEAN STRATEGY-OPTIONS**

The basic security-political, strategy-based orientation of the state respectively of its armed forces can be characterized by three ideal-typical alternatives:

- forward stability/democracy projection,
- withdrawal from international missions/fall back on the defense of EU-core territory (“Fortress Europe”),
- balanced approaches, meeting the demands resulting from the mutual interdependence between internal stability and external security.

This categorization to some extent resembles the categorization in the paper of Olivier de France and Nick Witney⁸. A one-sided emphasis on forward stability/democracy projection could be compared to de France/Witney’s “globalists”, the fall back on the defense of EU-core territory to their category “localists”. The main finding that can be deduced from this comparison, lies with the assessment that only a well-balanced, comprehensive approach, based on the mutual dependence between internal stability and external security, deserves to be conceded a strategic quality – which would fulfill the requirements of the ECFR Policy Brief’s classification/description of “strategists”.

The above analysis logically and imperatively leads to the paradigm of the mutual and balanced interdependence of internal stability and external security, which is not to be understood as a contradiction to stability-projection but much more as its enhancement towards a responsible security-political acting, which simultaneously provides the necessary home base-protection, as the indispensable precondition for stability projecting missions abroad⁹. If such missions are compared to a bull, the head and horns of which are the armed forces in the area of operations, and whose hind-legs are still standing in the troop-sending state’s homebase, then it will be easily understood that opponents to the mission will not attack the bull by its horns. They much rather will try to hurt it by its unprotected hind-legs – that are to be compared with the vulnerable civil infrastructure and the civil population of troop-contributing states.

---


⁹ Compare de FRANCE, Olivier / WITNEY, Nick: “HUMAN RIGHTS, PEACE AND SECURITY”
LEGITIMATION OF HUMANITARIAN INTERVENTIONS / RESPONSIBILITY TO PROTECT - “R2P”

A particular problem represent operations that in fact serve humanitarian objectives but - at least initially - were conducted without a mandate of the UN-Security Council. The evidence that the humanitarian reasons, which required an intervention, were actually compelling, has to be adduced with much higher effort than in the case that the Security Council had originally mandated the mission. The practice to legitimize the necessity of such deployments via the fiction of the creation of Customary Humanitarian Law, might be a useful “auxiliary construction” in order to help quickly and undelayed in particularly serious cases of human rights violations. But this approach is also dangerous, because it raises the suspicion that foreign policy- or economic objectives were the actual reason for the intervention - and that this motive should only be camouflaged by a “humanitarian cause”. In this context, the instrument “Responsibility to Protect” can now be controversially interpreted whether as the “opinion juris”-based legitimation of un-mandated interventions or as the exact opposite, namely the ban to intervene in case of human rights violations within the territory of other states. Which of these interpretations will prevail, might be a crucial factor for the definition of a future European security-political paradigm.

EUROPE AS A VALUES-DEFINED COMMUNITY

According to the World Value Survey Cultural Map of Inglehart/Welzel, the code of values of most Western pluralistic democracies (like e.g. Catholic Europe, Protestant Europe, Anglo-American world) is characterized by a balance of a relatively high level of “self-expression” values and a relatively high level of “secular-rational” values. How far away from the origin of the diagram a state is located on the angle-bisector, might - due to the underlying categorization of values - also be interpreted as an indicator for the state’s degree of “postmodernity.” Any uncritical acceptance of a further development towards postmodern values-attitudes could entail long-term security-political consequences. Would the state still further disavow the ideal of a “fortified democracy”, then it would become the target of anti-democratic developments, while it loses economic performance at the same time and while scenarios that require mission-effective armed forces get more likely to occur. Thus will the values-set of Western democracies and its prospective further development turn out a crucial and limiting factor for the security-political shaping-power, Europe will be able to summon up.

The demographic development in Europe is characterized by a general trend of low birth rates, resulting in the demand for immigration. It is mutually linked with the values-understanding of democracies, as the values perception of immigrants of different ethnic, religious and cultural background changes the prior values-perception and as the currently prevailing values-set of Western states leads to a decreasing birth-rate and thus to an increasing number of immigrants from different cultural areas. This change in the perception of Western values might also lead to an altered perception of democratic principles per se, of the relation between religious and political power or of basic freedoms (as particularly the societal role of females). An excessive development towards post-modernity will - via the incorporated new values-set - coercively lead to a threat to democratic self-determination. This new values-set will – according to democratic rules and majority-ratios - subsequently have to be written down as a legal norm of national constitutional law. This means that it will from then on not be possible anymore, to contradict these values in a democratic way. Should such a development occur, also the current security-political paradigm of stability-projection would lose its function, as what applied for the prior democratic understanding, namely its peace-supporting effect, must not necessarily prove true for the altered values-set.

CONCLUSION

As announced in the introduction, no attempt was made to define the “target state” of a future European security paradigm. But what could be achieved by the discussion among the diplomatically educated participants, was the finding that there is no promising alternative to the current “theoretical” paradigm on the horizon. However, this theoretical paradigm is poorly implemented in practice - to put it more clearly, it is even neglected dramatically. The perpetuated undervaluation of European defense needs might lead to a severe deterioration of the security situation. A single-sid-
ed power-vacuum might generate “new” offensive intentions, where there had not been any before, and where such intentions logically could not be detected in advance. A responsible answer to currently emerging threats will require a solidary European, security-political will, including a clear commitment to power- and stability-projection, to simultaneous homeland-defense and to a credible collective defense-capability, which extends to those peripheral member-states that are most directly exposed to potential attacks. In particular, this response will have to comprise a fair trans-Atlantic burden sharing.

The need for action is acute because the progressive loss of defense capabilities, which might force the EU to fall back to a “Fortress Europe” unless this development is countersteered immediately, already manifests itself as a writing on the wall.

BRIG. GEN. MAG. WOLFGANG PEISCHEL, WHILE PRESENTING.

PARTICIPANTS ATTENDING THE LECTURE.
Prof. Dr. Matthias K. Scheer L.L.M. is a lecturer at Faculty of economic and social sciences, “German as a Foreign Language for Foreign Law Students”, 2014, in University of Applied Sciences for Economy and Management (FOM), Bremen and Hamburg, introductory courses on labour law, social security law, Commercial criminal law, 2002-2010; Humboldt University, Berlin, Faculty of law, department of foreign languages and law I – Japan, courses on Japanese company law, medical law and environmental law, 2002-2006; University of Applied Sciences Bremen, Faculty of Economy, courses on Japanese law, German and international, Business law, 1989-2010; University of Hamburg, Faculty of law, University of Applied Sciences for Economy and Politics (HWP), Department of Japanese Studies, Faculty of Social Sciences, courses on constitutional.
“INTERNATIONAL PROTECTION OF HUMAN RIGHTS, INTERNATIONAL CRIMINAL RESPONSIBILITY AND HUMANITARIAN INTERVENTION” BY PROF. DR. MATTHIAS K. SCHEER L.L.M.

1. INTERNATIONAL PROTECTION OF HUMAN RIGHTS

The idea of universal human rights goes back to the 18th century. The American Declaration of Independence (1776) spoke of self-evident truths when it referred to human rights as follows: “...that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the pursuit of happiness.” The French Revolution of 1789 propagated the idea of “liberté, égalité et fraternité” (liberty, equality and solidarity). In the subsequent centuries life was rather cheap in Europe and elsewhere and freedom and equality were suppressed almost everywhere in the world.

In spite of this, the preamble of the Charter of the United Nations (1945) aimed at reaffirming “faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women.” Equally, one of the purposes of the United Nations, “promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion” (1.3). Shortly afterwards the Universal Declaration of Human Rights of 1948 repeated the principle that “All human beings are born free and equal in dignity and right.” (Art.1) and reasserted that “Everyone has the right to life, liberty and security of person.” (Art. 3). These are not just lofty ideals. The International Covenant on Civil and Political Rights (ICCPR) which was adopted by the General Assembly of the UN in 1966 and entered into force in 1976, aims at protecting human rights by appealing to the public if necessary. Among other things, its Article 6.1 mandates the right to life of every human being and its Article 28 establishes a Human Rights Committee. This committee is entitled to engage in conciliation if disputes concerning human rights which arise between the member states (Art. 42) and submits an annual report on its activities to the General Assembly of the UN (Art. 45.). The First Optional Protocol to the ICCPR even establishes an individual complaints mechanism whereby complaints from individuals may be considered as well. So Eddie Cochran who recorded the Summertime Blues back in 1958, could now finally take his “case to the United Nations” if he were still alive.

2. INTERNATIONAL CRIMINAL RESPONSIBILITY

The traditional principle of sovereign state immunity was usually interpreted to encompass the immunity of heads of state and of officials acting on command. After the end of the Second World War British officials argued against trying Japanese and German war criminals and suggested to shoot them secretly instead. The Americans insisted on establishing international military tribunals and had Japanese and German political and military leaders tried in Tokyo and Nuremberg. The crime of “waging aggressive war” had not existed before and was used as a ground even for meting out the death penalty. This act of retroactivity was severely criticized as a violation of the principle of nullum crimen sine lege (no crime without legal basis), as “uncommon law” and even victor’s justice (vae victis).

As early as 11 December 1946, the General Assembly of the UN made a declaration that genocide is a crime under international law. In 1948 the Convention on the Prevention and Punishment of the Crime of Genocide was adopted by the General Assembly and entered into force in 1951. Its Art. 2 defines genocide and its Article 3 states that apart from genocide, conspiracy, direct and public incitement and attempts to commit genocide as well as complicity in genocide are punishable.

After well known cases of genocide such as Rwanda and Bosnia and Herzegovina as well as less known cases such as Indonesia involving the Chinese minority had happened, the Rome Statute of the International Court of Criminal Justice was signed in 1998. It established the International Criminal Court (ICC) (Art. 1) which has its seat in The Hague, Netherlands (Art. 2) and mandated that the jurisdiction of the ICC shall be “limited to the most serious crimes of concern to the international community as a whole”, i.e. “the crime of genocide, crimes
against humanity, war crimes and the crime of aggression” (Art. 6). The meaning of the first three crimes is then explained in great detail by way of enumeration (Articles 6 through 8). For example, “intentionally directing attacks against the civilian population as such or against individual citizens not taking part in hostilities” (Art. 8. 2. b. i.) is cited as a war crime. The definition of the crime of aggression is postponed for the time being (Art. 5.2).

After the ICC had become active, it was criticised by some member states as being biased against African states while ignoring crimes committed by other, especially more powerful states. Nevertheless, most serious violations of human rights such as genocide are no longer a domestic matter of the member states.

3. HUMANITARIAN INTERVENTION

The famous idea of the Prussian military thinker Carl von Clausewitz, that “war is merely a continuation of politics by other means” was and still is shared by many politicians. Nevertheless, the Charter of the United Nations mandates, that “all member shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations” (Art. 1.4). There are only two exceptions: (1) Article 42 which runs as follows: “Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.” As the measures provided for in Article 41 are “measures not involving the use of armed forces”, Art. 42 clearly means measures involving the use of armed forces including armed forces of members of the UN. (2) Article 51 first sentence which runs as follows: “Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security.”

Whereas the right of self-defence is clear cut, the situation described by Articles 41 and 42 is more complicated. What happens if the Security Council has decided against measures involving the use of force, or worse has made no decision at all? “The Security Council shall consist of eleven Members of the United Nations”, and “the Republic of China, France, the Union of the Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent member of the Security Council” (Art. 23.1). Meanwhile, the Republic of China has been replaced by the People’s Republic of China and the Soviet Union by Russia. The voting system of the Security Council reminds me of the famous quote from Animal Farm: “All animals are equal, but some animals are more equal.” According to Art. 27.1 “each member of the Security Council shall have one vote”. “Decisions of the Security Council on procedural matters shall be made by an affirmative vote of seven members” (Art. 27. 2). But “decisions on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting” (Art. 27. 3). As Chapter VI and Art. 52 do not concern Articles 41 and 42 which belong to Chapter VII, the question remains what happens if one or two permanent members of the Security Council vote against (veto) the measures involving the use of force or abstain from voting? Since the Korean War when the absence of the Soviet Union from the Security Council had not prevented the Security Council from deciding in favour of the use of armed force, abstention is customarily not counted as veto. But in case of an explicit veto, no use of armed forces is permitted.

Nevertheless, even though maintaining international peace and security is the primary purpose of the United Nations (Art. 1.1), promoting and encouraging respects for human rights and for fundamental freedoms (Art. 1.3) is not just a secondary purpose. There have been decisions of the Security Council in the past such as in the case of the failed state Somalia when a humanitarian intervention was permitted because the violations of human rights had reached an unbearable level. Maybe because of geopolitical and domestic reasons (Tibet, Uighurs, Chechens etc.) Russia and China vetoed against the use of force in spite of Serbian genocide in Kosovo in 1998. NATO decided to go ahead anyway and claimed that customary international law was on their side. At least customary law may develop into this direction in the future taking this case as a starting point. NATO then decided in favour of air-strikes also against the city of Belgrade where a disputed number of civilians lost their lives. It was the third time in less than hundred years that Germans bombarded Belgrade. NATO was successful in saving many lives in Kosovo and of NATO armed forces but it may have committed war crimes as defined above.
PROF. DR. MATTHIAS K. SCHEER TOGETHER WITH PARTICIPANTS SHORTLY AFTER THE PRESENTATION.

PROF. DR. SCHEER WITH PARTICIPANTS.
DAVID D. JOHNSON,
COLONEL, USAF, DIRECTOR, PROGRAM OF APPLIED SECURITY STUDIES-GEORGE C. MARSHALL EUROPEAN CENTER FOR SECURITY STUDIES.

Colonel David Johnson is the Director of the Program of Applied Security Studies and a faculty member at the George C. Marshall European Center for Security Studies.

Colonel Johnson entered the United States Air Force in 1989 and has served in a variety of operational, training, and staff assignments at the squadron, wing, major command, and combatant command levels. He is a master air battle manager with seven combat qualifications in four weapons systems. Colonel Johnson has completed 12 operational deployments and more than 2,500 hours as an Airborne Warning and Control System crewmember. He served staff tours with Air Command Combat and U.S. Transportation Command. Colonel Johnson commanded the 722nd Air Control Squadron in North Bay, Ontario, Canada. Prior to his assignment at the Marshall Center, Colonel Johnson was chief of TRANSCOM’s Joint Cyber Center, responsible for defending the combatant command’s global cyber operations. Colonel Johnson holds a master of public administration from Troy State University, a master of science in military art and operation science from Air University and a master of strategic studies from Air University.
DEVELOPING A NATIONAL CYBER SECURITY STRATEGY

By 2017, half the world’s population, 3.5 billion people, will be online. Every manufactured product, financial transaction, and private or public service used today is touched by information technology, or “cyber”. The globalization of the last two decades has been enabled by cyber. Cyber penetration, or the number of people online, in southeast Europe has surpassed 50% and is climbing rapidly. This dependence brings significant risk.

Southeast Europe, which consists of Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Kosovo, Macedonia, Moldova, Montenegro, Romania, Serbia, Slovenia, and Turkey, is particularly vulnerable to cyber disruptions. First, the majority of this region’s economies are small and developing markets that are easily unsettled. Cyber crime and attacks create market disruptions by creating black markets, denying tax revenue, disturbing normal business routine, and adding to business security costs. According to the European Cyber Security Group, Europe’s largest independent cyber security company, 93% of large European corporations and 76% of small businesses had a cyber security breach in 2013. Second, southeast Europe requires direct foreign investment to enable faster growth. Investors are wary of poor cyber security that may expose their businesses and information systems to attack. Third, the newer governments of southeast Europe need to build and maintain trust with their citizens. Cyber hacker activists (or hacktivists), misinformation, cyber crime, and cyber attacks on critical infrastructure (such as water, electric, or sewer services) undermine the citizens’ confidence in government. Lastly, the security institutions of southeast Europe are newer, smaller organizations that often lack the resources needed to combat cyber threats. In or-
order to mitigate these vulnerabilities, the nations of southeast Europe need to develop a national cyber security strategy (NCSS). These strategies should be prioritized against cyber crime and include regional cooperation and the ability to share security resources.

WHAT IS A NATIONAL CYBER SECURITY STRATEGY?

Like all strategies, an NCSS is an action and resource allocation plan designed to achieve an objective. At its core, the NCSS must define what will be protected, from what threats, with what resources, and how. Answering these questions makes an effective NCSS a unique plan that considers an individual nation’s capabilities, objectives, threats, and national interests. Two organizations that provide useful NCSS development tools are the European Network and Information Security Agency (ENISA) and the NATO Cooperative Cyber Defence Centre of Excellence (CCDCOE).

WHAT NEEDS TO BE PROTECTED?

Defining an objective is the starting point for any strategy including an NCSS. The NCSS objective answers the question of ‘what will be protected.’ It must also agree with the national security strategy. Objectives could include protecting citizens and businesses against cyber crime, securing critical infrastructure from terrorist cyber attack, protecting military systems from nation state assault, and increasing cyber education. The goals must be prioritized in order to make resource allocation possible.

The nations of southeast Europe should prioritize cyber crime over terrorist cyber attack or nation state espionage. Simple mathematics shows that resources spent on cyber crime will have a greater impact than resources expended on combating cyber terrorism. In July 2013, the global cost of cyber crime was calculated to be over $500B. In the United States alone, cyber crime costs an estimated 500,000 jobs. In contrast, the number of terror attacks has been negligible. The benefits of a crime-prioritized strategy are numerous. First, combating cyber crime has a financial payback in the form of less theft, lower cyber security costs, and higher tax revenue. It can boost public confidence in the government, as the government is perceived as being capable of protecting citizens and businesses from cyber criminals. This prioritization, however, does not abandon cyber terror or military threats, as most of the tools used by criminals are the same tools used by terrorists and nation states. Therefore, defenses developed to protect citizens and businesses can also be used by the military and police forces. The results of a 2013 Microsoft study examining the relationship between cyber policy and the measured level of cyber security within a nation support this recommendation. This study found that being a signatory to the Council of Europe Convention on Cybercrime is one of the strongest indicators of national cyber security. Conversely, the study found that having a military cyber defense strategy did not contribute to a higher cyber security.

WHAT IS THE NCSS PROTECTING?

No nation has unlimited resources to devote to cyber security. Therefore, a national risk assessment is critical to developing an effective NCSS. The assessment has two parts. First, the national security strategy ranks the relative importance of such sectors as economy, security, education, and governance that may be impacted by cyber threats. Next, the assessment must identify the risks, or threats, to these sectors. The identification of these threats should be kept at a strategic level and may be identified as threats by perpetrators, or actors, such as criminals, hacktivists, terrorists, corporations (such as in cases of industrial espionage), and nation states. While targets and objectives vary widely, many of the technical tools used by these different actors are the same. An analysis of the prioritized sectors and threats will provide a list of prioritized threats that must be mitigated.

WHAT ARE THE NCSS RESOURCES?

What resources is the nation going to dedicate to cyber security? The NCSS must identify a leader, define the command and control structure, and direct information exchange requirements. The leadership appointment should support the NCSS objective and risk assessment. Is the priority to protect the population from cyber crime, protect national sovereignty by preventing cyber attack, or stop hacktivists and terrorists from undermining government confidence? What sector has the greatest risk? If it is the economy at risk due to financial sector vulnerability and cyber black markets, perhaps the Ministry of the Interior or Finance should lead the strategy. If nation state espionage

13 The definition of terror attack for this discussion is taken from Lachow and Richardson, “Terrorist Use of the Internet: The Real Story”.
14 Cyber Terror Attack is “a computer based attack or threat of attack intended to intimidate or coerce governments or societies in pursuit of goals that are political, religious, or ideological. The attack should be sufficiently destructive or disruptive to generate fear comparable to that from physical acts of terrorism (death or bodily injury).”
or attack is the greatest concern, then the Ministry of Defense should lead. Another factor that must be considered when selecting a lead agency is capability. For example, Serbia is considering its military as its lead cyber security agency due to its highly qualified cyber professionals.\(^\text{15}\)

After leadership, the NCSS must establish the command and control mechanism for implementation and management of the strategy. What are the rules for coordination? The NCSS should provide the requirements for information exchange, such as the data subject to exchange, data protection, storage duration, and data usage. The specifics of these exchanges will likely have to be codified by law to protect individuals from liability, fair trade violations, loss of trade secrets, and loss of privacy. The NCSS guidance should outline the broad requirements for this legislation.

One of the most challenging parts of defining the coordination mechanism is balancing civil liberty concerns against security access requirements. Cyber security requires the exchange of data in order to combat cyber threats. Some of this data may contain information that businesses and individual consider private. Rules must be established that allow data exchange while protecting individual privacy and government or commercial entities from liability. This is a significant challenge for even the most developed cyber nations. For example, the United States has yet to pass a comprehensive cyber security law to support its NCSS due to a perceived lack of civil liberty protections.\(^\text{16}\)

Lastly, the NCSS must address regional and international cooperation. Cyber attacks cross international borders at the speed of light and are launched anonymously from across the globe. International cooperation is required to track and combat cyber actors who use the inherent speed, flexibility, and freedom of the cyber infrastructure to steal, disrupt, and destroy. Cyber security requires resources from law enforcement, information technologists, and business and military professionals. Sharing the security across a region allows for the pooling of resources and enhanced coordination. In September 2012, officials from Croatia, Bosnia, Serbia, Montenegro, Macedonia, and Turkey concluded that continuous cooperation and communication among the Balkans region is required to counter the cyber threat.\(^\text{17}\) In March 2011, the European Commission concluded that a purely national approach to tackling cyber security was not sufficient and Europe must build a cooperative approach.\(^\text{18}\)

### HOW DOES THE NCSS CREATE CYBER SECURITY?

The NCSS should include considerations for preparedness, response, recovery, education, and research. One way the NCSS can prepare for cyber security is by providing a source of cyber security standards. For example, the proposed US Cybersecurity Act of 2012 would have created the National Cybersecurity Council (NCC). Besides assessing risks and vulnerabilities to US cyber structures, the NCC would have worked with private-sector cyber security experts to establish cyber security guidelines for US industry, government, and citizens.

The NCSS should include the development of contingency plans, which include procedures, training, equipment, and funding. Most NCSSs establish national, regional, and industry sector Computer Emergency Response Teams (CERT). A CERT is the first responder of a cyber crisis similar to a fire brigade. Larger nations have dozens of these organizations at different levels (municipal, provincial, national, regional) and within different sectors (transportation, energy, finance). Nations without the resources to fund multiple or national CERTs should consider joining a regional CERT to provide the early warning, immediate response, extensive coordination capability, and long-term recovery monitoring. The strategy must provide for contingency operations of key industries during and after a cyber attack. All of these plans must be continuously exercised and improved. The plan should also provide for education and research. A simple approach could be requiring the lead cyber organization to sponsor engineering and science scholarship and research grants. The lead organization could be required to coordinate with and track cyber security research and development within the nation.

### WHAT MAKES SOUTHEAST EUROPE NCSS UNIQUE?

Southeast Europe has several challenges and opportunities when considering implementing national and regional cyber security. First, cyber security requires regional trust and cooperation. The


\(^{16}\) US Senate, Cybersecurity Act of 2012 and US House of Representatives Cyber Intelligence Sharing and Protection Act, text available through https://www.govtrack.us/congress/bills/


region’s historical and recent difficulties left many nations wary of their neighbors and less likely to turn over security information and responsibilities to neighboring nations. Regional cooperation may require compromise and application of outside regulations, such as the release of security information or application of security standards. States that have just gained sovereignty are less likely to enter into cooperation agreements that require them to trade some sovereignty for regional security. Also, for most of the twentieth century, much of southeast Europe was under oppressive governments that did not inspire trust in their populations. Cyber security policy requires the sharing of private data and the confidence that the data will not be misused. Populations just freed from intrusive governments are less likely to agree to the data sharing agreement needed for cyber security. Lastly, the southeast European region is known as a stronghold of cyber crime networks, which will likely fight the implementation of an effective NCSS and its accompanying national legislation and enforcement.

Southeast Europe also has some advantages that may make implementing cyber security easier. Relative to the rest of Europe, the region has a low, but quickly growing, level of technological development. Implementing strong cyber security policies now will cost less and have greater impact in the long run. Nations with older technology development have large ‘sunk costs’ and are hesitant to replace their technology due to the costs, even with the assurances of greater security. Also, implementing cyber security procedures now means that the population will be introduced to the new technology at the same time as the cyber security. This may allow for greater acceptance of the cyber security. Populations from nations who have had access to cyber longer are less accepting of the limitations that security requirements may place on them, even for greater protection.

**CONCLUSION**

With the benefits of a cyber-enabled society come risks. In order to mitigate these risks, nations must develop and implement cyber strategies. The nations of southeast Europe need cyber security strategies that are prioritized against cyber crime and allow regional and international cooperation.
AT THE END OF THE LECTURE, COLONEL JOHNSON RECEIVED A GIFT MADE OF LOCAL GEMSTONE IN THE SHAPE OF MAP OF KOSOVO, BY DIRECTOR OF THE DIPLOMATIC ACADEMY.
DR. PAUL MEERTS,
SENIOR RESEARCH ASSOCIATE, THE NETHERLAND INSTITUTE OF INTERNATIONAL RELATIONS – CLINGENDAEL.

Dr. Paul Meerts is an expert in: Diplomacy and Foreign Affairs, and has expertise in International Negotiation Processes, Central Europe, Training & Education.

Paul Meerts is a Senior Research Associate at the Clingendael Institute. He combines this with his position of Visiting Professor in International Negotiation Analysis at the College of Europe in Bruges, Belgium. Since 1983, Paul has worked in a number of roles at Clingendael: Head of Training and Education (1983-1989), Deputy Director (1990-2006) and Special Advisor to the Director of Clingendael (2006-2011). In the past twenty five years he trained diplomats, civil servants and military officers in ninety five countries worldwide.

He is active in the field of International Negotiations as Member of the Process of International Negotiation (PIN) Steering Committee and Member of the Advisory Board of the Journal of International Negotiation. He is also a Founding Member of the Netherlands Negotiation Network, where he is also a Member of the Steering Committee. Additionally, he is Curator of the Chair on Central-European Studies at Leiden University. In 1973, he graduated from Leiden University with an MA in Political Science, and was awarded the title of Doctor Honoris Causa at the School of Foreign Service at the National University of Mongolia in 2001.
ABSTRACT

This chapter analyzes the nature and evolution of conference diplomacy. The study postulates that negotiations are vulnerable, unless they are put in a protective context, like regimes. As war is becoming more costly because of modern technology, negotiations within and outside diplomatic conferences are becoming increasingly important, both as a peaceful decision-making and a conflict-handling mechanism. This is one reason why we can observe a growing number of international organizations in recent history. The study asks questions about the future role of conference diplomacy in a globalizing world in which diplomats are losing their age-old hegemony in international relations. It concludes with four recommendations for enhancing the effectiveness – and thereby the significance – of conference diplomacy in the coming decades.

KEYWORDS

Conference diplomacy, diplomacy, context, interests, international negotiation, people, power, processes, organizations, reform, regimes, research, training.

NATURE

Conference diplomacy can be defined as *multiparty diplomatic negotiation*, where diplomatic negotiation can be regarded as an “exchange of concessions and compensations in a framework of international order accepted by sovereign entities” (Meerts, 2014). Being multiparty means complexity, which will have positive and negative effects on the process of give and take between the representatives of the parties involved (Crump and Zartman, 2003). A positive effect is the inclusion of stakeholders – that is, those countries and other concerned parties such as intergovernmental and non-governmental organizations – that have an interest in the negotiation process at hand. Including the relevant actors will enhance the probability that the conference’s outcomes will be implemented. The negative side of inclusion, however, is the ability of spoilers among the stakeholders to prevent an outcome that is undesirable to them, or to weaken the final agreement in such a way that it will be harmless to their interests and thereby ineffective for the collective whole.

Most conferences nowadays are focal points in a long-term ongoing negotiation process, often in...
the framework of an intergovernmental organization such as the United Nations, African Union, Gulf Cooperation Council, Shanghai Cooperation Organization, Organization of American States, or the Organization for Security and Cooperation in Europe. Being structured and having a history of precedents as well as a perspective of the future, these conferences form relatively stable regimes that allow for more or less successful outcomes. The organizations protect the processes, just as arteries provide the body with the blood that it needs to grow and sustain itself. Concessions can be made without immediate returns – so-called “diffuse reciprocity.” The example of the European Union as an intergovernmental and supranational regime shows how important this is for effective decision-making. However, such organizations have an interest in being relevant on their own merits. They might thus give priority to their own needs, instead of those of the community that they represent.

Not all conference diplomacy is undertaken in the framework of international organizations, which is mostly reserved for diplomatic negotiation as an instrument in policy-making. In cases of conflicts, where negotiation will rather be defined as “war by peaceful means,” conferences can be a one-time event that is not embedded in an international organizational structure. In this case, the negotiation process will be relatively unprotected and thereby more vulnerable to power play, without much counter-play by an overarching regime. Although unhampered by a bureaucratic structure, the process will have to manage without organizational protection, which creates vulnerability to failure. The intensity of the negotiations will be high, also because of the crisis at hand. One reason for the difficulties in the Middle East’s peace processes is the lack of a comprehensive regime. This is also true for the situation in East Asia, where a very substantial part of the global economy is embedded in a region without an overarching security structure, thus making the region vulnerable to instability and violent conflicts today and tomorrow.

Although conference diplomacy is multilateral by definition, bilateral, trilateral and plurilateral negotiations are essential components of its processes, with plurilateral encompassing bargaining between several, but not too many, negotiators. Plurilateral negotiating will normally be done away from the table, either in the corridors or behind closed doors in small rooms, but it might well happen in the conference room during breaks, in so-called “huddles.” Huddles are flexible groups of negotiators that change all the time, trying to prepare for successful progress during the formal sessions. This interchange between formality and informality is an important characteristic of conference diplomacy, as are the notions of rules and regulations, time and timing, power and persuasion, diplomatic behavior and political statements. This chapter will thus approach conference diplomacy by looking at its evolvement over time, the procedures and the processes of international negotiation, the role of the negotiators and the powers that they represent, their strategies and tactics, as well as the prospects for the near future.

**EVOLUTION**

The word negotiation comes from “nec otium,” Latin for not being idle. The word might be compared with Hannah Arendt’s (Arendt, 1958) distinction between “work” and “labor.” While labor is what the slaves do, the same thing over and over again, work is what the merchant does: add value by trading with the products of the slave’s labor. Through exchange, they add value and that is exactly what we hope for in negotiation, the so-called integrative or win–win mode. Sometimes they will not represent themselves, but might be an agent for somebody else, such as rulers or councils, and can prove that they are legitimate by showing their opponent a paper, or “diploma.”

Before Roman times, negotiators in the Middle East already concluded treaties, the contents of which have been found on clay tablets. The rulers, however, struggled with the problems of confidence and trust. Could they rely on the word of their opponent, as treason and poisoning were normal features in negotiations in their palaces and across the borders?

More importantly, why should sovereigns trust each other, if they each sought the “raison d’état,” the interest of the state? Trust was not of much help; forcing, instead, the other party to live up to the agreement was a much more effective instrument. One way to secure the treaty was indeed to threaten a new war, in cases where the other party did not implement the treaty. Another way could be to exchange hostages as a guarantee for compliance, which was exactly what the Pharaoh of Egypt and the King of the Hittites did when they concluded a treaty after a ferocious war that ended with a mutual hurting stalemate. Intermarrying was another tool for creating some kind of security. The Emperor of Byzantium married the daughter of his adversary, the Khagan of the Khazars, and thereby turned him into an ally. But these solutions could be volatile: your ally of today can be your enemy of tomorrow, and vice versa. Therefore, it is better to let your enemy live when he is not a threat anymore, at least not in the near future; respect
your opponent; and have empathy in order to understand his motives. However, empathy is not the same as sympathy.

Diplomatic conferences were essentially bilateral meetings between two absolute rulers or the councils of city states, which sometimes negotiated directly, but normally sent their envoys to bargain with the other party. In Renaissance times, the Italian city-states not only used special representatives, but also established more or less permanent diplomatic posts in each other's towns. Diplomacy thus gained some stability, and stability is, as we have already seen, beneficial for effective negotiation. Machiavelli, for example, saw the importance of this and advised for regulating diplomatic relations in one way or another. Bilateral diplomacy thus slowly but surely became more complex, as more adversaries had to deal with more conflicts between them. Yet bilateral negotiation was not always enough to settle disputes, so mediators were asked to help the opponents to solve their mutual problems. The next step was conferences in which more than two parties participated. The most famous of the early conferences were those held in Westphalia, which ended the Thirty Years War in the Holy Roman Empire of German nations as well as the Eighty Years War between the Kingdom of Spain and the Republic of the United Netherlands. Westphalia changed the meaning of sovereignty.

The Peace of Westphalia, which was concluded in 1648 through a series of bilateral negotiations in the cities of Münster and Osnabrück, declared that all countries were equal, although some remained more equal than others. This conference is widely seen as the mother of all diplomatic conferences and the beginning of the era of regimes, as it was helpful in creating more effective negotiation processes as an alternative to warfare (Holsti, 1991). Essentially, the conference was an assembly of conferences. The parties came together in official ceremonial meetings, in which precedence played a major role, as is still the case nowadays, although precedence was regulated in the Vienna Convention in 1961, whereby it became much less of a hindrance than in the past. These formal meetings were not important, but acted like focal points, as some conferences do in modern times. The real bargaining took place elsewhere, and most of the time in secret. In the case of Westphalia, the countries negotiated in each other's dormitories, often indirectly through Italian mediators – from the Pope and Venice – who studied their letters and often pressed for changes to make the demands more negotiable. Interestingly, a first attempt was made to keep the peace through legitimate intervention by France and Sweden in Germany. It was understood that sanctions were necessary in the case of non-implementation.

The next milestone was the Peace of Utrecht in 1713, which put an end to the first – kind of – world war, with whose outcomes Europe is still struggling (Gibraltar, for example). The colonies were taken into the final settlement, and for a few years the peace could more or less be kept. The negotiations were still bilateral, albeit in the context of one conference.

One hundred years later, the Vienna conference of 1814–1815 became the first plurilateral negotiation. Not yet multilateral, as the number of real negotiating parties was kept at five, which seems to be a convenient setting as today's UN Security Council has five parties as the most influential, permanent decision-makers. The five of Vienna were Russia, Austria, Prussia, Great Britain and – as a latecomer – France. Interestingly, the rulers realized that they should not exclude a major power like France, even if France had lost the war. Excluded, however, were the other interested countries and parties – such as the German Jews, for example – whose representatives were kept busy by operas, ballets, balls, excursions, and all kinds of other festivities. The inner circle of negotiating parties decided for them, although they did give some influence to middle powers such as Bavaria, as go-between. A renewed attempt was made to force the parties to live up to their agreements through the creation of the Holy Alliance in 1815.

In the late eighteenth century, more and more diplomatic conferences were held to avoid war, such as the Berlin conferences in 1878, 1884 and 1885. These plurilateral negotiations came to blossom in the twentieth century, with the Paris Peace Conference of 1919, ending the First World War, as another major event in the history of diplomacy. Like in Vienna, representatives of hundreds of sovereignties presented their credentials in Paris, but only five were included in the inner circle: the United States, France, Great Britain, Italy, and Japan. Moreover, the negotiation was de facto trilateral, as Japan did not really participate and the role of Italy was comparatively weak. Other countries did have a more important role to play in Paris than in Vienna, and in separate meetings they could voice their concerns. In that sense a multilateral process surrounded the “exclusive zone.” Some “outsiders” were particularly successful, including Romania and Poland. Others, such as Germany and the fledgling Soviet Union as major powers, were kept outside the process of negotiation. As we know, this exclusion had grave consequences for the future. Inclusion creates an effective negotiation process, but exclusion is the source of ineffective implementation.
The Hague Peace Conferences in 1899 and 1907 were multilateral meetings in which all of the parties negotiated on an equal footing, and as a consequence they ended without a substantial outcome, apart from the decision to create a Permanent Court of Arbitration. The League of Nations (1919–1946) could be regarded as the first full-fledged multilateral negotiation process, but like the Hague Peace Conferences it was highly ineffective. Until the middle of the twentieth century, bilateral, tripartite, and plurilateral negotiations dominated the political and diplomatic scene, like those in Munich in 1938 with Germany, Italy, Great Britain and France, and during and after the Second World War with the United States, the Soviet Union and the United Kingdom. It was only with the San Francisco Conference in 1945 – which created the United Nations – that a reasonably effective multilateral diplomatic conference came into existence, be it with a strong plurilateral nucleus: the United Nations Security Council. Of course, in all the other conferences afterwards, some major powers continued to dominate the smaller powers. Yet through the institutionalization of rules and regulations, these conferences became true regimes with their own roles to play and their own interests to defend, but all the while protecting and channeling negotiation processes to their conclusion, thereby enhancing the effectiveness of conference diplomacy and the processes of international negotiation, while also securing and sanctioning their implementation.

PROCESS

As diplomatic conferences are complex and complicated “animals,” rules of procedure have to guide the proceedings of the main actors in the conference, as there are the delegations of the negotiating parties, groupings of parties (caucuses), formal and informal mediators and facilitators, the president of the overall meeting, the chairs of sub-meetings, and last but not least the secretariat. A draft text will have to be prepared in consultation with others. It will then have to be circulated among those who were not involved in the informal drafting, after which it has to be deposited with the secretariat. The secretariat will have the text translated into the formal languages of the conference and circulate the text as an official document. There will be an oral introduction by the sponsors, after which a debate will ensue. Amendments and sub-amendments might be introduced, circulated, and debated and voted upon. A negotiation group could be installed by the president of the conference, and its outcomes will be debated – and voted upon – by the plenary. After a decision has been taken, delegations might wish to explain their votes or interpret the resolution (Kaufmann, 1996).

The negotiation process can be divided into stages, but they will not follow each other in a neat way. It can be like the dancing procession of Echternach, as negotiations tend to be circular. After the negotiations proceed in a certain direction, they often fall back to an earlier stage as countries are hesitant to decide early on. To negotiate is to take risks, and diplomats rarely act as risk-takers. Risk avoidance is more of a hallmark of the diplomatic negotiator, even more so in complex conference situations where their political bosses – and their parliament – are absent and will have to be consulted before a negotiation process comes to an end. This, together with the multitude of issues and actors involved, plus the many rules of procedure and a complex and untransparent organizational structure of international institutions, ensures that the negotiation process in diplomatic conferences will be slow and painful. Moreover, there are elections in democratic countries that can topple governments, and even if they do not, it is often wise to stall the negotiation process for a few months before elections, or to hasten its course. There are also shifts in the international arena that might have a negative influence on the proceedings, although sometimes the opposite can be true as well.

In practice, the negotiation process starts with a pre-negotiation phase, followed by an exploration phase, a selection phase, a decision-making phase, and a post-agreement or implementation phase. In many organizations these cycles are connected to earlier negotiation processes, as well as to future ones. The process is part of a wider process, involving other issues, both parallel and chronological. The chronology is of great importance. The shadow of the past – that is, the positive or negative experiences with the other parties – can either drive the negotiation forward or can stall it, and even destroy it. Emotional issues can block any progress, even if these issues are rooted in the distant past. Examples of a negative shadow of the past can be found in traumas such as the defeat of the Serbs against the Turks in Kosovo in 1389, the slaughtering of the Armenians in 1915, or more recently the events in the Balkans during the downfall of former Yugoslavia. In some cases, including the defeats of the French nobility by the British longbowmen at the battles of Crécy, Poitiers and Agincourt (in 1346, 1357 and 1415), the events have been digested and have become ongoing sport between French and British diplomats. However, what the Japanese did during the Second World War has not been forgotten by the Koreans and the Chinese, and these atrocities linger over present-day negotiations.
After the pre-negotiation process, which is often the most difficult phase, in which adversaries will have to be dragged to the negotiation table, a process of exploration will follow. This process of exploration is very much influenced by culture. Some cultures are very results-oriented and negotiators will feel that they are wasting their time as long as the real bargaining phase has not begun. In other cultures, it is seen as vital to a good outcome to take a lot of time in getting to know the subject matter and the interests and personalites of the opponents. A mismatch between these perceptions might already derail the negotiation process as a whole. The same is true for the selection phase. This is a very insecure balancing act, in which issues will be assessed on the basis of negotiability. It is already a kind of bargaining, in the sense of give and take, but on a temporary basis. Some cultures are much more patient on this than others. The decision-making part concludes the negotiation process as such. Not only does culture play a role in decision-making, but procedural rules as well. Finally, there is the post-negotiation phase, in which the agreement will have to be implemented in a controlled or uncontrolled way.

The main decision-making procedures are unanimity, consensus, and voting. Under unanimity, all parties will have to give a positive vote to the final contract; under consensus, some parties might abstain; and under voting, there can be simple or qualified majority voting. The procedure of decision-making can have an enormous impact on the substance of the agreement, especially if there are numerous involved parties. The more parties, the stricter the rules, at least if the organization wants to be an effective decision-making apparatus. Under consensus, parties have veto rights and can therefore easily spoil the process. In some cases, there needs to be consensus minus the most involved parties – that is, consensus minus one or two – but the process remains very difficult. Having the possibility to outvote the opponent stimulates a very intense and forthcoming process, as in the European Union, for example, where the “shadow of the vote” is the engine of further integration. Even if a group of countries can outvote the others, the countries will normally pretend that consensus has been reached. Neither countries, nor people, like to lose face. The United Nations Security Council is an interesting example of a combination of a consensus and a voting system. A Security Council resolution will be adopted if nine of the fifteen members are in favor, provided that there is no veto against it.

It should be noted that there are many ways to approach the process of negotiation. The linear way that is presented above is very “Western,” as if negotiation is a chess game, with an opening, mid- and endgame. In China, however, there is the perception that the process should rather be seen as a spiral, in a circular way, connected to the past and the future. Other countries focus on the overlapping interests of the parties, and the question of to what extent the needs of the parties overlap and provide for common ground (Iklé, 1964). It is also possible to see the negotiation as a process of concession-making. In Russian culture, concession by one party is often seen as a sign of weakness, while in US culture, concession-making is regarded as a rational way to connect to the other party and to push things forward. The process might finally be seen as a consequence of the choice of partners, and it is therefore very important to understand the background and the behavior of the negotiators.

PEOPLE

Individual negotiators have quite an influence on the outcome of the processes in conference diplomacy. People matter. Of course, this depends very much on their position in the conference proceedings, the question of which country they represent, and how high they are in the hierarchy of their delegation and their ministry. It also depends on the culture from which the negotiators come. In cultures with huge power differences, the negotiators’ position will be stronger than in egalitarian cultures. The same is true for diplomats from so-called high-context cultures and those from individualistic societies (Cohen, 1997). In some countries this has to do with family or tribal background, and in others with their competences. As presidents of the conference, the negotiators depend on their staff, notably the secretariat, but also on the legitimacy that they hold with the member states’ delegations. Legitimacy is connected to culture as well. Legitimacy is of more value in one society than in the other.

Diplomats in bygone centuries were – in principle – more dependent on their masters than nowadays. After a failed negotiation, the absolute ruler might decide to behead the negotiator, or at least to have his beard shaved off. In reality, however, it might well be that in the age of conference diplomacy, the professional diplomat has been more influential than his monarch. In Westphalia, the absolute rulers were far away in their capitals and could hardly connect with their representatives, as the civil war was raging on around these neutralized cities. The diplomats spoke a common language (Latin), had common norms and values, and perfectly understood each other. It is only 300 years later that this common negotiation culture has truly been
restored: in Brussels, the capital of the European Union. In Brussels, diplomats speak a common language (English, although French is still strongly present), but more importantly, they understand that give and take are absolutely vital. The diplomats have been socialized into the EU’s conference diplomacy system. They are “Brusselized.”

Although the diplomats in Brussels are representing their country or one of the institutions, their nationality is slowly but truly of less importance. They get to know each other, so that the usual stereotypes, while not withering away, do lose their political significance. Perhaps this is the greatest value of the huge EU conference diplomacy system: through the day-by-day contacts in a strong common context, the shadow of the past has become more and more irrelevant. It is said, however, that a world war and the threat of the Soviet Union were instrumental in creating this ripeness for effective negotiation, not to mention the emotional factor: the Germans apologizing for their deeds during the Second World War. Between Westphalia and Brussels, the lingua franca had been French – in Utrecht, Vienna and in Paris (the Versailles Treaty) – but no longer in San Francisco and after.

The professional diplomatic negotiator has always been under threat from its politicians, be they the sovereign dynasties in the past, or the elected and non-elected professional politicians of today. Slowly but surely the politicians moved into the realm of conference diplomacy. As one of the first politicians at the table, Tsar Alexander I of Russia mingled with diplomatic negotiators such as Talleyrand, Metternich, Hardenberg and Castlereagh. They were de jure ministers, and thereby politicians, and they were indeed agents of their imperial and royal masters, or their parliament. De facto, however, they commonly decided on the fate of Europe, with the Tsar as the odd man out. During the course of the eighteenth century, the politicians became more and more influential, but there was still no clear separation between them and the diplomatic negotiator. In Paris in 1919, however, with the presence of US President Wilson and French Prime Minister Clemenceau, the rules themselves obtained a dominant place at the table. This is important, as one has to be at the table to avoid being on the menu.

From the Paris conference onwards, the politicians started to push the diplomats aside, so that they increasingly became agents who relied on the mandate of their chiefs. On the one hand, this is favorable for the negotiation process in a conference diplomacy setting, as the highest in rank can take decisions without much consultation with their constituencies, thus enhancing decision-making and making it more effective. On the other hand, however, it is disadvantageous, as these decisions might be taken at the spur of the moment, as was clearly visible in Paris and in the negotiations in Munich and Yalta, as well as during the top-level meetings during the Cold War. If the chemistry between the leaders is good, as it was between US President Reagan and Soviet General Secretary Gorbachev, the negotiations will proceed in a positive direction. Both leaders, for example, convinced their own delegations to start meaningful negotiations, although their underlings were very hesitant to do so. This is all the more interesting because the political visions of the two leaders were diametrically opposite. Yet they had a common personal feeling, and this proved to be more important.

Other examples include the good chemistry between French President Mitterrand and German Chancellor Kohl, or at least a kind of common understanding such as between Russia’s President Putin and Chancellor Merkel of Germany. Yet there are also examples of the disastrous impact of leaders who dislike(d) each other, such as French President Chirac and Italian Prime Minister Berlusconi, which had huge political implications – for example, the unwillingness of German Chancellor Schröder and French President Chirac to give Berlusconi the honor of finalizing the negotiations about the European Constitution during Italy’s rotating presidency of the European Union. This, in turn, not only had to do with the character of Berlusconi, but also with his emotional and very undiplomatic attack on the (later) President of the European Parliament, German Social-Democrat politician Schulz. Prodi, the Italian President of the European Commission, would later declare that he never foresaw that differences between personalities would have so much impact on the political decisions taken in diplomatic conferences. As politicians often have quite strong egos, this might lead to “egotiation” (Meerts, 2013), a situation in which the reputation and the face of the political leader takes precedence over the interests of his or her country.

As we have seen, modern technology undermines the position of the diplomatic negotiator in both ways – the growing grip of the political leader on his or her diplomatic agents, and the growing transparency – which limits the autonomy of the negotiation process. A major new development is the growing role of ordinary civil servants and non-state actors. They seem to be everywhere in diplomatic conferences and they marginalize diplomatic negotiators to the extent that one can question how meaningful the diplomat of the future will be. Conference diplomacy might become “undiplomated,” meaning that common norms and values might be at a loss, and – with diplomatic culture withering away – negotiations could become less
smooth, more bureaucratized and perhaps more politicized. This could lead to less-effective international negotiation processes, more stalemates, and more unresolved conflicts. The positive impact of the development of protective regimes might thus be undone by the erosion of the processes themselves.

POWER

The differences in power between parties in diplomatic conferences are, of course, of great importance in understanding why the process has led to a certain outcome. Power, however, is not one-dimensional. A country can have huge power resources, but that does not mean that it can apply this power to any situation on the ground. There is also situational power, and if anything characterizes the process of diplomatic negotiation, it is the notion that it is a situational process. This means that diplomats can enhance their structural resources through process power: looking for allies and for support from constituencies, as negotiation is at least a two-level game; being well informed and experienced; being charismatic and legitimate, etc. Power asymmetry can be helpful in reaching outcomes, but it can also be a problem. Why should one party give in to another party if they are equally powerful? Too much power difference can be problematic as well, but some difference in power can be helpful in reaching satisfactory conclusions (Zartman and Rubin, 2003).

Dominant powers can exclude parties, which may lead to unresolved conflicts, as the excluded parties might not be willing to comply in implementing the agreements. Yet dominant powers can also be the motor behind diplomatic conferences, which would otherwise end in the middle of nowhere. As already noted, it is important to have so-called middle powers to smooth the relationship between the most and the less powerful. However, if the great powers cannot and do not want to cooperate, diplomatic conferences will be of no avail. In many cases, the great powers do not really care about the conflict at hand, but they are anxious about the power balance between them and the others. The downfall of the Soviet Union gave rise to a unipolar world, in which the United States became of the opinion that there was no other power to counterbalance it. As a result, it had to be the reality on the ground that acted as a barrier against further power expansion, with wars in Afghanistan and Iraq as a consequence. Powerful countries can get entrapped by weaker opponents. A rational decision to take action might lead to an irrational situation in which the less-powerful state gains a hold over the more powerful.

Diplomatic conferences help to soften the power asymmetry among the parties. The rules and regulations, common norms and values, and perhaps the organizational culture of the institution might prevent the powerful nations from running amok. Yet in the end, it is politics that decides. If the permanent members of the UN Security Council are at odds with each other, for example, nothing will move. The situation in Syria since 2011 is an example of the impossibility of putting an end to the fighting if the interested great powers have more opposing than common interests. Non-intervention in Syria is also a signal of the enhanced awareness of the Security Council’s permanent members about the danger and the consequences of interventions. They recognize the potential for entrapment. Notwithstanding the annexation of Crimea in 2014, Russia’s President Putin saw the danger of further destabilization of Ukraine for the position of Russia and the Russians. As a diplomatic ploy, however, he hoped to gain recognition for this annexation if he did not help the Russians in Ukraine’s eastern province to separate from a country that he regards as Russia’s “near abroad.”

Powerful countries use and misuse diplomatic conferences for their own interests. Yet these conferences allow for the smaller powers to gain some shelter against the stronger countries' overt power. When part of the conference, the smaller powers cannot be totally overlooked, hence the interest of the smaller countries in the process of European conference diplomacy. They are an institutional part of the negotiation process and although their position can be more or less ignored at the very end, being ignored completely will not be likely. However, if Germany, France and the United Kingdom agree on the necessity for certain steps, not much can be brought against them. Decisions will be made according to their wishes. On the other hand, if they cannot agree, the process of European conference decision-making will come to a dead-end, and countries will have to wait for – or work on – the political or economic context to change. This might come from the outside, but when locked into the Union, there is not much of a Best Alternative to a (non)Negotiated Agreement.

PERSPECTIVES

Negotiation analysis started with French diplomats such as François de Callières and his treatise on the question of “The Art of Negotiating with Sovereign Princes” (Callières, 1716). After the Second World War, research on negotiation became a more common feature. A whole range of academics tried to qualify or quantify the processes of international negotiation, both inside and out-

“HUMAN RIGHTS, PEACE AND SECURITY”
side diplomatic conferences. The main aim of all these studies has been to explain the outcome by the process that enfolded. This is still problematic today, as there are so many factors of influence, from the characteristics of the process itself, the people and parties involved, to the organizational and power-related context in which these negotiations flow to their end-stage. A fundamental issue remains the practitioners’ unwillingness to allow researchers and trainers to sit in on real negotiation processes. Another problem is the impact of culture on the researcher’s analysis and on the trainer in diplomatic negotiation. It is hardly possible to have a value-free approach. This is not disastrous in itself, as long as those involved are well aware of these biases. In international academic conferences, and through international academic journals such as International Negotiation, one can attempt to straighten this out. While the Processes of International Negotiation (PIN) program tries to explain the mechanics of conference diplomacy through – mainly – qualitative analysis, the Group Decision and Negotiation (GDN) program focuses more on the quantitative aspects.

Conference diplomats need to be trained in order to be as effective as possible in defending the interests of their country or organization. Parallel to the research on negotiation, seminars on training diplomats have gradually come to the fore. Understanding the importance of diplomacy in establishing a powerful position in Europe, Cardinal de Richelieu founded the first diplomatic academy in 1626. Negotiation seminars for diplomats were, however, slow to develop. While many diplomatic academies were established after the Second World War – with an exception being the diplomatic academy of Vienna, which was established in 1754 as the “Oriental Academy” – training on conference diplomacy was in short supply. There were seminars for commercial negotiation, but the first seminar for diplomats only appeared in the 1960s, mainly in the form of simulation games. It was only in the 1990s that real diplomatic negotiation training came to flourish, and even today it is a scarce commodity. Interestingly enough, one would expect practitioners to help researchers to understand the intricacies of diplomatic bargaining, while the researchers would then instruct the trainers, who could thereby train new practitioners. This is, however, not the case. These three specializations – practitioners, researchers and trainers – stand alone and seldom exchange their findings. Simulated negotiations are of great help, and attempts to come as close as possible to reality are quite successful, but in the end it is not the real thing. Nevertheless, for those who want to get a feel for conference diplomacy, the family board game “Diplomacy” is the best experience one can get, although friendships might be damaged for ever (Sharp, 1978). It is said to be the favorite board game of Henry Kissinger.

As for conference diplomacy itself, its role is not expected to diminish. Indeed, it will be of greater significance in the coming years, as the alternative is warfare and wars are becoming more and more costly in terms of human and material losses, thanks to globalization and modern technology. While two-thirds of the conflicts in the last 50 years have been decided through conference diplomacy, one-third were ended by the military victory of one party over the other. This trend of the growing significance of ending conflicts through words instead of weapons is expected to continue in the coming decades. However, the nature of diplomatic negotiation and of conference diplomacy will be changing. Diplomats are expected to play a less prominent role, outflanked by politicians on the one hand and by ordinary civil servants on the other (Melissen and van Staden, 2000). Moreover, one sees the growing influence of non-state actors, from non-governmental organizations to individuals working through social media. The impact of the constituencies on conference diplomacy will grow accordingly, and – with more transparency – the room for maneuver will shrink.

Under these circumstances, a few recommendations might be useful. It would first be wise to give both researchers and trainers access to real negotiation processes in diplomatic conferences. By studying the flow of these processes and the behavior of the diplomats, valuable material for analysis and thereby for training new practitioners can be obtained. Additionally, these negotiation experts could be used as process consultants during conference diplomacy sessions, as miscommunication, mismanagement of the proceedings, and bad strategies and tactics are major problems in negotiation. Conferences often fail because of the negotiators’ inability to oversee the situation and to understand the real significance of the internal and external positions of their opponents.

Second, the diplomat might specialize further and become the main communicator in the process of merging the interests of countries and organizations into one outcome by which all the parties can abide. This means that the diplomat will have to connect more effectively with other civil servants and representatives who operate in the international arena, instead of focusing so much on diplomatic colleagues, which might breed “group-think,” becoming too inward-looking. If the diplomat does not become more outward-looking, he will make himself irrelevant in the future.

Third, diplomats will have to manage both their po-
political masters and their constituencies and the media in a more modern and forthcoming way, which will not be easy. Public diplomacy is of the essence here, as the populace back home, and sometimes the politicians as well, have no real understanding of the possibilities and impossibilities of the negotiation process.

Fourth, and last but not least, conference diplomacy itself will have to be reformed, and this might prove to be the most difficult task of all. This can be seen with the ongoing problems in reforming the UN Security Council, the EU’s struggle to restructure itself in order to be more effective after enlargement, and the failed attempts to make the Association of South-East Asian Nations (ASEAN) more effective in the face of Chinese moves to claim the islands in the South China Sea. Reforming the conferences themselves is difficult. It involves political will, and political will depends on synergy among the interests of the member states, and the (un)balance between cooperation and competition. The world’s growing interdependence stresses the need for closer cooperation. In order to cooperate more effectively, conference diplomacy is still one of the most important instruments. It is hoped that the reform of conference diplomacy will be a consequence of global interdependence. It is ultimately a chicken-and-egg issue.

CONCLUSION

Conference diplomacy is a paradox: it is the most legitimate and inclusive mode of diplomatic negotiation and therefore the most representative, but the multitude of actors limits its effectiveness. Characteristics it shares with democracy. Conference diplomacy is of great importance to the well-being of our planet. The future of the earth depends on the decisions that countries and organizations take concerning, for example, climate change, the global economy, and the internal and external conflicts that abound. Negotiations inside and outside diplomatic conferences are the most effective tool for dealing with the opposing and concurring needs of the parties involved. Their number is growing, as is the number of issues. Conference diplomacy was born some 300 years ago and is therefore a relatively recent phenomenon in human history. It is enormously helpful in protecting the, by definition, vulnerable process of international negotiation against failure. Yet it can also be an obstacle in itself if it leads to gridlock (Hale, Held and Young, 2013), because of its own inefficiency as a regime. This chapter has analyzed the nature, evolution, the processes, the role of the people, and the impact of power that are involved in conference diplomacy, and it has suggested some reforms for the future in order to maintain conference diplomacy as one of the essential tools that we have in dealing with each other and thereby dealing with our future.

REFERENCES

Prof. Dr. Valbona Zeneli is a professor of security studies and deputy director of the Central and Southeast European Program at the George C. Marshall European Center for Security Studies. As deputy, she helps oversee work in eight resident courses and up to 200 outreach and alumni activities per year affecting 700 resident participants and 2,000 others in the region, affecting defence and security professionals in both regional and transnational programs.

Her current research and teaching interests include international economics, transatlantic relations, institutional development in the transition economies, corruption, and Southeast European security issues. Before joining Marshall Center in 2011, Dr. Zeneli served as a professor of international economics at the European University of Tirana from 2009-2011 and associate professor at the New York University of Tirana from 2005-2010.

Dr. Zeneli has previously served as chief of protocol and later economic adviser to the Albanian prime minister from 2003-2005. Prior to that, she worked as adviser to the minister of economy of Albania from 2002-2003.

Dr. Zeneli’s academic credentials include a PhD in international political economy from the University of Studies of Bari, Italy, as well as a postgraduate studies degree on international marketing from Georgetown University, Washington D.C. She earned her Bachelor of Science degree in business administration from the University of Bologna, Italy, where she graduated with honors. Zeneli is also a graduate of the Marshall Center’s Leaders Program in International and Security Studies, and a graduate of the Harvard’s University Kennedy School of Government Executive Education program.

Dr. Zeneli has published numerous papers and book chapter in most well-respects journal and is a frequent contributor to Southeast European newspapers and other international leading magazines. She shares her expertise around the world lecturing in many countries and institutions. She is fluent in English, Albanian and Italian and has good knowledge of German.
Economic security is not a new concern of governments. The concept has long existed, although redefined by the speed of globalization. According to the International Labor Organization, economic security is composed of basic social security, defined by access to basic needs infrastructure pertaining to health, education, and social protection, as well as work-related security. Security used to be considered in relation to threats to country borders and conflicts to states, especially in the troubled region of the Balkans. However, for most people in the region, security is much more immediate. The main challenges threatening the everyday security of average citizens in Southeast Europe (SEE) are poverty, unemployment, and corruption. People are concerned about personal income security, health security, and their children’s education security.

SEE economies lag behind the developed western economies. Living standards and incomes are still very low, with average per capita GDP only 36% of the EU-27 average in 2010. The region has the highest unemployment rates in Europe, an average of 24 percent in 2012, and in some of the countries higher even than 30 percent.

Especially, the last two decades have been very challenging for people in SEE. The fall of the iron curtain resulted in drastic policy and economic change for the communist countries. Since the beginning of the transition process, SEE countries have made great strides in their transformation process, with a main and common objective: integration into the European Union (EU) and inclusion into the global economy. However, the transition to an efficient market economy is still unfinished agenda and despite the indisputable achievements of the past two decades, challenges are still formidable.

Many have tried to compare the successful transformation strategies and the enlargement process of Eastern and Central Europe and replicate it. Among many differences between the two regions, there is a fundamental feature, the broad consensus for change within political elite and society. The industrial base and production facilities in SEE were obsolete and governments also failed to develop comprehensive strategies for reforming their economies and societies, with most measures being oriented towards short-term plans. Neo-liberal reforms and privatization process have not been very effective, favoring insiders and shadowed by...
corruption. These problems kept away serious foreign investors from the poor region.

Regional disputes, conflicts, and wars in the 1990s have been distracting governments from reforms, destroying industrial capacity, and disrupting trade among countries and worsening the economic and welfare situation.

After many tensions, economic growth in the region only resursed during 2000s, contributing to rising economic and social welfare. During the past decade, average GDP growth in the region was 3.4 percent, with some of countries managing to have growth rates higher than 7 percent. This growth resulted in increased regional aggregate GDP of 40 percent and a quick catching up of the incomes with EU.

**Economic recession in SEE**

But after a decade of macroeconomic growth, the boom came to an abrupt end in 2009. The SEE region was affected by the lagged reaction of the euro zone economic crisis through negative effects on trade, investments, finances and remittances. Real GDP contraction was 5.9 percent in 2009 and worse, it continued to suffer a double dip recession in 2012, by shrinking 1.2 percent\(^1\). The consumer and investment market registered even deeper declines.

The most significant of the contagion channels\(^2\) in SEE has been the fall of foreign direct investment (FDI) experiencing the sharpest drop compared to any other emerging market, a contraction of 30 percent. Another important negative spillover effect, which deteriorated the balance of payments, was decline of trade with the euro area, especially with the neighboring countries, such as Italy and Greece.

The decrease of remittances from EU countries had also very negative consequences for these small economies, deteriorating the social conditions and the consumption spending of people which mainly relied on the financial support of expatriate workers during the difficult years of transition.

The serious ongoing impact from the Greek crisis has many negative consequences for the SEE economies, with Greece being a strategic partner and big investor in these economies. The economic and social crisis in Greece has also somehow affected, slowing it down, the integration process of the Western Balkans, with official Athens pledging in the Thessaloniki summit in 2003, to have the region entirely integrated into the EU.

One of the main consequences of the euro zone crisis and a factor impeding prospects of future growth is the credit crunch, creating liquidity issues and lowering the existential credit supply for businesses.

Affected by the spillover negative effects of the crisis, the small economies of the SEE region opened up to serious vulnerabilities and challenges. The economic and social picture is significantly deteriorated. SEE faces today challenges and opportunities that are common to Europe as a whole, as well as challenges that are specific to its environment. At the other end, unemployment in Western Balkans is the highest in Europe, with and average of 24 percent, twice the West European average. The economic crisis worsened this picture, with more plunging incomes, rising poverty and unemployment. The social toll for every citizen to pay is really high.

The global crisis is an important explanation of the stagnation of the SEE economies, but only additional to the serious structural problems of these countries. More importantly, the underperformance is a direct result of structural problems of the Balkan economies. Many of the problems are a consequence of a decade of conflict and hostility in the region, and others stem from a yet incomplete reform agenda of transformation from planned to market and democratization of these countries.

Many of the problems in the region are chronic and reflect suboptimal patterns of growth, creating significant imbalances, both macroeconomic and structural. The high growth of the last decade was domestic-led demand, made possible large inflows of foreign capital. Hence, reliance on consumption-led growth has resulted in widespread unsustainable deficits with rising foreign debt. Although GDP per capita almost doubled in the last decade, unfortunately it was a jobless growth, not translated into higher employment. Western Balkan countries suffer comparatively low participation rates and lack of opportunities for young workers, where in the structure of unemployment a significant share goes to young people. However, the incidence of informal unemployment continues to remain large, in the still transition economies of the Balkans, with estimated levels to be between 30-40%.

Worsening this picture, the credit capital inflows were misallocated; toward consumption without feeding the productive investment activities. The SEE region suffers a serious lack of competitive-


ness, with various indicators showing that performance in the enterprise sector is lagging. The local business environment is mainly problematic impeding the attraction of foreign investment. Productivity remains low. The stall of GDP growth in the region is alarming for these weak emerging economies. Little growth spurts followed by stagnation simply lower the average growth and prolong the process of catch up of SEE countries with the advanced economies.

**A new sustainable growth model for economic security**

The old economic model in SEE is challenged. Development was driven by the accumulation of physical and financial capital, which has fueled the sovereign debt, rather than human resources. The competitiveness of the region is stalled. With global liquidity shrinking, the region needs to change gear.

The struggle to regain their economic stride is much more complicated, facing the double challenge of structural change in times of financial austerity. The future economic development should rely in increased regional cooperation and deeper integration with the EU. This is the first and best option for the small and not yet competitive economies of SEE.

Fiscal and economic security cannot be guaranteed, unless there is a clear long term strategy for a visionary plan for growth and development in all fields, to improve the wellbeing of the society. A new growth model is needed to accelerate socio-economic reform and speed up measures to modernize and reindustrialize the economy, to create more jobs and to deliver better living standards for the population.

Remodeling of the economies should be done by changing the drivers of growth, towards a more export oriented and foreign investment driven growth. The key long term drivers of growth for the region should be: innovation, skills and trade integration. This is also in line with the EU 2020 growth which talks about smart growth to be built on knowledge, education and innovation.

Sustainable growth and wealth creation is built on people, human capital and knowledge and on continuous structural change in an economy. Governance is crucially important. Open markets are necessary but not sufficient. Innovation and technological progress – the main sources and factors of growth and job creation in this century - increase the total factor productivity, determined by human capital skills and effectiveness of institutions that create the necessary conditions for the market system to function freely and properly.

The SEE countries are not considered innovation driven economies, ranking very poorly in the Global Competitiveness report 2013, especially when it comes to innovation and business sophistication. With the exception of Croatia—which is part of the transition countries, between efficiency and innovation driven economies- all the other countries are at the second stage of economic development, based on efficiency, according to World Economic Forum indicators. As figures 5 and 6 show the lowest rank is held by Serbia in 101
d and the best is held by Montenegro in the 67th place out of 148 countries taken in consideration. The average rank for the region would be 99, whereas the EU 27’s average score would rank it 35th.

The ways to import innovation and knowledge in SEE is through interaction with the global economy and the attraction of FDI inflows in the region. But for achieving this, countries should have the necessary absorptive capacities to get the most of the advantages from the positive spillovers of the FDI. Foreign investors are still reluctant to invest in the region - with most of the actual investments related mainly to the privatization process - for various political and economic concerns, such as weak growth rates, small markets, and structural problems of the economies, pervasive corruption, weak institutions, and skills deficiencies. The poor quality and performance of institutions and high levels of corruption are what worry most foreign investors considering the SEE region.

For the above mentioned reasons, with Southeast Europe offering unique opportunities in terms of strategic position, proximity to western markets, natural resources, and relatively cheap labor costs, it still attracts very few investments. Montenegro had the highest level of FDI stock per capita in the region in 2013 with 8,665 $ and Albania and Kosovo the lowest, with only 1,923 dollars and around 1,260 dollars respectively.22 Throughout the region, with the exception of Albania and Kosovo, countries experienced the sharpest decline in FDI of any other emerging market, after the start of the global economic crisis in 2009, followed by another decline in 2012. The different situation in Kosovo and Albania is related to the existing low of investments and the privatization process.

FDI is an important indicator of economic health of the country, a strong channel for direct growth, employment and increased income, a main source

---


---
for healthy private capital, a vehicle of modernization and a driving force for sustainable development.

The establishment of a competitive economic environment in the whole region is a key precondition for facilitating inward FDI. There should be an internal recognition that countries alone are too small and non-competitive in the global market. They lack resources, and capacities to compete and generate sufficient scale capacity to attract productive foreign investors.

Regional cooperation and interoperability becomes imperative for the economic future of SEE. Further integration in the global economy, can only be achieved by improving competitiveness. Regional integrated growth can only be achieved through complete liberalization of trade and investment and harmonization of regulations, procedures and institutions. Creating a regional strategy will be vital for promoting a friendly business environment for the “pooled” attraction of inward FDI toward sectors that augment the domestic investment and upgrade the productivity levels.

The Central European Free Trade Agreement (CEFTA) - a regional cooperation agreement strongly supported by EU- has been instrumental in fostering open and accessible regional markets, managing to initiate a further improvement towards regional cooperation aiming to complete trade liberalization. CEFTA is a good framework of cooperation; however the challenge still lies in its effective implementation and the removal of burdensome non-tariff barriers. A better framework of cooperation would increase the very low intra-trade levels between members and lead to higher productivity.

Growth strategies and policies are about supporting the structural shifts and the learning that goes with it by avoiding barriers and structural impediments and by investing in supporting human capital, knowledge transfer, institutions and infrastructure.

High levels of unemployment are putting significant strain on the fiscal balances and on all forms of social and economic security. The work related security has several dimensions related to incomes, representation, labor opportunities, and productive employment. One of the main problems in the region is the mismatch between the aspirations of people to have decent jobs and their ability to obtain them.

Key to reducing unemployment will be a more robust growth. To achieve this, countries need to sustain smart fiscal adjustment, and improve their investment climate and competitiveness. More aggressive policy is needed in fostering entrepreneurship and small business development, investing in skills, removing barriers to mobility to escape the vicious cycle of low growth and high unemployment.

International development institutions argue that policy makers should focus not just on economic growth but on human development, with people both the means and the ends of this process. The success of a government should be measured in terms of progress of human development, a process of enlarging people's choices, expanding their capabilities and functions. This can be achieved by investing on people, their education and their capabilities.

Human and economic security should also be the underlying principles of reconciliation and development in the region. The role of the governments is to create an environment where the private sector investment is profitable. The principal investments that are needed to support growth are education and infrastructure. Both they positively impact growth by raising the returns in the private sector, domestic and foreign.

National institutions will continue to remain the essential providers of economic security to their citizens. However, under the conditions of globalization and the new international environment, they must evolve. Hence, growth and development are not possible without good governance.

The recent crises have boosted the role of the governments in the economy. The increase in efficacy of the public sector is a prerequisite if the overall productivity efficiency is to be boosted. The establishment of a transparent and effective environment, free of corruption would radically improve the business environment and the investment climate, giving a strong impetus to future economic growth.

Some time ago, many people in SEE used to see regional integration more as a risk than an opportunity. This folkloric mentality has definitely changed. The regional reconstruction vision, with its roots at the Marshall Plan, sees underdevelopment and economic instability as the major sources of regional instability. Thus the way to achieve stability is to transform the economic conditions. This would make disputes and conflicts extremely expensive for everyone.

The EU common future helps the development of the countries; however, regional cooperation is a precondition for EU integration. It is extremely important that people in the region have linked their future with the EU and regard Europeanization as a desirable and modernizing change, although
the road to integration into EU has been bumpy for some of the countries, with corruption and organized crime remaining the main impediments. However, working with EU in the accession process has been crucial to build institutional capacity in these counties.

Economic security and prosperity are very important for bridging the divisional lines between states, and mistrust among neighbors. Cooperation stimulates economic prosperity and decreases the chances of conflict. The regional leaders should be visionary in recognizing the advantages of economic cooperation over disputes. Trade and investment interdependence have the power to reduce and eliminate the nationalistic views.

Better regional cooperation would reduce instability risks in SEE, which is one of the main concerns of foreign investors. A strong political will is needed. Challenges can be met. Rebuilding the region on a strong and sustainable foundation will require above all investment in education and knowledge, as the only gateway to economic development and regional integration. Otherwise, it is worth remembering what opportunities will be lost.
H.E. DR. MLADEN ANDRLIĆ,

AMBASSADOR, HEAD OF THE DIRECTORATE FOR DIPLOMATIC, EUROPEAN AND PREDEPLOYMENT TRAINING – MINISTRY OF FOREIGN AND EUROPEAN AFFAIRS IN CROATIA.

Dr Mladen Andrlić is Director for Diplomatic, European and Pre-deployment Training, Ministry of Foreign and European Affairs, Zagreb, Croatia (2007 - ). He is a career diplomat (1993 - ), ranked as ambassador (1996). He was posted as the Permanent and Resident Ambassador to the Swiss Confederation and the Principality of Liechtenstein (2002-2007), as well as in Brussels as the Deputy Head of the Mission to the European Communities (1996-1997). At the MFA he has been in charge of multilateral diplomacy, European integration and diplomatic training. He earned his BA, MA and PhD degrees at the Faculty of Economics, University of Zagreb. He was a research fellow at the Institute of Development and International Relations (IRMO), Zagreb (1980-1993), where he also held the position of the President of Management Board (2009-2012). He is author of books, original scientific papers and articles in the field of international relations, foreign policy and diplomacy in Croatian, English and French. He is a permanent lecturer at the Croatian Diplomatic Academy, and has been the visiting lecturer of Contemporary Diplomacy at the Faculty of Political Sciences, University of Zagreb (2012-2013), with ad hoc public lectures at universities and diplomatic schools at home and abroad. His areas of specialization are diplomacy, diplomatic training, regional cooperation, EU. He is a member of the ISA Working Group on Public Diplomacy.
ABSTRACT:

Understanding the EU values and standards is discussed through Croatia’s foreign policy guidelines and priorities being followed after Croatia’s admission to the EU in mid-2013. Particular attention is given to the international setting and the EU of today, which influence further positioning of Croatia within the EU and its overall international functioning in its closer and wider neighbourhood.

1. INTRODUCTION

Contemporary Croatia is highly integrated internationally and regionally, being a fully fledged member of the UN, OSCE, Council of Europe and NATO. The admission to the European Union (EU) in 2013 reconfirms it as a well-structured state and society, with functioning democracy and market economy, as well as with the institutions of rule of law well in place. It has achieved a number of high development standards and criteria, being also faced with certain globalisation challenges and the European tumults in particular.

The EU membership could be seen as an end of a long journey of Croatia’s going back home, but it should not be considered as the end of the process. It should be rather viewed as ‘... a step on the pathway towards economic, administrative and judicial modernisation, and as an opportunity whose benefits can only be fully realised through continuous policy action’23. The focus is still related to the transparency and discipline of the Croatian authorities, namely regarding the fight against corruption, the functioning of the judiciary and compliance with rules on public procurement and competition, reform of the labour market and border control, including the spectre of contraband and trafficking of all kinds.

In this respect, Croatian foreign service continues to act as an instrument of national foreign policy and an official mechanism of strategic communication with and within the EU and its member states. It consists of a series of joint diplomatic activities, from an ordinary everyday exchange of views on different levels to a more sophisticated creation of common strategies and policies in Brussels, as well as with diplomacies of other EU member states. It also includes coordination at home, as well as the public diplomacy at domestic market.

2. INTRODUCING CROATIA'S FOREIGN POLICY

The basic elements of Croatia's foreign policy could be pointed out as follows:

- Croatia's membership to the EU, as well as to the NATO, provides for a clear basis for its more specific role in its closer and wider region, as a stabilising factor which transfers its experience, knowledge and expertise;

- a series of reforms have been conducted internally, along with the processes of European and trans-Atlantic integration, which provided for improved standards and criteria of living in Croatia, with significant achievements changing entire nature of its state and society;

- the identifying of comparative and competitive advantages, as well as the topics to focus the efforts on and to share with others internationally, are seen as the important points of its foreign policy.

According to the international standards and measurements, Croatia is classified among small European states with a more advanced economic growth. Its geopolitical position could be assessed as complex, but favourable, which is common to the most or all the countries worldwide. However, being a part of the Central Europe, Adriatic and Danube area, Croatia is close to the Balkans and the Southeastern Europe, as well as wider to the Southern Mediterranean, which also determines its foreign policy and priorities. It should not be neglected also that Croatia as a part of the EU also shares its new EU neighbourhood of the overall area from the Baltic to the Adriatic.

The aforementioned also goes well along with a series of complex transition exercises that have been experienced in Croatia. An in-depth transformation from communism to democracy has included the transition from the self management system to the market oriented economy, but also the state building, since Croatia was a part of the federal state until 1990. Than, the war economy, that had to be introduced during the period of an armed aggression against Croatia at the beginning of 1990s, has shifted into a peace and post-war development. And finally, after dynamic pre-accession process, the EU membership was gained.

A number of lessons were learned. The process of post-conflict management was experienced directly from all the different angles in the war-torn areas, as well as throughout the country. Various forms of interethnic and interreligious dialogue have been put in place. The institution building was spread throughout all sectors and with different scopes, including local, regional and national levels, always linked with the European and trans-Atlantic integration aims.

A series of complex and interlinked changes, reforms and transformations has brought closer internal and external dimensions of development. On one hand, better understanding of the EU values and prospects has enabled reaching a wider consensus regarding the EU membership of Croatia. Such a sharing of common priority goals and priorities, including the international ones, has also spread among the national elites, changing the communication matrix, and even certain clichés and stereotypes, internally, but also externally.

To make the long story short, an additional EU reforms' experience was gained, with a strong NATO dimension, and Croatia already shares its expertise internationally.

3. INTERNATIONAL SETTING AND THE EU OF TODAY

Current international setting is predominantly affected by globalisation, namely with the global matrix of macroregions, regional and interregional linkages, from emerging newly industrialised countries to already well-established BRICKs and still prevailing tras-Atlalantic and (EU)ropean coalitions. Democracies of the 21st century, with all crisis, post-crisis, reforms and recoveries, depend more upon new actors and factors of development, particularly new integration schemes, intensive GO-NGO relations, impulses of creativity and multipolarity, public concerns and high impact of e-communication.

In the period after the Berlin Wall had fallen, the countries of Central, Eastern and Sotheastern Europe, including Croatia, experienced processes of political and economic transition and transformation. Notwithsanding the newly emerging differences and divisions, the Cold War has come to an end, with ongoing changes of East-West relations, as well as of the post-colonial North-South dialogue. Even the processes of raising multilateralism have been transforned into new relations, forms and challenges of international competition and multitracking. The Bretton Woods institutions, including the UN system, are also encountered with a series of new conceptual challenges.

Being among the strongest international actors and factors, the EU of today also shares a series of ongoing challenges in an ever-changing interna-
tional setting. While speaking about the EU roots and origins, it is obvious to start with the common values, i.e., culture, democracy and democratication, free market, human rights and the rule of law, understanding the different, arts of living together. By saying this, any discussion about the EU today should also start from the Copenhagen criteria, i.e., political – democracy, rule of law, human and minority rights, free media; economic – market economy, ability to deal with and within the EU competition; legal – adopting the Acquis; including the administrative, so-called criteria of Madrid (1995). In other words, it is all about the common merits, standards and aims, which could be described as the growth and development, standard of living, education and training, labour and employment, health, culture, as well as the peace and stability. And according to this, where is the EU today and where are we heading for?

First, the EU is really united by its common past, (f) actual pragmatic interests of today and common future, including even a feeling of familiarity of being together, even when in disagreement.

Second, the EU has the common target, which is development. In this respect, it offers peace and justice, the system, reliability and hope, providing for and making possible an effective and more functional life for its citizens, improving their way of life, with higher living standards.

Third, the EU shares the problems, where the most of current problems are essentially of economic nature, with an additional impact of certain other effects of traditionalism, missbehaving, corruption. But, a real life brings along today the impacts of recession, unemployment and taxes, threats of immigration, and even raising chauvinism, with always someone else to blame.

Fourth, the EU is at the crossroads. It is approached by a series of different and in-depth dilemmas. In the times of economic, financial and other crisis, the citizens are focused on particular challenges, i.e., domestic issues vs. ever closer EU, reconsolidation of banking and fiscal Union, and further integration and keeping the EU borders open in any sense, through ongoing and even more creative policies deepening and widening.

Having in mind the aforementioned, the solutions should be found out in a number of different fields. It is essentially a furthering of processes of deepening and widening, with internal adjustments and reforms, but also with a clear EU-28+ Strategy, which is to be reconfirmed as the engine of growth and development of the EU. From the political aspect, it should be the role for centrist pro-European parties to show the leadership, i.e., the Christian democrats, social democrats and liberals. This mainstream should pave and show the way, even simply because of the fact they have gained more than 70 per cent of 751 seats in the European Parliament. However, if the center wavers Europe’s great project may fall apart.26

Their coalition power remains the most significant, and it has already been confirmed by the most recent election of H.E. Jean-Claude Juncker for the President of the European Commission. Moreover, his first moves speak about the field of business and economy, which includes the investments, infrastructure, job creation and economic growth. During his election of 15 July 2014 he announced a plan for ‘reindustrialisation of Europe’, calling for a 300 billion euro investment plan, which would ‘enhance growth and competitiveness’. He also called for a more solidarity with the EU southern states facing the pressure of taking immigrants who reach their shores.27

However, the global balances and unbalances still remain. The changing position of the EU at the global market continuous as a never ending challenge, with at least two aspects to be understood: should the EU be further accepted as a lasting challenge, or should it be reduced to just one among the global forces. In these circles and limitations also the future position of Croatia could be seen, having in mind all the challenges that any small state and/or economy could be encountered with, as well as the international trends and outcomes which are unpredictable and at least partly unexpected as such.

4. CROATIA’S FOREIGN POLICY PRIORITIES

Croatia’s foreign policy priorities follow its national interests, which are also in line with international standards, namely the UN principles, and backed and shared by its EU and NATO membership values and criteria. According to this and having in mind the obvious complexity and a number of communicated vessels while conducting related diplomatic activities, Croatia’s foreign policy priorities are the following28:

- positioning inside the EU institutions and throughout the SEE region, with cumulative effects of delaying within the EU and with the SEE countries in parallel,

- NATO and multilateral diplomacy, as an addition:26

al search for international niches for particular Croatian comparative and competitive advantages,
- bilateral economic diplomacy and development aid, including special projects of the Centre of Excellence, the Croatian House, etc.

Further positioning of Croatia inside the EU institutions is based upon its experience and expertise in the process of accession to the EU, particularly from the negotiations with the EU, as well as from the period of a post-conflict management and development. It is hoped it would be strengthened by bilateral ties with other EU member states, and through active participation of Croatia within the EU institutions. However, it relies mostly upon Croatia’s role and positioning throughout the SEE region, where it aims at providing an additional contribution to the EU policies of peace and stability, cooperation and enlargement envisaged for the countries of the Western Balkans. Following the CFSP framework and neighbourhood policies of the EU, particularly the activities towards the Mediterranean, Croatia also provides expert support to the Southern Mediterranean countries, based upon its experience and expertise.

According to the previous, it becomes obvious that an additional priority deals with further positioning of Croatia throughout the area of Western Balkans. It would be provided by sharing the EU reforms experience and expertise, using its role within the EU institutions, as well as by introducing cross-border projects, and major regional infrastructural projects, with special projects of an individual approach towards the neighbouring countries.

There is also a special niche for the activities within the NATO and multilateral diplomacy in general. A number of projects have already been channelled through Croatian partnership within the NATO, i.e. the civil participation in peacekeeping missions, contributing the stabilisation of post-conflict societies, the education of women and girls, diplomatic training. In addition, Croatian multilateral diplomacy activities are primarily oriented towards the field of human rights, especially the rights of women and girls, as well as of ethnic and religious minorities. Once again, the partnership in the inner region is of the utmost importance, not only for carrying out different bilateral and multilateral projects, but even more so for providing the development aid from Croatia, which is targeted to the same wider development goals, but also towards promoting its economic interests.

Bilateral economic diplomacy remains among the most important foreign policy priorities. It is focused towards traditional markets of the SEE and the EU, with special emphasis on the non-European fast-growing markets. The bilateral cooperation concept outside Europe is to be effectively transformed into a promotion of Croatian economy and commerce, as well as of attracting foreign investments in the fields of tourism, infrastructure, ecology, energy and energy security. Key export sectors of Croatia remain the following: agriculture and food processing, construction industry, shipbuilding, pharmaceutical industry, machine engineering, information and communication technology.

While achieving its foreign policy goals and priorities by conducting its diplomatic activities, Croatia also relies on performing certain special projects. The Ministry of Foreign and European Affairs (MFEA) has established the Centre of Excellence, which is a focal point of the former negotiators with the EU and other Croatian experts to conduct particular bilateral and other projects, dealing particularly with the EU-oriented reforms, use of the EU funds and cross-border cooperation. Bilateral agreements on ‘Partnership within Southern Mediterranean countries’ have been also shown as an appropriate framework of the MFEA for sharing the experience and expertise regarding the post-conflict development through Croatian aid and the EU funding.

The same goes for the field of diplomatic training29, where the Diplomatic Academy of the Croatian MFEA organises international gatherings (Dubrovnik Diplomatic Forum, 1998-) and conducts specialised international multilateral and bilateral courses for diplomats. The newly introduced specialised postgraduate university study on Diplomacy of the MFEA and the University of Zagreb, which starts in 2014-2015, is also to be mentioned.

The additional new specialised projects coordinat-

ed by the MFEA include also the Croatia House, a network of promotion institutions to be added to the existing Croatian diplomatic missions, with the aim of spreading the market for Croatian culture and its soft-power diplomacy. Moreover, this also goes for the Adriatic Providence, a cross-border project of cultural and tourism promotion and development in the Adriatic hinterland bordering with Bosnia and Herzegovina.

5. SOME CONCLUDING REMARKS

The accession to the EU has transformed Croatia into an EU star, at least for the 1 of July 2013. But, it still shines by its Situation, Task, Action and Result! Croatia’s new situation and tasks are a part of the EU endeour, while its actions and results would become also more a part of the EU consensus in strategies and policies.

The fact that Croatia has become the EU member state affects the regional cooperation matrix inside the SEE region, and particularly of the Western Balkans. The region itself, as well as the countries of the region in particular, has been provided with one additional partner to broker their specific interests inside the EU.

Talking about the lessons to be learned from Croatia’s path to the EU, it all seems to be about the creativity or being sensitive enough about it! It is mostly the changing of the mindset, and how to understand and comprehend practically the benefits of the EU membership. The people, but also the national institutions, should be focused on and dedicated to understanding that the process of enlargement is the strongest instrument and mechanism for reforms and transformation. It should be understood widely that there is a determination to share and enjoy the benefits, including the European foreign and security policies. It all does not go by itself or automatically, and should be managed carefully. And Croatia’s experience indicates that the initial adapting period should be bridged most carefully and in a detailed manner as it could be done. Strengthening the civil society and free media provides for independent voices to challenge more thoroughly the situation with political elites. The following motto seems to remain: less administration, and more education, with an improved functioning towards and within the EU setting.

Having in mind all the aforementioned, Croatia’s negotiations success story remains a strong incentive for all states on their European path. Moreover, the EU perspective of all countries in the Western Balkans continues to be highly important regionally and for a wider stability and development. Accomplishing the EU membership signifies an end of the process of international recognition and integration, enabling Croatia to be more focused on its development priorities. New cooperation partnerships and networks are opened and offered at equal footing, particularly to traditional partners from the SEE, as well as from the EU, but also for other interested parties.

SOME REFERENCES:


Croatia: 28th Member of the Club. Europolitics, No. 4676, 1 July 2013.


YOUNG DIPLOMATS OF THE REGION.
IV

REMARKS BY MR. HANS-JOCHEN SCHMIDT (EX-AMBASSADOR OF GERMANY), ADVISOR TO THE KOSOVO DIPLOMATIC ACADEMY
MR. HANS-JOCHEM SCHMIDT
(Ex-Ambassador of Germany), Advisor to the Kosovo Diplomatic Academy

THE ROLE AND FUNCTION OF THE DIPLOMATIC SCHOOL

An honour and a pleasure to take part in the 1st Spring School on “Human Rights, Peace and Security” and to get a first hand exemplary impression about the work and functioning of the Diplomatic Academy. It is a challenging task for the Academy to train young diplomats/civil servants who are supposed to contribute to actively and persuasively formulating Kosovo’s foreign policy goals/to defending Kosovo’s political positions in the ongoing negotiation process with the EU/to articulating Kosovo’s interests in the politically urgent EU-visa-liberalization process.

The Academy has to evaluate what skills, competences and personal qualities the diplomats of the MFA as well as of the Ministry of European Integration should possess and through demand driven training develop their knowledge basis and professional capabilities. I am confident that the political leadership, i.e. and foremost of all the Minister of Foreign Affairs in cooperation with his colleague of the Ministry of European Integration, will give the necessary support to the Academy to fulfil its task successfully by enabling it to raise the professional standards of the MFA-/MEI-personnel.

I am glad to see that experts of EU Member States’ diplomatic academies, renowned EU-relevant institutions (like Clingendael and the German Marshall Fund) as well as colleagues of the Western Balkan region will actively take part in the workshops organized by the Diplomatic Academy - with the generous support of the German Political Friedrich Ebert Foundation.

Let me seize the opportunity to underline the importance I personally attach to the development of the Diplomatic Academy, whose role and function is to connect international and economic experience and expertise, becoming Kosovo’s foremost knowledge Institute on diplomacy and international relations--and thus persuasively improving Kosovo’s reputation and international recognition abroad.

Since the declaration of its independence in February 17, 2008 Kosovo’s challenge has been--and will continue to be--to dispose of well qualified diplomats and experts being able to shoulder the difficult task

— in structuring successfully its relations with foreign countries,
— in defending Kosovo’s interests convincingly in regional and international fora,
— in implementing the trilateral landmark-deal reached in Brussels on April 19, 2013 between the EU, Kosovo and Serbia signifying a way from the past and for both countries a step closer to Europe.

The successful outcome of the a.m. agreement and its preceding thorny negotiation process proved the endurance and political willingness of the trilateral negotiation-teams as well as of the negotiation skills of the participating diplomats and experts.

Workshops like this year’s 1st Spring School are an excellent opportunity to familiarize Kosovo’s junior diplomatic corps with topics like:

— International Protection of Human Rights and the politically challenging task how to deal and cope with International Criminal Responsibility as well as the controversially debated issue of humanitarian Intervention/the responsibility to protect (affiliated with the question how international customary law is created and how it develops)
— cyber security,
— how to create a viable European Security Architecture overarching political divides having been broken up most recently in the face of the Ukrainian crisis and Crimea’s annexation by Russia.

I wish the participants--particularly the participants of the Western Balkan States (as representatives of a region undergoing politically and
economically stressful transformation processes) successful debates—debates leading to a better understanding among yourself/fostering the understanding that it is in your common interest to tackle and solve the political and economic challenges ahead regionally and trying to overcome your historically burdensome “divides”.

To talk about the value of human rights means to underline the functioning of the rule of law and institutions in fighting crime and corruption and establishing an efficient justice system. A functional judiciary system as well as the respect of human rights are the prerequisites for getting further integrated into the EU structures—as well as paving the way for a visa-liberalization agreement (one of its aims: to overcome the “insular” status a lot of Kosovars complain about).

With the 1st Spring school and its regional composition of the participants’ list you are obviously contributing to laying the basis for a cross-frontier, regionally well balanced exchange of views about topics representing an interest for the participants of the Western Balkan states as well as of the SEE-EU-Member states. It should be on the mind of every forward looking person that the basis for the development and prosperity for Kosovo is its integration through regional cooperation and friendly relations with neighbouring countries. Therefore it is laudable that the Diplomatic Academy has been working hard to reach out to its Western Balkan neighbours and to states and institutions interested in cooperating with it.

I am looking forward to the further development of the Diplomatic Academy as a privileged instrument for improving the professional standards of MFA’s diplomatic staff as well of Kosovo’s civil servants taking part in the EU-relevant negotiations currently underway.

A concluding remark: You, the participants, coming from abroad, are here at a politically interesting and crucial crossroad in Kosovo’s young parliamentary history: on June 8-2014 there will be parliamentary elections—elections which will have definitely a political impact on the further development of Kosovo’s political landscape. For you, the participants in the workshop, a splendid opportunity to follow shortly the elector campaign—even if you are working in a reclusive mountainous environment—not far away from the historically famous town of Prizren (Prizren League).

The elections—a further step in getting consolidated Kosovo’s institutional basis—and Kosovo’s diplomats’ task abroad to explain Kosovo’s further political development persuasively (therefore a task for the Academy to prepare diplomats for PR-work and raising their PR-skills).

This year’s 1st Spring school—a further step in the Foreign Ministry’s pursued goal in solidifying its Diplomatic School’s institutional basis as well as its endeavour in raising the professional standards of its staff.

LECTURERS AND ORGANISERS DURING THE TRIP IN PRIZREN.
As a retired German Diplomat I am proud of the targeted support the well-renowned German Political “Friedrich Ebert” Foundation extends to the Diplomatic Academy in order to get realized such an ambitious workshop like the 1st Spring school dealing with the interaction between the implementation of human rights, creation of social (ethical) peace and establishment of security (not only in the military, but also in the economic sense).

I am sure that this workshop will be a further possibility in fostering contacts with the participants’ institutions as well as between the experts and the participants.

VISIT OF PRIZREN

The visit of Prizren as the jewel in the crown of Kosovo: Prizren, as the town with the most ethnically mixed municipality consisting of Albanians and large numbers of Bosnians and Turks and also Roma, Gorani and Terbesch—a worthwhile experience showing that different religions, cultures and people can coexist.

Prizren as the crossroad of different cultures and religions having had to cope with the vicissitudes and consequences of war and clashes of different state-interests. For the participants of the a.m. workshop a short reminder the work of the League of Prizren symbolized by the letter the League addressed formally to the Berlin Congress in July 1878 and to various diplomats stating that annexation of “countries inhabited ab antiquo by Albanians who differ essentially in their language, in their origin, in their customs, in their traditions, and in their religion would be not only a crying injustice, but further an impolite act.” It remains to be seen how successfully this time the Western Balkan/South-East-Europe will cope with the political and economic challenges still lying ahead of the states with different cultures, languages and quite divergent economic situations and how they will overcome their burdensome past and unite their efforts to enter a more prosperous future to the benefit of the people of the SEE-nations and the overall SEE-region.

The work of a Diplomatic Academy should be: to serve as a catalyst for sharpening the profile of its diplomats for successfully tackling the diplomatic tasks a country like Kosovo has to deal with as well as to develop the negotiation skills of Kosovo’s diplomats to defend Kosovo’s interests here and abroad persuasively and thus successfully—to the benefit of Kosovo’s international status and its international reputation.

Prizren, Prevallé, May 26, 2014.
V

PARTICIPANTS’ IMPRESSIONS
Participants during the teamwork discussion.
“The 1st Spring School on Human Rights, Peace and Security, organized by the Diplomatic Academy of Kosovo, with the kind support of the Prishtina office of the Friedrich Ebert Foundation, has been an unique opportunity to gather together young diplomats from the Balkans, with the aim to discuss about the most pressing issues toping the international agenda, but also the dramatic events of the recent past in ex-Yugoslavia, which led to the building of new nation states and ultimately to the unilateral declaration of Kosovo’s Independence on the 17th of February 2008.

This event has provided a forum for an instructed exchange of views and opinions among the participants, led by well-known academics in the relevant fields of Human Rights and Security, whereby everybody has had the opportunity to agree on certain issues, but also to agree to disagree on others.

The hosting of this event was also a clear example of the progress, dedicated work and professionalism of the newly established state institutions of Kosovo, namely the Ministry of Foreign Affairs.”
The experience that I took from Prevalle and the first Spring school on human rights, peace and security is nothing short of excellent.

The organization was very good, as were the hosts and the program itself was quite relevant and successful in tackling modern-day challenges and issues.

I would like to divide my feedback in two categories: organization and subject matter.

The organization was really good, starting with the support received from the Diplomatic Academy of the Kosovo MFA to transportation, materials, accommodation, and food. Also, I feel obliged to point out that everyone was extremely friendly and supportive during the entire week. The choice of location was, although somewhat isolated, also rather good and relaxing.

The subject matter was, in my opinion, relevant and up-to-date. The lecturers were very good in their respective fields, offering new knowledge and new angles of looking at certain things, never afraid of discussion and always ready to answer any questions.

The choice of topics was quite good, particularly very modern and relevant topics such as cyber-crime. It is my belief that any school, education or seminar should always try to be as modern and in-line with current events and trends as possible, a condition the Spring school fulfilled successfully.

To conclude, I would like to congratulate the organizers for a great job and express my hope to one day come back either on an advanced level seminar or perhaps even as a lecturer.

ANTE JOVIĆ,
III. SECRETARY, CROATIAN MINISTRY OF FOREIGN AFFAIRS

The experience that I took from Prevalle and the first Spring school on human rights, peace and security is nothing short of excellent.

The organization was very good, as were the hosts and the program itself was quite relevant and successful in tackling modern-day challenges and issues.

I would like to divide my feedback in two categories: organization and subject matter.

The organization was really good, starting with the support received from the Diplomatic Academy of the Kosovo MFA to transportation, materials, accommodation, and food. Also, I feel obliged to point out that everyone was extremely friendly and supportive during the entire week. The choice of location was, although somewhat isolated, also rather good and relaxing.

The subject matter was, in my opinion, relevant and up-to-date. The lecturers were very good in their respective fields, offering new knowledge and new angles of looking at certain things, never afraid of discussion and always ready to answer any questions.

The choice of topics was quite good, particularly very modern and relevant topics such as cyber-crime. It is my belief that any school, education or seminar should always try to be as modern and in-line with current events and trends as possible, a condition the Spring school fulfilled successfully.

To conclude, I would like to congratulate the organizers for a great job and express my hope to one day come back either on an advanced level seminar or perhaps even as a lecturer.
“As a guest participant from the Ministry of Foreign Affairs of Hungary I found this specialized training for diplomats from countries in South-Eastern Europe both from professional and from personal aspect valuable. The training of the Academy provided the opportunity to participate in interactive lectures presented by high-level academics and diplomats and contributed to gain more specific knowledge of the region. The event gave the opportunity to develop professional skills, provided active participation both individually and in team and gave the opportunity to build networks among young diplomats.”

SZÉNÁSI ANNA,
SECOND SECRETARY, DEPARTMENT OF INTERNATIONAL ORGANIZATIONS AND HUMAN RIGHTS, HUNGARIAN MINISTRY OF FOREIGN AFFAIRS
First Spring School for Young Diplomats 2014 indeed demonstrates the commitment of Kosovo in general, and particularly of its MFA, for advancement of professional human resources and diplomatic capacities for the challenges that are ahead of Kosovo, the region and beyond. In addition, it not only builds the diplomatic characteristics, but this school through selection of respected regional candidates, well-known lecturers and contemporary topics, organisation in the picturesque and mountain environment, it expressed in a particular way the social, cultural and diplomatic diversity of Kosovo and the region.

MELHIN MAHMUTI,
SECOND SECRETARY, KOSOVO EMBASSY IN ANKARA

OUTDOOR RECREATIONAL ACTIVITIES.
The Spring School organized by the Diplomatic Academy has given us new impressions in the security concept. The exchange of knowledge and experiences with other participants and speakers, has opened new opportunities for us, on the one hand to intensify the collaboration and on the other hand, to see new aspects in development of the discussed topics. The range of topics was designed to be broad/wide and had a substantial portion of the current debates on issues of security, human rights and future strategies.

SELVER ISLAMAJ,
SENIOR OFFICIAL FOR REGIONAL INITIATIVES, DEPARTMENT OF REGIONAL RELATIONS, KOSOVO MINISTRY OF FOREIGN AFFAIRS
It was my pleasure to participate in the First Spring School for Young Diplomats organized by the Diplomatic Academy of the Republic of Kosovo. I brought with me positive impressions from the Course, both on a personal and professional level.

The topics that were dealt in the Course were up to date and explained in a proficient way. I strongly believe that this training will be beneficial for me, and the other diplomats that participated in it, in our present and future endeavors.

I am certain that this Course will become traditional and will have a reputation as one of the most prestigious trainings in the region.

I use this opportunity to once again express my gratitude to the Diplomatic Academy of the Republic of Kosovo for inviting diplomats from the Republic of Macedonia.

ARBEN ABAZI,
MACEDONIAN MINISTRY OF FOREIGN AFFAIRS

“HUMAN RIGHTS, PEACE AND SECURITY”
Participation in the First Spring School for Young Diplomats in Prizren, was a good opportunity to gain more knowledge on the topics of Human Rights, Peace and Security. Also, together with well-known colleagues and professors from the region and beyond, we have had the opportunity to exchange opinions and to deeply discuss the current topics.

I am happy that I had this opportunity to participate in this workshop and I hope that also in the future you will successfully continue to organise the diplomatic school and that in time it becomes a traditional one.

LINDA BERISAJ,
FIRST COUNSELOR, DIRECTORATE GENERAL FOR CONSULAR AFFAIRS OF MONTENEGRO MINISTRY OF FOREIGN AFFAIRS AND EUROPEAN INTEGRATION

“HUMAN RIGHTS, PEACE AND SECURITY”
OFFICIAL CLOSING CEREMONY AND CERTIFICATES.
VI

CONCLUSIONS
OFFICIAL CLOSING CEREMONY AND CERTIFICATES.
The 1st Spring School on “Human Rights, Peace and Security” organised by the Diplomatic Academy served as an encouraging precursor for further demand-driven, hand-tailored, subject oriented workshops dedicated at raising the professional standards of the diplomatic corps of the Ministry of Foreign Affairs. The discussion about the legally still controversial “responsibility to protect” was a good exercise in International Law, especially to learn about the development of Customary International Law referring to recent genocides and the obligation of the international community for humanitarian intervention.

It was fortunate that the Diplomatic Academy succeeded in gathering junior diplomats of SEE as well as experts of different countries and institutions like Clingendael, the University of Prishtina, Diplomatic Academy of Croatia, George C. Marshall Center, as well as of the Austrian Military Journal (OMZ), to launch debates about the significance of the respect of human rights, the necessity to create reliable security structures, to integrate countries in the process of the International Division of Labour as well as the importance of regional cooperation and intraregional trade (and appropriate access to export markets).

It was an added value that junior diplomats of EU member states as well as diplomats having served at NATO Headquarter did actively take part in the debates and familiarised the participants with the challenges Kosovo diplomats have to live up to in order to lay further the groundwork for the laborious EU approximation process and becoming a member of these organisations, and their experience their countries had to go through to enter the “club”.

Lecturers elaborated that human rights have increasingly become the focus of research and debate in social sciences, in response to recent changes in economy, technology, globalisation, herein the social changes. It was said that “even though maintaining international peace and security is the primary purpose of the United Nations, promoting and encouraging respects for human rights and for fundamental freedoms is not just a secondary purpose”. This was argued as it may have been due to “geopolitical and domestic reasons” explicitly in some cases of Russia’s and China’s vetoes against the use of force in spite of genocide in numerous situations, or in other cases of NATO’s decisions to go ahead in interventions claiming that customary international law was on their side.

In regards to security, it was said that with the benefits of a cyber-enabled society come risks, and in order to mitigate these risks nations, especially those of South East Europe, must develop and implement cyber security strategies that underline the fight against cyber crime and allow regional and international cooperation. Furthermore, it was argued that “a responsible answer to currently emerging threats will require a solidary European, security-political will, including a clear commitment to power- and stability-projection, to simultaneous homeland-defence and to a credible collective defence-capability, which extends to those peripheral member-states that are most directly exposed to potential attacks”.

Another lecturer paid attention to another type of security, that is: economic security, focussing mostly on the effects the global trends have had in the economies of SEE countries. Due to current situation in this region, with high levels of unemployment (especially amongst youth), informal economies, corruption, organised crime, etc., the lecturer suggests a new growth model that brings into play innovation, skills and trade integration as drivers of growth oriented on export and on FDIs, that is achieved by strengthening regional economic cooperation, regional friendly environment for “desirable” FDI, regional cooperation for good governance (transparency and accountability), and productive capacity building that is human resources, infrastructure, technology, and SME development.

To achieve such suggestions, one of the lectures underlined that due to evolution of modern technology, negotiations within and outside diplomatic conferences are a very important mechanism for “a peaceful decision-making and conflict-handling”, referring to enhancing the effectiveness and significance of conference diplomacy. In this regard, a lecturer underlined the importance of legislation in place, referring to the constitution of the Republic of Kosovo arguing that it is the most modern and sui generis of its kind, as it refers to international important documents, especially in human rights, for their direct application. Also, in this regard, transformation and efforts of Croatia in its path to the European Union integration and accession, was another aspect that was elaborated in this summer school.

The visit of Prizren as the jewel in the crown of Kosovo; Prizren as the town with the most ethnically mixed municipality with large numbers of Bosnians and Turks and also Roma, Gorani and Terbesch, a worthwhile experience showing that different religions, cultures and people can co-exist. It is the crossroad of different cultures and religions having had to cope with the vicissitudes and consequences of war and clashes of different states’ interests.

This activity organised by the Kosovo Diplomatic Academy reflects the interest of the Kosovo Ministry of Foreign Affairs to establish good contacts with junior diplomats of the Foreign Ministries of the South Eastern Europe region and its sister Diplomatic Academies, Schools or/and institutions.
ORGANISING INSTITUTIONS’ MEMBERS.
VII

ORGANISING INSTITUTIONS
Diplomatic Academy of the Republic of Kosovo (the Academy) was established on 8 March 2012 by Government Decision No. 03/65, a public institution aimed at preparing and training foreign members and other candidates to serve in the Missions of the Republic of Kosovo abroad. The Academy shall, in the field of Foreign Policy, carry out tasks of educational, training, advisory and researching character. It is an independent institution, cooperating with the Ministry of Foreign Affairs of the Republic of Kosovo, whose objectives are to enhance professional (diplomatic) capacity for diplomats and other civil servants who are working and will be working on international issues or in an international environment. The Diplomatic Academy aims to connect international and domestic experience and expertise, becoming Kosovo’s foremost knowledge institute on diplomacy and international relations.

The Academy is composed of the director, a senior official, a senior official for training and development and an administrative assistant.

Since its existence, the Diplomatic Academy has reached in signing lots of agreements, such as with Netherlands Institute of International Relations – Clingendael, Italian Society for International Organization, Friedrich Ebert Stiftung, Hungarian Institute for International Relations, the Diplomatic Academy of the Ministry of Foreign and European Affairs of the Republic of Croatia, he Institute of Diplomatic Studies of the Ministry of Foreign Affairs of the Kingdom of Saudi Arabia, London Academy of Diplomacy – University of East Anglia, London Campus, United Kingdom, Diplomatic Academy of the Ministry of Foreign Affairs of the Republic of Turkey, Diplomatic Academy of Montenegro, Egyptian Council for Foreign Affairs – A.R.E, University of Pristina “Hasan Prishtina” and University of Prizren “Ukshin Hoti”. The Diplomatic Academy of Kosovo is in process of signing an agreement of cooperation with the George C. Marshall Center for Security Studies in Germany.

The training programs offered by the Diplomatic Academy of Kosovo aim at improving the capacities of Kosovo Diplomatic officials, but not the least to all officials working in the state administration. Special focus was given to the Diplomatic staff and on state employees already posted abroad. Through its activities, the Academy in cooperation with its partners has reached in training and providing knowledge and practical skills to more than 500 diplomats of junior and mid-career levels; has organised language courses (English, French and Turkish) for officials working in MFA and has provided the participation of MFA officials on different conferences, seminars, trainings and courses outside the country.
The office of the Friedrich-Ebert-Stiftung in Prishtina was set up in the difficult political circumstances of the years 1999 and 2000. After the NATO intervention in spring 1999, the United Nations Resolution 1244 authorised an international civil and military presence in Kosovo. Local democratic structures were meant to be established on a step by step basis. With its experience, the FES in Prishtina is contributing to this process of strengthening democracy and good governance in Kosovo.

Founded officially in June 2000, the Prishtina Office had to cope with considerable challenges, such as the contrasting views of the main ethnic groups concerning Kosovo’s political status. One of FES’s major aims has therefore always been to ensure active participation of all ethnic groups in Kosovo in order to establish a democratic system.

Since day one, the Prishtina Office was committed to strengthening civil society organisations by working with partners from government institutions, trade unions and employers’ organisations, research institutes and the media. Its mandate being political education and consultancy, the Prishtina Office organises conferences, provides a platform for discussion and supports political research in order to create a vibrant democratic society and develop local democratic structures.

After the declaration of independence on 17th February 2008, Kosovo is still facing notable economic and social challenges: the performance of Kosovo’s rule of law institutions is still poor, the economic situation remains difficult and democratic structures and processes are still too weak.

Today, the office of the FES in Prishtina is active in promoting democracy and enabling the active participation of civil society; supporting decentralisation and local government; promoting a socially just and sustainable economic development and strengthening labour relations; and supporting regional and international integration.
Picturesque view of Prevala, Prizren, Republic of Kosovo.