



NATIONAL CONVENTION ON THE EUROPEAN UNION

WORKING GROUP FOR CHAPTERS 30 AND 31

Analysis of the harmonization of Serbia's foreign policy declarations and measures of the EU in 2015

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This report is the second document on the harmonization of Serbia's foreign policy declarations, positions and measures of the European Union Working Group for Chapter 30 and 31 of the National Convention on the EU and the fourth report of the research team of the International and Security Affairs Centre (ISAC Fund). Igor Novakovic and Emilija Milenkovic drafted the basic version of the report which was afterwards sent to members of the working groups for chapters 30 and 31 (subgroup for Chapter 31) in January 2016 to harmonize.

Analysis of the harmonization of Serbia's foreign policy declarations and measures of the EU in 2015¹

With the entry into force of the Stabilisation and Association Agreement in 2013, and later the candidacy for the EU membership, Serbia has made commitment, in the context of economic, political and institutional reforms, to gradually adjust to the EU foreign policy. The process of accession negotiations is in fact the adoption of legal and political *acquis* divided into 35 chapters. Chapter 31 of membership negotiations is related to the foreign, security and defence policy. Although this chapter mostly does not contain standard *acquis* or “*acquis communautaire*” of the EU and does not require broad adjustment of the legislative framework, it still has extensive political significance, since the operation of EU foreign policy is based not only on the common interests of the Member States, but also on a common value framework underlying the EU. Complying with the Common Foreign and Security Policy of the EU above all means joining its foreign policy declarations, positions and measures with which the candidate country must be progressively harmonized. Immediately prior to accession, candidate countries need to achieve full compliance.

By adopting foreign policy declarations, the European Union in most cases calls on third countries (Member States of the European Economic Area, candidate and potential candidate countries as well as countries of the Eastern Partnership) to comply with them. This shows the commitment of these countries to the values on which the EU is based and the level of convergence of interests. In other words, to join these declarations is a quantitative and qualitative measure of harmonization with EU foreign policy which indicates the reliability of the country as a foreign policy partner. It is worth noting that although complying with foreign policy declarations, positions and measures of the EU is the most visible and important element of Chapter 31, there are a number of other elements which Serbia can make progress in and demonstrate to the partners the earnestness of its intentions to be an active member of the EU, with the same common values (improving foreign political-security strategic framework, improving the capacity to participate in military operations and civilian missions of the EU, etc.).

Unlike the period 2008 - 2011, starting with 2012 there has been an upward trend in harmonizing Serbia's foreign policy with declarations of the European Union.² A more stable international situation has led the EU to adopt a significantly lower number of declarations, positions and

¹ Declarations that have been analyzed are taken from the internet portal of the European Council and the Council of the European Union www.consilium.europa.eu, hence all the analyzed documents are publicly available

² According to the EC report for year 2012 compliance was 99%

measures. Also, the directions of the foreign policy activities of the EU were largely directed towards countries that the political elite in Serbia does not perceive as significant partners (primarily Russia, China, some of the members of the Non-Aligned Movement, etc.). For example, in 2012, the EU adopted 62 declarations, but Serbia has not complied in only one case (the theme of the declaration was referring to the human rights in China). During 2013, only 32 declarations have been adopted. Serbia has not complied with four, one of which was declaration on Iran, and two in referring to China.³ However, the escalation of the conflict in Ukraine, the annexation of Crimea by Russia, are focusing the attention of the European Union to the east of Europe and that has consequently put Serbia in a difficult position. Even earlier, Serbia did not comply with declarations that were related to Russia.⁴ This practice was continued during 2014, when besides declarations related to Russia, Serbia failed to comply with restrictive measures against Zimbabwe, Egypt, Bosnia and Herzegovina, as well as marking the genocide in Rwanda, and warning about the human rights situation in China.⁵ However, Serbia did retroactively comply with a few declarations, which is certainly a good sign, although so far no such practice existed in the EU.

Analysis of harmonization

As in the previous two years, the practice of harmonization of Serbia with declarations of High Representative for the CFSP announces on behalf of the EU is in a drastic drop in relation to the harmonization of pre Ukrainian crisis. This year, Serbia complied with 65.83%, 15% more than in 2014. During 2015, the EU published a total of 40 declarations which urged third countries to harmonize, out of which 10 (26.32%), directly or indirectly related to Ukraine and directly or indirectly to Russia. Serbia has not complied with any of them. Seven of these were related to supplementing the list of existing restrictive measures and their extension which are directed against persons and/or entities.⁶ Other declarations were related to the anniversary of the shot down of the civilian aircraft MH17 of the Malaysian airline in Donetsk,⁷ the anniversary of the elections in the Crimea and annexation of Crimea by Russia. The last declaration is related to restrictive measures against the rebel leaders of the self-proclaimed Transnistria.

Serbia has continued this year to pursue a policy of non-interference in connection with the conflict in eastern Ukraine, which is manifested through not complying to the EU declarations regarding Ukraine, including sanctions against Russia. Paradoxically, the official stance of

³ The theme of one declaration was the introduction of restrictive measures against Iran, while the first Declaration on China was referring to human rights in China and the second to the military actions of China in the East China Sea in that year

⁴ See the study „From Four Pillars of Foreign Policy to European Integration: Is There a Will for Strategically Orienting Serbia’s Foreign Policy ?“, ISAC Fund, Belgrade, 2013.

⁵ See *Analysis of the harmonization of Serbia’s foreign policy with declarations, positions and measures of the European Union in 2014*, National Convention on the EU (Working groups for chapters 30 and 31) and ISAC Fund, Belgrade, 2014.

⁶ Council Decision (CFSP) 2015/1781; 2015/1524; 2015/432

⁷ It is interesting that the declaration condemns acts of terrorism and violations of international law and calls for a resolution SC 1266, which was unanimously adopted

Serbia is that it supports full territorial integrity, sovereignty and independence of Ukraine, and despite that, Serbia did not join the declaration from March 2015 related to the anniversary of the annexation of Crimea. Additional burden or advantage to continue with this policy was the role of the chair of the OSCE that Serbia has carried out during 2015, when the main topic was resolving the situation in Ukraine. It is this role which enabled Serbia to maintain contacts at the highest level both with Russia and with Ukraine, by implementing a policy of balancing at the time of a great crisis, and to contribute to alleviating the crisis, although conflicts of the limited intensity persist.

Serbia, as in previous years, did not comply with the declarations referring to restrictive measures in Bosnia and Herzegovina and Zimbabwe (out of two declarations, Serbia has complied with one). Perhaps the most interesting case of non-complying is the Joint Declaration of the High Representative and the Secretary General of the Council of Europe on the celebration of the World Day against the death penalty with which Serbia did not comply, although it has abolished the death penalty in 2002⁸, which is confirmed by the 2006 Constitution. Abolition of the death penalty is a very important segment of human rights policy which EU represents in the world, because EU itself was founded on the bases of democracy, human rights and the rule of law and tends to, as a global actor, influence the improvement of the situation in the world on these issues using different instruments. Since 2012, one of the instruments is the Strategic Framework on Human Rights and Democracy which was personally advocated by a former High Representative, Catherine Ashton. In the new mandate of the Commission led by Jean-Claude Juncker, a new Action Plan for the period of 5 years was adopted, which further confirms the commitment and importance that the EU attaches to protecting human rights. Also, in 2014, according to a report⁹ by Amnesty International on the execution of death penalties in the world, it is estimated¹⁰ that this year in China the number of those sentenced to death increased by 28%, and that a similar trend is observed in Saudi Arabia, Egypt and Nigeria. The declaration directly condemns the practice of executions in Belarus as the only case on the European continent. It is interesting that besides Serbia, only Armenia, Georgia and Azerbaijan refused to comply to this declaration. Serbia failing to comply with this joint statement certainly leaves a negative impression, and it is necessary to avoid such moves in the following period, since the declarations of this type are primarily related to the aspect of values of the foreign policy approach of the EU, and not the interests.

As already mentioned, when announcing declarations, the EU also calls on the other candidate countries (Albania, Montenegro, Macedonia and Turkey), potential candidate countries (Bosnia and Herzegovina) and the Eastern Partnership member states (Georgia, Armenia, Moldova and Ukraine) as well as some of the Member states of the European Economic Area (Liechtenstein, Iceland and Norway) to comply. Only Montenegro and Albania completely complied with EU

⁸ Due to the membership in the Council of Europe.

⁹ <http://www.amnesty.eu/en/news/press-releases/eu/death-penalty/death-penalty-in-2014-spokesperson-availability-on-the-european-union-and-the-death-penalty-0875/#.VniVr7YrLUI>

¹⁰ In China execution of death penalty is treated as a state secret

declarations, while Azerbaijan did not comply with any declaration. Serbia, Macedonia, Bosnia and Herzegovina and Turkey followed the same pattern of non-complying on the issue of the crisis in Ukraine, while Montenegro, Albania, Liechtenstein and Norway fully complied. Certainly, it is a fact that some candidate countries have a similar or even lower percentage of compliance (Turkey). However, only Serbia has an active process of accession to the EU, unlike Bosnia and Herzegovina and Macedonia. Turkey, on the other hand, as a regional power, has a different attitude towards the EU, with regard to the Middle East crisis.

Conclusion

Since the outbreak of the Ukrainian crisis, Serbia is in a similar situation as in the period 2008 to 2012, with the difference that it is now a candidate country for the EU membership. It is obvious that Serbia is trying, as it is often said in the media, to “balance” between the EU and Russia, which is certainly politically unsustainable position in the long term, if, of course, Serbia aspires to a full membership in the EU. Membership in the EU primarily requires a policy of solidarity between member states, based on values, as much as possible.

Therefore, we believe that it is necessary for Serbia in the mid-term to develop a more efficient mechanism of harmonization with the Common Foreign and Security Policy of the EU in order to fulfill the requirements of the Union for the progressive harmonization. Finally, we believe that it is essential that Serbia comprehensively incorporate in its foreign policy the values on which the EU's foreign policy is based (human rights, democratization, rule of law), which would certainly contribute to a greater harmonization even before establishing the mechanism which was mentioned earlier. This would lead to greater solidarity with EU countries and strengthening of the perception of the determination of Serbia as a candidate for membership in the EU.

ANNEX

LIST OF EU FOREIGN POLICY DECLARATIONS IN 2015

Compliance with declarations in 2015-Third countries																
RB	Declaration name	date	Srb	Mac	CG	Isl	Alb	BIH	Liht	Nor	Mold	Arm	Geo	Ukra	Azer	Tur
1	Declaration by the High Representative on behalf of the European Union on the alignment of certain third countries with the Council Decision 2014/728/CFSP amending Decision 2010/638/CFSP concerning restrictive measures against the Republic of Guinea	09.01.2015.	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	no	no	yes
2	Declaration by the High Representative on behalf of the European Union on the alignment of certain third countries with Council Implementing Decision 2014/730/CFSP implementing Decision 2013/255/CFSP concerning restrictive measures against Syria	09.01.2015.	yes	yes	yes	yes	yes	no	yes	yes	yes	no	yes	yes	no	no
3	Declaration by the High Representative on behalf of the EU on the Boko Haram Insurgency	19.01.2014.	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	yes
4	Declaration by the High Representative on behalf of the EU on Crimea	16.03.2015.	no	yes	yes	no	yes	yes	yes	yes	no	no	yes	yes	no	yes
5	Declaration by the High Representative on behalf of the European Union on the alignment of certain third countries with the Council Decision 2015/143/CFSP amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine	10.04.2015.	no	no	yes	yes	yes	no	yes	yes	yes	no	no	yes	no	no

6	Declaration by the High Representative on behalf of the European Union on the alignment of certain third countries with the Council Decision 2015/364/CFSP amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine	10.04.2015.	no	no	yes	yes	yes	no	yes	yes	yes	no	no	da yes	no	no
7	Declaration by the High Representative on behalf of the European Union on the alignment of certain third countries with the Council Decision 2015/241/CFSP amending Council Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine	10.04.2015.	no	no	yes	yes	yes	no	yes	yes	no	no	no	yes	no	no
8	Declaration by the High Representative on behalf of the European Union on the alignment of certain third countries with the Council Decision 2015/277/CFSP amending Council Decision 2011/101/CFSP concerning restrictive measures against Zimbabwe	10.04.2015.	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	no	no
9	Declaration by the High Representative on behalf of the European Union on the alignment of certain third countries with the Council Decision 2015/202/CFSP amending Decision 2010/656/CFSP renewing the restrictive measures against Côte d'Ivoire	10.04.2015.	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	no	yes
10	Declaration by the High Representative on behalf of the European Union on the alignment of certain third countries with Council Implementing Decision 2015/117/CFSP implementing Council Decision 2013/255/CFSP concerning restrictive measures against Syria	10.04.2015.	yes	yes	yes	yes	yes	no	yes	yes	yes	yes	no	yes	no	no

11	Declaration by the High Representative on behalf of the European Union on the alignment of certain third countries with the Council Decision 2015/157/CFSP amending Decision 2011/72/CFSP concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia	10.04.2015.	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	no	yes	no	no
12	Declaration by the High Representative, Federica Mogherini, on behalf of the European Union on the occasion of the World Press Freedom Day	03.05.2015.	yes	yes	yes	no	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	yes
13	Declaration by the High Representative, Federica Mogherini, on behalf of the European Union on the occasion of the International Day Against Homophobia, Transphobia and Biphobia	17.05.2015.	yes	yes	yes	yes	yes	yes	yes	yes	no	no	no	yes	no	no	
14	Declaration by the High Representative on behalf of the EU marking the passage of one year since former President Michel Sleiman of Lebanon left office	25.05.2015.	yes	yes	yes	no	yes	yes	no	yes	yes	yes	yes	yes	yes	no	yes
15	Declaration by the High Representative on behalf of the European Union on the alignment of certain third countries concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt	17.06.2015.	yes	yes	yes	yes	yes	yes	yes	no	yes	no	yes	no	no	no	no
16	Declaration by the High Representative on behalf of the European Union on the alignment of certain third countries concerning restrictive measures in view of the situation in Bosnia and Herzegovina	17.06.2015.	no	yes	yes	yes	yes	no	yes	no	no	no	yes	no	no	no	yes

17	Declaration by the High Representative on behalf of the EU on the alignment of certain third countries concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine	17.06.2015	no	no	yes	yes	yes	no	yes	yes	no	no	no	yes	no	no
18	Declaration by the High Representative on behalf of the EU on the alignment of certain third countries concerning restrictive measures against Syria	10.07.2015.	yes	yes	yes	yes	yes	no	yes	yes	yes	no	yes	yes	no	no
19	Declaration by the High Representative on behalf of the EU on the alignment of certain third countries concerning restrictive measures against Myanmar/Burma	10.07.2015.	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	no	no	no
20	Declaration by the High Representative, Federica Mogherini, on behalf of the EU on the anniversary of the downing of Malaysian Airlines flight MH17	17.07.2015.	no	no	yes	yes	yes	yes	yes	yes	yes	no	yes	yes	no	yes
21	Declaration by the High Representative, Federica Mogherini, on behalf of the European Union on the occasion of the Day of International Criminal Justice	17.07.2015.	yes	no	yes	no	yes	yes	yes	yes	yes	no	yes	yes	no	yes
22	Declaration by High Representative Federica Mogherini on behalf of the European Union following the presidential election in Burundi	23.07.2015.	yes	no	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	no
23	Declaration by the High Representative, Federica Mogherini, on behalf of the European Union on the occasion of the International Day of the World's Indigenous Peoples	09.08.2015.	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	yes	no	yes

	Agreement in Myanmar/Burma																
31	Declaration by the High Representative Federica Mogherini on behalf of the EU on the occasion of the international day to end impunity for crimes against journalists	02.11.2015.	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	yes
32	Declaration by the High Representative on behalf of the EU on the alignment of certain countries concerning restrictive measures in view of the situation in Burundi	10.11.2015.	yes	yes	yes	no	yes	yes	yes	yes	yes	yes	no	yes	no	no	
33	Declaration by the High Representative on behalf of the EU on the alignment of certain countries concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine	10.11.2015.	no	no	yes	no	yes	no	yes	yes	no	no	no	no	no	no	
34	Declaration by the High Representative on behalf of the EU on the alignment of certain countries concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine	10.11.2015.	no	no	yes	no	yes	no	yes	yes	yes	no	no	yes	no	no	
35	Declaration by the High Representative on behalf of the EU on the alignment of certain countries concerning restrictive measures against the Republic of Guinea	26.11.2015.	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	yes
36	Declaration by the High Representative on behalf of the EU on the alignment of certain countries concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova	26.11.2015.	no	yes	yes	yes	yes	yes	yes	yes	no	no	yes	yes	no	no	

37	Declaration by the High Representative on behalf of the EU on the alignment of certain countries concerning restrictive measures against Zimbabwe	26.11.2015.	no	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	no	yes
38	Declaration by the High Representative Federica Mogherini on behalf of the EU on constitutional review in Rwanda	03.12.2015	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	no	no	no	yes
39	Declaration by the High Representative Federica Mogherini on behalf of the EU on Human Rights Day, 10 December 2015	10.12.2015.	yes	yes	yes	no	yes	yes	yes	no	yes	yes	yes	yes	yes	no	no
40	Declaration by the High Representative Federica Mogherini on behalf of the EU on the signature of the Libya Political Agreement	17.12.2015,	yes	yes	yes	no	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	yes
RB	Declaration name	date	Srb	Mac	CG	Isl	Alb	BiH	Liht	Nor	Mold	Arm	Geo	Ukra	Azer	Tur	
	The total number of complied		27	29	40	29	40	29	39	37	30	17	20	33	0	18	
	Total number of non-compliant		13	11	0	11	0	11	1	3	10	23	20	7	40	22	
	Percentage of compliance		65,85	70,73	97,56	70,73	97,56	70,73	95,12	90,24	73,17	41,46	48,78	80,487	0	43,90	