

OCTOBER 2021, VOLUME 12,
NUMBER 2 (22)

EUROPEAN PERSPECTIVES



INTERNATIONAL SCIENTIFIC JOURNAL ON EUROPEAN PERSPECTIVES

EUROPEAN PERSPECTIVES

INTERNATIONAL SCIENTIFIC JOURNAL ON EUROPEAN PERSPECTIVES
VOLUME 12 NUMBER 2 (22) OCTOBER 2021

EDITOR: Milan Jazbec

ASSISTANT EDITOR: Nataša Šuštar B.

EDITORIAL BOARD

Matej Accetto (Católica Global School of Law, Portugal) • **Dennis Bleasé** (University of Cranfield, UK) •
Vlatko Cvrtila (University of Zagreb, Croatia) • **Vladimir Prebilić** (University of Ljubljana, Slovenia) • **Albert Rakipi** (Albanian Institute for International Studies, Albania) • **Erwin Schmidl** (University of Vienna, Austria) • **Vasilka Sancin** (University of Ljubljana, Slovenia) • **Uroš Svetec** (University of Ljubljana, Slovenia) • **Katja Zajc Kejžar** (University of Ljubljana, Slovenia) • **Jernej Zupančič** (University of Ljubljana, Slovenia) • **Mitja Žagar** (Institute for Ethnic Studies, Slovenia) • **Jelica Štefanović Štambuk** (University of Belgrade, Serbia)

EDITORIAL ADVISORY BOARD

Murat Bilhan (Istanbul Kultur University, Turkey) • **Erhard Busek** (Institute for the Danube Region and Central Europe, Austria) • **Mustafa Cerić** (University of Sarajevo, Bosnia and Herzegovina) • **Victor Jackovich** (Jackovich International, USA) • **Jacques Rupnik** (Centre for International Studies and Research, France) • **Goran Svilanović** (RCC, Bosnia and Herzegovina) • **Savo Kentera** (Centre for International Relations, Montenegro)

EDITORIAL OFFICE ADDRESS

European Perspectives is a peer-reviewed Open Access international scientific journal, published twice a year (in April and October) by International Institute for Middle East and Balkan Studies - IFIMES.

IFIMES has Special Consultative Status with the Economic and Social Council ECOSOC/UN since 2018.

International Institute for Middle East and Balkan Studies - IFIMES, Vošnjakova ulica 1, P.O.Box 2795, SI-1001 LJUBLJANA, Slovenia, E-mail: ifimes@ifimes.org, www.ifimes.org

More information about the journal on website:

www.europeanperspectives.org

Manuscriptis should be forwarded to the Assistant Editor by email on office@europeanperspectives.org.

Indexed in: International Bibliography of the Social Sciences (IBSS)

ISNN 1855-7694



EUROPEAN PERSPECTIVES

INTERNATIONAL SCIENTIFIC JOURNAL ON EUROPEAN PERSPECTIVES

VOLUME 12 NUMBER 2 (22) OCTOBER 2021

Published by International Institute for Middle-East and Balkan studies - IFIMES.

IFIMES has Special Consultative Status with the Economic and Social Council ECOSOC/UN since 2018.

EUROPEAN PERSPECTIVES

INTERNATIONAL SCIENTIFIC JOURNAL ON EUROPEAN PERSPECTIVES

VOLUME 12 NUMBER 2 (22) OCTOBER 2021

Letter from the Editor

5

GUEST VIEW

After Merkel

9

Milan Jazbec

ARTICLES

Drug Addiction and How to Counter It:

17

Some Reflections and Experiences from Slovenia

Mirjana Delić

The Non-Aligned Movement and Serbian Foreign Policy

41

Duško Dimitrijević

Washington Agreement is (not) an Internationally

57

Binding Bilateral Treaty

Ismet Hajdari

How can Kosovo become part of the Geneva

81

Conventions and their Additional Protocols, including
the Genocide Convention?

Viona Rashica

Ursula K. Le Guin's The Left Hand of Darkness: A

99

Bilateral Envoy on the Posting

Milan Jazbec

BOOK REVIEWS

Media Relations and the Modern First Lady from Jacqueline Kennedy to Melania Trump Lisa M. Burns (Ed.) <i>Sanja Rokvić</i>	127
Democracy, Peace and the UN: Bringing Kant to the East River Bekim Sejdiu <i>Tadej Uršič</i>	131
General Submission guidelines	135

Letter from the Editor

As the current trends in the international politics show, policy reflections as well as the offer of lessons learned is an ongoing and ever appreciated business. We stick to it and try to be scientifically relevant from one point of view and innovative as far as the choice of topics of our research interest is concerned, from another one. It is, however, a demanding affair, since there is also an ongoing increase of such output.

Our respected authors contribute to the understanding of these and other issues, having in mind the region of the Western Balkans as their starting point. Not an easy time for this part of Europe and a future to be part of the EU, though. Hence, contemplation is of even bigger importance, hopefully also applicable.

The first article discusses drug addiction treatment and approach in Slovenia, having in mind its possible usefulness for the region. Drug addiction habits and their countering accomplishments are part of the negotiation Chapters 24 (Justice, freedom and security) as well as 28 (Consumer and health protection). This piece of understanding offers first hand holistic line to this highly sensitive and necessary activity. *Original.*

Our second contribution brings to a reader's attention the current state of the affairs in the non-alignment movement that has decisively shaped global relations in times of decolonization. In spite of the unprecedented structural change in a global world, the movement, claims the respected author, hasn't lost its relevance. Today it presents an important part of the Serbia's foreign policy. *Thoughtful.*

The third research dwells on the so called Washington Agreement, signed during the last period of the Trump administration, arguing that it is neither typical bilateral legal instrument nor a binding one for its signatories. The document lacks credibil-

ity-enhancing devices and it is primarily a letter of intent and manifestation of goodwill by parties, leaving open the question of implementation. *Analytical*.

The fourth discussion analyzes ways, modalities and possible necessity for Kosovo to join the Geneva Conventions and their Additional Protocols, including the Genocide Convention. Gaining the contracting party status should not be prevented with the fact of not being the UN member. Recent political history of the region does not make this effort any easier, but also not less important. *Useful*.

The last examination researches from diplomatic point of view another outstanding science fiction novel, this time of Ursula K. Le Guin *The Left Hand of Darkness*. The story of a lone Earth's emissary on an alien world is rich with diplomatic aspects and approaches, direct as well as those more subtle ones, waiting to be uncovered. The narrative is full of interdisciplinary attitude in which anthropological aspect stands out. *Attractive*.

Our first book review discusses the relation between media and the modern First Lady from Jacqueline Kennedy to Melania Trump, an issue that advanced through time and was extrapolated in the era of social media and populism. The second one focuses on the role of the United Nations in the contemporary international community through the lenses of the democratic peace theory, including the philosophical contemplation of Kant. The current Guest View pays attention on the outgoing German Chancellor Angela Merkel and her era that marked global relations.

Throughout the previous three years (since April 2019) our *credo* has been articulated in the bellow *intonation*, pointing out the importance of *historia magistra vitae* principle. During this autumn the second Slovene Presidency of the EU Council is taking place. Diplomacy is tradition, of course. See you in spring.

Ljubljana, October 2021

M. J.

From the Congress of Ljubljana 1821 to the Presidency of the EU Council 2021

guest view

After Merkel

Milan Jazbec

After Merkel

Milan Jazbec¹

When Paul McCartney was coining lyrics for Those Were the Days, performed magnificently and with touchy romantic crescendo by Mary Hopkin, a young, bright and promising student in Templin was dreaming of cracking nuts from theoretic physics, when growing up. After moving with the family from her birthplace in Hamburg, West Germany, to Quitzow, East Germany, the profession (a pastorate position) of her father was the reason, she got to know what would occupy her adult life. This author, at the very same time, was listening to Mary Hopkin (and The Beatles, of course), reading comics and science fiction and dreaming of becoming a journalist (what he later did). But above all he was listening to stories endlessly told by his mother about her life during the WWII years in Germany, southern from Dresden. She was one of tens of thousands of Slovenes, expelled from home by the Nazi regime and enforced to work, although being in her early teens. The first out of the three visits with his mother to those places, in the summer of 1981, through the neutral Austria and socialist Czechoslovakia to communist East Germany, gave him the firsthand experience of the Eastern Bloc affairs, not to say about the Cold War spirit on the spot.

As this issue is coming out, Angela Merkel still has approximately a month and a half to go, but her formal era in office is finishing. This fact offers a rather privileged point of departure for portraying her phenomenon. Taking a policy holistic approach, we will have a look at the Chancellor from three main points of view: history, topics and style, while commenting, comparing and dwelling on all of them simultaneously.

The post WWII German political history knows eight Chancellors, half of them from the CDU/CSU and half of them from the Social Demo-

¹ Dr. Milan Jazbec is professor of diplomacy at the NOVA University in Ljubljana, ambassador, poet and writer, employed at the Ministry of Foreign Affairs of the Republic of Slovenia, and editor of the international scientific journal European Perspectives.

cratic Party (SDP). They were in power 71,5 years all together, those from CDU/CSU 52 years and those from SDP 19,5 years.

Chronologically, the order of appearance looks like this:

1. Konrad Adenauer: 1949 – 1963 (1951–1955 also the first Minister of Foreign Affairs), CDU, 14 years (resigned at the age 87).
2. Ludwig Erhard: 1963 – 1966, CDU, (resigned), 3 years.
3. Kurt Kiesinger: 1966 – 1969, CDU, 3 years.
4. Willy Brandt: 1969 – 1974, SDP (the first SDP Chancellor since 1930), (resigned, when the Stasi agent was uncovered in his office), 4, 5 years (knelt in the Warsaw Ghetto at a visit in 1970, honoring victims), received Nobel Peace Prize in 1971.
5. Helmut Schmidt: 1974 – 1982, SDP, 8 years.
6. Helmut Kohl: 1982 – 1998, CDU/CSU, 16 years (the German reunification in 1990).
7. Gerhard Schröder: 1998 – 2005, SDP, 7 years.
8. Angela Merkel: 2005 – 2021, CDU/CSU, 16 years.

Three Chancellors stand out: Adenauer (14 years), Kohl and Merkel (both 16, the former a few weeks more). Adding to this the first one, the unification Chancellor Bismarck (19), it makes the big four.² Not only timewise, but also for the magnitude of tasks they were occupied with and for their ability to keep continuity in dealing with them. However, one could claim that the complexity of challenges was progressing through time, in particular because of the unprecedented advancement of the globalization proces that gained on structural intensity in the period after the end of the Cold War. This fact places Merkel on the most demanding position among her colleagues so far.

This brings us directly to point out the main topics Merkel was facing during her period, some of which have been manifested as global crises. Issues of global influence and importance that dominated the agenda during the previous decade and a half were: the adoption of the Lisbon Treaty in 2009, global financial as well as depth crisis, the Arab Spring, avian flu, migration crisis, transatlantic relations, Brexit, C-19 pandemic, geopolitical turbulences (relations between the USA, the EU, Russia and China), the Iran nuclear programme, the North Korea missile issues, Syria and Afghanistan, environmental crisis, the switch to decarbonization, including commemorating some important anniversaries, like hundred years of the outbreak of the WWI, 75

² Bismarck was succeeded by Georg Leon von Caprivi (1890 – 1895), who had Slovene roots.

years from the founding of the UN, 80 years since the outbreak of the WWI, of the Ribbentrop – Molotov Pact, and of the Barbarossa operation, to name but few.

The heavy burden and responsibility of her role is perhaps clearly illustrated by the fact that she attended more than one hundred meetings of the EU Council during her term. Just by the way: there used to be two ordinary and two, perhaps three extraordinary meetings per year. During the financial crisis a decade ago there were four or even more meetings on average per month.

Her style has been marked by clear ethical code, understanding of welfare state (keeping the tradition of Germany being the first welfare state in modern world) as well as by her touch for social aspects of ordinary people. She knew, witnessed and exercised what power is. And also produced it on a magnitude. But she did not step over, what has ever since been the biggest, not only political temptation. If anybody, she made a step away from the Laswell's definition of politics that claims politics is who gets what when and how. She restrained from this and made the case. Even though not being from Oz (however Dorothea by mid name), she has been a political wizard.

A bit reluctant, careful and never running before or over her shadow the Chancellor she has been. With this goes the fact of her being the moral authority in times of making difficult decisions. Also she has always shared a strong, unquestionable belief in the rule of law. She kept on investing trust in this value with an outstanding, inspiring and remembered manner. And people also had a lot of trust in her. Well-deserved and well exercised. Her legacy consists of stability, reliability, human touch, thought over decision making as well as management capability and potentials. We've all witnessed this.

She also did what we did not happen to see in the recent political life in Europe: she did not actively take part in choosing her successor at the top party position. This is something of an unprecedented political approach.

With this she from one point of view manifested high ethical standard letting the party choose a person that is most trustworthy, reliable and promising. It will be the party that will have to live with the new leader primarily and much less, if at all, she in the retirement. And secondly,

with that she obviously did not want to extend her political and personal influence beyond what she thought would be necessary. And besides this, there has been no guarantee that her possible choice (had it been there) would also coincide with the party affiliation. So why to bring another stressful situation in the top party leadership, when there was a need to focus primarily on the next term, the next leader and the next period.

In addition, she proved what synergy on the top political level in domestic politics is: she favored and de facto installed Frank Walter Steinmeier, as her former foreign minister and Vice-Chancellor from the rival, but coalition Social Democratic Party, as the German President (since 2017). Their unspoken understanding is far more than could be imagined in relations on the ultima level: their empathy and value along going that was put to test at many recent turbulent occasions is an example, sometimes bordering on telepathy. Also for this, Mr. Steinmeier is a top role model for the Head of a State in not only modern European frame.

All those parameters placed her in the very center and heart of global politics and geopolitics. There isn't a single characteristic of a great leader that she did not match with her best. This was, however, not always clearly visible and recognizable, but is getting progressively obvious with her forthcoming absence. Great leaders speak with their absence, this makes them visible. A certain vacuum, challenge and opportunity remain after her. Even more, one could claim there should always be a bit of luck in international politics. Angela Merkel produced this portion of luck on a high scale; and symbolism, leaving 150 years after Bismarck started.

As the only female German Chancellor (sworn in in 2005, after defeating her predecessor Schröder) and the youngest so far, she was also the only one ever that came from the East. Merkel rose in the East. Even more – one could say she is the last European leader with such personal experience. She shares a living memory from the former communist system that determined her country. This author believes that this heavily helped her understand politics, relations and life as well as contributed with the same magnitude to her leadership proficiency. What has been, to say so, luck for the whole Europe, since she could have easily got endlessly frustrated with that familiarity. A careful observer would name at least a politician or two of that nature in the current

continental arena. Merkel's outreach to migrants in the late summer of 2015 was a reflection of her human touch and understanding of people's suffering. She grew up to see what does that mean.

As a matter of fact and as we all know now, things turned the other way round for a promising young scientist. When this author was the last desk officer for German Democratic Republic, West Berlin and Switzerland in the Federal Ministry of Foreign Affairs of the then Socialist Federal Republic of Yugoslavia, discussing development in the country of the future Chancellor with its last Ambassador in Belgrade H. E. Mr. Eiff, the advancing researcher was already taken by the stream of political events, becoming the CDU deputy chairperson in 1991, showing her emerging skill. The rest has become history in the meantime. However, also she did not know and did not, could not, expect all this.

Prior to our closure, in the spirit of this journal, the issue of the EU enlargement to the Western Balkans, has to be brought on the paper. Merkel inherited the benefits of the 2004 dual enlargement and had to live with its not so pleasant consequences as well. Two years after her start, Bulgaria and Romania became members of the EU, with Croatia and Albania again two years later members of NATO and Croatia member of the EU four years later. Then the enlargement fatigue (an explanation far too simple, though, for the dynamics and complexity of the European integration process) broke out: no new EU members so far, with two new members of NATO: Montenegro in 2017 and North Macedonia in 2020. There are four EU candidate countries in the region: Montenegro and Serbia already negotiating, with Albania and North Macedonia still waiting to start the negotiation process, and two aspirant countries, Bosnia and Herzegovina, and Kosovo. No magician could forecast the development. But, the majority of the EU enlargements were with more newcomers than only one and it payed off. The referred six of them should also enter *en bloc*. It will pay off as well. Merkel's successor has been given something concrete to start with and be remembered for.

One should, at the end of a day, refer to the famous song of the Rolling Stones, released in 1973, when *Angie* was finishing high school in Templin, posing, not only in a manner of rhetoric, the question, "where will it lead us from here". Perhaps the new German Chancellor Mr. Scholz from SPD, who is her true and not only formal successor, since they are by value orientation quite close, would know the answer. In

any case, her departure means an end of the epoch. The prime time was hers.

From little baby brought to Qitzow in 1954, to a young employee at the Institute in East Berlin, with the PhD from quantum chemistry in 1986, to the Democratic Awakening Party spoke's person in 1990, to the Kohl's *Mädchen* soon afterwards and, finally, to the German's *Mutter* (or *Mutti* in the cute manner), she evolved above all to an everlasting Sphinx. Quite often with a smile on her face. And let us remember: Madame Merkel never was spending her time performing on twitter, but, instead, exercising exactly what politics is all about: doing things at her best for common good.

Discussing issues after Merkel means discussing Angela Merkel herself. Not enigmatic, as it might look like, but still not fully comprehended and understood in all aspects of her zoon politikon. And what a politician she has been. The modest daughter of the humble German pastor managed to achieve what an old Roman saying advices: leave the party at its best and you would keep it in the best memory. And – sic – she will also be remembered by her best.

Hence, let us conclude with fixing the statement that contemplating after Merkel in fact means contemplating her. Angela Merkel. Incomparable and great.

**Drug Addiction and How to Counter It:
Some Reflections and Experiences from Slovenia**

Mirjana Delić

**The Non-Aligned Movement and Serbian
Foreign Policy**

Duško Dimitrijević

**Washington Agreement is (not) an Internationally
Binding Bilateral Treaty**

Ismet Hajdari

**How can Kosovo become part of the Geneva
Conventions and their Additional Protocols,
including the Genocide Convention?**

Viona Rashica

**Ursula K. Le Guin's The Left Hand of Darkness:
*A Bilateral Envoy on the Posting***

Milan Jazbec

Drug Addiction and How to Counter It: Some Reflections and Experiences from Slovenia

Mirjana Delić¹

ABSTRACT

This paper discusses challenges of drug addiction treatments in general and presents treatment programs and their development in Slovenia. Since Slovenia shares similarities in socio-cultural background with the Western Balkans countries, we think the Slovene experiences could be useful for them. This is even more, since all the countries from the region formally expressed their foreign policy ambition to join the EU, an area where Slovenia can offer much of experiences and expertise. Generally speaking, drug addiction and its countering activities are part of the negotiation Chapters 24 (Justice, freedom and security) as well as 28 (Consumer and health protection). Slovenia pays its main attention on ensuring development of comprehensive measures and activities, while addressing these problems. Prevention activities are carried out through a variety of health centers and non-governmental organizations, having destigmatization as an important element of the whole rehabilitation process.

KEYWORDS: drug addiction, Slovenia, psychoactive substances, treatment, opioid maintenance treatment, prison

POVZETEK

V prispevku predstavljamo izzive zdravljenja odvisnosti od psihoaktivnih snovi na splošno ter razvoj programov za zdravljenje odvisnosti in pregled stanja v Sloveniji. Ker ima Slovenija podobnosti v socio-kulturnem ozadju z državami Zahodnega Balkana, menimo, da bi bile slovenske izkušnje lahko uporabne tudi v teh državah. Še posebej glede na dejstvo, da so vse te države formalno izrazile svojo zunanjopolitično ambicijo po članstvu v EU, kjer lahko Slovenija z njimi deli vrsto izkušenj. Na splošno lahko rečemo, da je to področje zajeto v pogajalskih poglavijih 24 (pravosodje, svoboda in varnost) in 28 (zaščita potrošnikov in zdravstvena zaščita). Slovenija posveča osrednjo pozornost zagotavljanju razvoja celovitih ukrepov in aktivnosti pri soočanju s problemi odvisnosti. Aktivnosti za preprečevanje odvisnosti od psihoaktivnih snovi v večini izvajajo različni zdravstveni centri in nevladne organizacije, med pomembnejšimi pristopi v procesu zdravljenja pa je destigmatizacija oseb, ki imajo težave zaradi odvisnosti od drog.

KLJUČNE BESEDE: odvisnost od drog, Slovenija, psihoaktivne snovi, zdravljenje, vzdrževalna opioidna terapija, zapor

¹ ABOUT THE AUTHOR: Mirjana Delić, MD, PhD, psychiatrist. Employed at the Center for Treatment of Drug Addiction, University Psychiatric Clinic Ljubljana, Slovenia. Email: mirjana.delic@psih-klinika.si

INTRODUCTION

Drug and alcohol addictions are global issues and the European Union (EU) struggles in addressing as well. Addictions in the EU vary across the countries (Addiction Center, 2014). Drug addiction presents also a challenge for the region of the Western Balkans and its countries on their way towards becoming EU member states. The challenges that the region has experienced can generate structural conditions conducive to a high risk environment in the context of illicit drug use (European Monitoring Centre for Drugs and Drug Addiction, 2019a). Past studies have indicated that, in general within the region, there is a combination of state programmes and services provided by non-governmental organizations (NGOs), frequently with the support of international donors and regional networks (European Monitoring Centre for Drugs and Drug Addiction, 2019a).

The aim of this paper is to present and discuss drug addiction treatment programmes and their developments in Slovenia, a country with a similar socio-cultural background to the Western Balkans region, but within the EU legal order. Hence, the Slovenian experiences can serve well the region when implementing the *acquis communautaire* and exercising negotiations, as well as at reforming processes. Additionally, the purpose of this paper is also to provide interested countries in the region of the Western Balkans with the Slovenian experience and lessons learned. Here we point out that medical issues in a broader sense are part of two negotiation chapters, namely Chapter 24 (Justice, freedom and security) (European Comission, 2021) and Chapter 28 (Consumer and health protection) (European Comission, 2021). The first is focusing primarily on institutional preventive measures (like national strategies to fight drug addiction), while the latter deals primarily with a drug addiction and drug prevention, as health issues. However, the EU legislation and *acquis* in general leave this area mostly to national legislations and implementations. This henceforth also means that concrete experience from member states, in this case Slovenia, could be of even higher importance for the candidate and aspirant countries.

This contribution is based on the review of the literature dwelling on the substance use and treatment in Slovenia, analysis and description of the treatments. The article is based on the results from the following research methods: description, analysis, synthesis, comparison, comment, and observation with one's own participation, since the author

comes from the respective field.

DEFINITION AND DIAGNOSTIC CRITERIA OF ADDICTION

According to the World Health Organization (WHO), addiction is a state of physiological and/or psychological addiction to any psychoactive substance (PAS) (World Health Organization, 1992). The International Classification of Diseases (ICD-10) defines the addiction syndrome as a group of behavioral, cognitive and physiological phenomena that develop after repeated use of PAS and are characterized by a strong desire to consume PAS, difficulty in controlling PAS intake, persistence in using PAS despite the harmful consequences, greater commitment to the use of PAS than other activities and obligations, increased tolerance, and possibly physical disturbances due to PAS withdrawal (World Health Organization, 1992). The new ICD-11 will come into effect on 1 January 2022 (World Health Organization, 2018).

The American Psychiatric Association (APA) classification The Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5) divides the Substance related disorders into Substance use disorders and Substance induced disorders. A substance use disorder is defined as a problematic pattern of taking substances causing clinically significant problems.

They manifest as at least two of the following, which would have occurred in the last 12 months: a substance is abused/consumed in larger quantities or for a longer time than planned; a constant desire or unsuccessful attempts to stop an individual from taking or trying to control the use of the substance; much of the time spent on activities related to substance acquisition, use or recovery after its effects emerge; a strong desire or sense of compulsion to take the substance; persisting with the substance use despite the overtly harmful consequences, such as harm to the liver caused by excessive drinking, depressive mood states consequent to periods of heavy substance use, or drug-related impairment of cognitive functioning; efforts should be made to determine that the user was actually, or could be expected to be, aware of the nature and the extent of the harm; important social, professional and recreational activities are abandoned or reduced due to the use of the PAS; using the substance in situations that are physically threatening; continuing to take the substance despite being aware that it is causing psychological and physical problems; tolerance, defined as: the need for a substantially increased substance intake in order for an individual

to achieve intoxication or a desired effect; or a markedly reduced effect of the substance when consuming the usual amount; a physiological withdrawal state when the substance use has ceased or has been reduced, as evidenced by the characteristic withdrawal syndrome, or the use of the same (or closely related) substance with the intention of relieving or avoiding withdrawal symptoms (American Psychiatric Association, 2013).

The DSM-5 distinguishes between an early and a stable remission and whether the remission was achieved in a safe environment.² According to the number of symptoms, disorders due to the use of substance are divided into mild, moderate and severe. Also, in the new American classification, the word “addiction” is not applied as a diagnostic term. The more neutral term “substance use disorder” is used to describe the wide range of the disorder, (from mild to severe, frequent relapses and compulsive taking of substances) (American Psychiatric Association, 2013).

The group of the substance induced disorders includes different mental states, such as poisoning, withdrawal, and other substance-related mental disorders (psychotic, bipolar, depressive, anxiety, obsessive-compulsive, sleep disorders, sexual dysfunction, delirium, and neurocognitive disorders). Substances are classified into 11 groups: alcohol, caffeine, cannabis, hallucinogens (with special categories for phencyclidine and other hallucinogens), inhalants, opioids, sedatives, hypnotics and anxiolytics, stimulants (amphetamines, cocaine, and other stimulants); tobacco, and other (unknown) substances.

All substances, when taken excessively, activate the reward system in the brain, causing repetitive behaviors and the formation of memories of experiencing pleasure and discomfort while taking substances.³ Activation of the reward system can be so strong that other (previously important) activities are neglected (American Psychiatric Association, 2013).

2 Remission is either the reduction or disappearance of the signs and symptoms of a disease. The term may also be used to refer to the period during which this diminution occurs.

3 The reward system (the mesocorticolimbic circuit) is a group of neural structures responsible for incentive salience (i.e., “wanting”; desire or craving for a reward and motivation), associative learning (primarily positive reinforcement and classical conditioning), and positively-valenced emotions, particularly ones involving pleasure as a core component (e.g., joy, euphoria and ecstasy).

SUBSTANCE USE IN SLOVENIA

HISTORY OF SUBSTANCE USE AND TREATMENT DEVELOPMENT IN SLOVENIA

The problem of the excessive drinking of alcohol in Slovenia is being monitored in a more detailed way for about two hundred years. Alcoholic beverages are also a regular accompaniment to the socialising, with a special place and praise accorded to them. Wet culture in Slovenia is characterised by an attitude of tolerance towards drinking alcohol, the presence of alcohol in the culture and customs, where drinking alcohol is encouraged, with the pattern of alcohol drinking handed down from generation to generation, along with easy access to alcohol and an inadequate number of demonstrably effective prevention programmes (Hočev, 2020).

The history of the drug use in Slovenia is slightly different. The European Monitoring Center for Drugs and Drug Addiction (EMCDDA) began monitoring the drug situation in Slovenia after its accession to the EU. In the 1990s, a new wave of heroin use was detected in Slovenia, followed by the use of ecstasy and cocaine (Dekleva et al., 1997).

According to the Drug Report for Slovenia in 2003, the main drug problem in Ljubljana was the abuse of heroin. It represented more than 85% of all drug cases. Those who came for treatment in 1991 (specialised treatments for drug use in Slovenia started in 1991) had been on heroin for up to ten years. The route of the administration of heroin was an important factor, which influences the duration of the period from the first use of heroin and the onset of treatment.

The probability of starting a treatment earlier on was higher for non-injectors. There was also a possible explanation involving the availability of facilities and the enhanced awareness of drug-risk behaviour. Considerable changes in latency time were also due to the availability and price of heroin (European Monitoring Center for Drugs and Drug Addiction, 2004).

Until 2008, no survey on the prevalence of the use of psychoactive substances has been carried out among the adult population in Slovenia. The only data on the use of illicit psychoactive substances, acquired from representative samples of adult residents of Slovenia, is the data from the Slovene Public Opinion surveys. The question on lifetime use of illicit psychoactive substances was posed to the interviewees

in 1994 and 1999 (Toš et al., 1999, Toš et al., 1994). In 1994, 4.3 % of respondents answered that they had used one or more of the following psychoactive substances: cannabis/hashish, cocaine, heroin, LSD, mescaline or other drugs in their lives (Toš et al., 1994). In 1999 a question was posed on whether the interviewees have ever tried any of the following psychoactive substances: cannabis/hashish, heroin, cocaine, amphetamine, LSD or other hallucinogens, ecstasy, tranquilizers not prescribed by a doctor, a combination of alcohol and pills, injected drugs with an injection needle. 10.6 % of the respondents have used one or more of the listed drugs in their lives. 8.8 % indicated that they have used cannabis, 2.3 % of the respondents have used tranquilizers not prescribed by a doctor, 1.4 % used ecstasy, and 1.3 % used alcohol and pills. Other psychoactive substances were used by less than 1 % of the interviewed persons. The majority of those who responded that they had used heroin, ecstasy, cocaine and LSD, had also tried cannabis. Among cannabis users, statistically significant differences according to the sex and age were established: cannabis was more frequently used by younger respondents (18-29 years, 30-39 years) and males (Toš et al., 1999, European Monitoring Center for Drugs and Drug Addiction, 2010).

It is estimated that in 2012, there were 6917 high-risk opioid users in Slovenia, in the age group of 15 to 64 years.⁴ The population of high-risk drug users in Slovenia is ageing, and this presents new challenges, such as increased social problems, including homelessness, and a higher frequency of acute and chronic illnesses (National Institute of Public Health, 2014). In 2013, compared to 2012, the use of heroin, solvents, opioid substitution drugs, synthetic drugs and cannabis decreased, while the use of cocaine increased (National Institute of Public Health, 2014). Injecting was still the predominant method of use among heroin and cocaine users. The latter was still the most common risky behavior among the participants in the harm reduction programmes, and risky sexuality was also very common (National Institute of Public Health, 2014). Compared to the previous years, in 2013 the sharing of the same needle and overdose increased (National Institute of Public Health, 2014). Otherwise, the population of drug users seeking help in harm reduction programs was aging. The share in the oldest age group was increasing.

⁴ According to the definition used by EMCDDA, problem drug use is defined as injecting drug use or long-duration/regular use of opioids, cocaine and/or amphetamines in the 15-64 age group over a one year period.

As many as 40% of respondents had other health problems in addition to addiction, most often citing hepatitis C and mental health problems (National Institute of Public Health, 2014) (Table 1).

Table 1: Problematic drug use among participants in harm reduction programmes in Slovenia in 2012 and 2013

	2012 (%)	2013 (%)
heroin	66	54
opioid substitution drugs	77	69.7
synthetic drugs	36	53.7
solvents	9	8
cocaine	62	64
predominant method of use of heroin in cocaine (injection)	85	76.5
sharing of the same needle	23	28
overdose	38	40
most often health problem	hepatitis C, mental health problems	hepatitis C

Source: National Institute of Public Health, 2014

Drug-induced deaths are deaths that can be directly attributed to the use of illicit drugs (i.e. poisonings and overdoses). The available data indicate an upward trend in the number of drug-induced deaths in Slovenia since 2015. In 2017, the general mortality register reported the highest number of deaths since 2007. Since the end of 2016, the Detection System for Poisoning by New Psychoactive Substances in Slovenia has been operational (European Monitoring Center for Drugs and Drug Addiction, 2019).

DRUG POLICY

Three paradigms are distinguished within international drug policy: the policy of war; the public health paradigm; and the classical liberal paradigm.

The public health model, whose main goal is to care for public health, tries to reduce the harmful consequences of drug use such as the spread of infectious diseases (hepatitis B, C, HIV/AIDS), and deaths (overdoses). Advocates of this model claim that the recurrent use of drugs is a chronic repeating illness. Hence, it follows that drug users

are chronic patients. By classifying drug use as an illness and drug users as patients, this model can reduce the harmful consequences of drug use and the criminalisation of drug users in the short term but, in the long term, it imposes on them the stigma of mentally ill patients.

In Slovenia, where the dominant approach of drugs policy is the public health paradigm, we are witnesses to the so-called negative medicalization. A qualitative research among drug users with a lot of experience with different types of treatments shows that the user of drugs becomes stigmatised after they enter a treatment programme and that this aspect of the treatment is not managed with a special attention, public campaigns. (The European Monitoring Center for Drugs and Drug Addiction, 2004). The most problematic issue was the long-term methadone maintenance treatment.

The analysis of the research and the findings on illicit drugs show that the existing paradigms of drugs policies are inefficient. The presumption that in the world of human rights individuals have the right to use drugs, leads to the debate on the limits of human rights and the rights of an individual. Most drug users and drug users' associations advocate the right to use drugs and appeal to the right to live. Within international drugs policy, which normatively prohibits the use of illicit drugs, these claims are not realisable. The drug issue reveals the conflict between an individual (drug user) and his wishes or needs on one hand, and the community (interests) on the other hand. Qualitative research and analysis of interviews with users confirm that drugs are always an element of political relations. Illicit drugs are a criterion for differentiating persons, given that individuals who use drugs are beyond the tolerance threshold. Such persons are usually pushed into the area of unacceptability. The users of illicit drugs are placed into the category of the sick, pathological, unacceptable, deviant, criminal, or alien. At the level of an everyday life, the universalisation of the stigmatised differences linked to the drug use is taking place. The contribution of this qualitative study is that it shows different approaches and reveals some otherwise hidden information about the policy of drug use in Slovenia (The European Monitoring Center for Drugs and Drug Addiction, 2004).

Today, we can say, that the main focus of Slovenia's drug policy is to ensure a comprehensive, balanced and an ongoing development of all measures, programmes and activities that address and help to tackle the problem of illicit drugs use in the country (National Institute of

Public Health, 2017). The overarching goal of the National Programme on Illicit Drugs 2014-2020 was to reduce and contain the harm that illicit drug use causes to individuals, their families, and society.

Of all the goals and missions, the following were pointed out: Firstly, seeking to promote illicit drug use prevention programmes in order to reduce the number of new drug users among the younger generations and to reduce the number of minor and criminal offences involving illicit drugs. Secondly, seeking to support the development of programmes to help stabilize or reduce the number of people infected with HIV, HBV and HCV, and deaths due to overdose.⁵ Thirdly, seeking to develop and upgrade all coordinating structures working in the area of drugs at the local and national levels (National Institute of Public Health, 2017).

The action plan was drawn up by a working group made up of representatives from all ministries with authority over drug-related matters as well as representatives from the research community and NGOs. The Commission on Narcotic Drugs of the Government of the Republic of Slovenia monitored the action plan development process and approved the finalized action plan (National Institute of Public Health, 2017).

The country's highest-level coordinating body in the area of illicit drugs is the Commission on Narcotic Drugs of the Government, an interdepartmental authority. The Commission is made up of representatives from nine ministries (Ministry of the Interior; Labour, Family, Social Affairs and Equal Opportunities; Justice; Defence; Education, Science and Sport; Foreign Affairs; Agriculture, Forestry and Food; Finance; Health) and two representatives from two NGO Associations. Representatives from several other organizations may sit on the Commission. The governmental Commission on Narcotic Drugs and the Ministry of Health are responsible for coordinating activities in the area of illicit drugs use at the governmental level.

Within the Ministry of Health, the Health Promotion and Healthy Lifestyles Division is responsible for the day-to-day coordination of drug policy. At the local level, Local Action Groups continue to be the key coordinators of activities in local communities (National Institute of Public Health, 2017).

⁵ HIV-human immunodeficiencyvirus; HBV- hepatitis B virus; HCV-hepatitis C virus.

TREATMENT OF DRUG ADDICTION

Studies have shown that the treatment is effective (Gossop et al., 1999, Teesson et al., 2006). However, drug-related problems cannot fall into a single category and therefore, it is not possible to determine which drug treatment programme is the most effective. It is important that the treatment programme meets the needs of the individual and that we identify as soon as possible the factors that influence the achievement of treatment goals (Gossop, 1992). Despite different treatment approaches, many patients with drug addiction continue to use drugs during and after their treatment, and their life is usually punctuated by repeated treatment admissions and relapses which indicates that the problem being treated is of chronic and relapsing nature (Brewer et al., 1998).⁶ In the field of the substance abuse treatment and mental health care in general, noncompletion of a treatment is a general problem. Approximately 50 percent of the patients in substance abuse treatment do not complete the first month of the treatment, which is associated with poor outcome (Stark, 1992). Attempts were made to improve outcomes of drug addiction treatment by addressing patient characteristics that predict continued drug use (Brewer et al., 1998, Delic, 2016).

Opioid agonist treatment (OAT) is considered to be one of the most effective options for the management of heroin or other opioid drug addictions. It has expanded substantially in the European Union in the last two decades. It is a part of a recognised medical practice approved by the competent authorities. The best results occur when a patient receives a medication for as long as it provides a benefit. This approach is often called a “maintenance treatment.” Once stabilized on OAT, many patients stop using illicit opioids completely. Others continue to use them for some time, but less frequently and in smaller amounts, which reduces their risk of morbidity and overdose death. OAT gives people the time and ability to make necessary life changes associated with a long-term remission and recovery (e.g., changing the people, places, and things connected with their drug use), and to do so more safely.

Maintenance treatment also minimizes cravings and withdrawal symptoms. Moreover, it lets people to better manage other aspects of their life, such as parenting, attending school, or working (Substance Abuse

⁶ A relapse happens when a person stops maintaining his or her goal of reducing or avoiding use of alcohol or other drugs and returns to previous levels of use.

and Mental Health Services Administration (US), 2018). The treatment with methadone and other opioid maintenance medications is one of the key addiction treatment programmes in the context of the harm reduction. It is effective in reducing illicit opioids use, the risk of HIV and hepatitis infection, preventing other health problems, mortality, and criminal behavior. As it allows a large number of opioids drug users to contact the health service, it also provides an entrance door to help-seekers and a treatment for users in other programmes: from low-threshold to abstinence-oriented programmes.⁷

A medically supervised withdrawal is a process in which providers offer methadone or buprenorphine or SR morphine on a short-term basis to reduce physical withdrawal signs and symptoms. Formerly called detoxification, this process gradually decreases the dose until the medication is discontinued, typically over a period of days or weeks. Studies show that most patients with an OAT, who undergo medically supervised withdrawal, will start using opioids again and will not continue with the treatment in the recommended care (Substance Abuse and Mental Health Services Administration (US), 2018). Psychosocial treatment strategies can reduce the dropout from medically supervised withdrawal, opioid use during withdrawal, and opioid use following completion of withdrawal. A medically supervised withdrawal is necessary for patients starting naltrexone, which requires at least 7 days without short-acting opioids and 10 to 14 days without long-acting opioids.⁸ Patients, who complete medically supervised withdrawal, are at risk of opioid overdose (Substance Abuse and Mental Health Services Administration (US), 2018).

The therapeutic community is a programme that lasts 6-12 months and usually takes place outside the hospital environment. Persons are admitted to a therapeutic community after a completed detoxification. The emphasis is on the “resocialization” of an individual. The programme of therapeutic communities is usually highly structured. In some hospitals, after completion of detoxification, patients continue with a rehabilitation programme according to the principles of the therapeutic community (NIDA, 2012). There are also short-term community programmes that provide short-term (3 to 6 weeks) intensive treatment based on a modified approach of 12 steps. This is usually fol-

⁷ Low-threshold programmes are programmes that make minimal demands on the patient, offering services without attempting to control their intake of drugs, and providing counselling only if requested.

⁸ Naltrexone blocks the effects of opioid medication, including pain relief or feelings of well being that can lead to opioid abuse.

lowed by long term self-help programmes (Narcotics Anonymous-NA, Alcoholics Anonymous-AA). The approach is developed in and applied particularly to the context of the alcoholism treatment (NIDA, 2012).

The prevalence of substance use disorders is higher among patients with other mental disorders than in the general population. The term co-occurring disorders (dual diagnosis) is used to describe the comorbid condition of a substance use disorder and another mental disorder. Regarding the prognosis of the treatment of patients with comorbid disorders, both disorders have a poorer outcome, when undertreated. The first step in structuring an effective treatment for dual-diagnosis patients is the definition of a correct psychiatric diagnosis; this is not always easy because there is an overlap area between outbursts of primary psychiatric disorders and drug- or alcohol-related psychopathology (European Monitoring Center for Drugs and Drug Addiction, 2004).

TREATMENT OF DRUG ADDICTION IN SLOVENIA

Alcohol abstinence organizations were established in Slovenia in the late 19th and early 20th centuries. After the Second World War, political proposals for reducing alcohol consumption appeared, but without any special success. Treatment of the alcohol dependence has a long tradition within the national healthcare system (approximately 60 years). Development of treatments of drug addiction has taken a different way. In the mid-1980s, low-threshold programmes began to develop in response to the HIV and hepatitis epidemic. At the end of the 1980s and in the beginning of the 1990s, Slovenian drug policy began to take shape, as the use of illicit drugs, especially heroin, began to increase.

At that time, there were no special services for persons with drug addiction. Detoxification procedures performed in psychiatric hospitals were inadequate (Mejak, 2010). Between 1990 and 1991, multidisciplinary approach to the treatment of a drug addiction was introduced (Kvaternik Jenko, 2006). One of the first organizations which started to work in the field of illicit drugs problems was Stigma, which is a non-profit humanitarian organization working in the field of harm reduction with people who use drugs (Mejak, 2010).

Today, the treatment of a drug addiction in Slovenia is performed on

an outpatient and inpatient basis. The available treatment approaches include detoxification; psychosocial interventions; OAT and other medically assisted treatments; individual or group counselling with a sociotherapy or psychotherapy component, including assistance with rehabilitation and social reintegration; and links to home nursing, therapeutic communities and self-help groups (European Monitoring Center for Drugs and Drug Addiction, 2019).⁹

Most patients, who use drugs, are treated on an outpatient basis, and the most common treatment for opioid dependence is OAT, which is provided by a network of Centers for the Prevention and Treatment of Drug Addiction. Since 1995, 21 Centers for the Prevention and Treatment of Drug Addiction have been established in Slovenia (Kastelic and Kostnapfel, 2005). The network of centers covers all Slovenian regions and there are currently no waiting periods in these programs. These centers provide OAT for opioid dependence using opioid agonists or partial agonists such as methadone, buprenorphine, buprenorphine in combination with naloxone, and prolonged-release morphine. In 1994, the Health Council endorsed the doctrine of drug treatment and adopted Recommendations for Physicians for the Treatment of Drug Addiction, which also includes methadone treatment. Buprenorphine was registered in 2004, with extended-release morphine a year later. Buprenorphine in combination with naloxone has been on the market since 2007. Treatment with the opioid antagonist naltrexone is also present. In 2018, Slovenia's substitution treatment programmes had approximately 3.300 clients out of the estimated nearly 5.000 injecting drug users. In the same year, a mobile unit was established for the distribution of a substitution therapy. The Slovenian government estimates that the OAT coverage was at over 65% in 2019 (Eurasian Harm Reduction Association, 2019).

In Slovenia, responsibility for implementing a treatment lies predominantly at the national level, and the drug treatment is provided by various health and social care systems and civil society organisations.

The treatment is available at all levels of health services (from primary health care to tertiary health services with specialized treatment programmes) and in all environments (rural and urban areas). The Health Insurance Institute of Slovenia funds the drug treatment in the health sector and the treatment is free of charge for the patient. Treatment

⁹ Detoxification is a set of interventions aimed at managing acute intoxication and withdrawal.

programmes delivered through the social care system are mainly funded by the Ministry of Labour, Family, Social Affairs and Equal Opportunities, and the municipalities, or by other external resources, and may require a co-payment from clients.

The only specialized center for the treatment of drug addiction in Slovenia is the Centre for Treatment of Drug Addiction, which was established in 2003 at the University Psychiatric Clinic Ljubljana and provides inpatient and outpatient treatments. Priorities are focused on a long - term treatment, giving the patients with substance use disorders an opportunity to gradually restore bio - psycho - social functioning, which is defined as clinical progress, even if recovery is not fully achieved. The main treatment programme at the Centre has a high-threshold. A condition for the entry to hospital treatment is the abstinence from illicit drugs during opioid maintenance therapy or a more stable use of heroin or other substances.

It is desirable that persons involved in the maintenance opioid therapy learn to establish and maintain abstinence from heroin and other substances, while preparing for the hospital treatment. Some patients, despite an intensive outpatient treatment and also being included in a day hospital support preparation program, fail to achieve these goals, but may be admitted to the hospital treatment first for stabilization. Later, they can decide, together with the therapeutic team, also to continue the treatment in the hospital. Some patients are admitted urgently because of life-threatening conditions or to stop the relapse of the disease.

Hospital treatment takes place in two wards. Patients are initially treated on an outpatient basis. Later, the patient usually enters treatment in a closed ward for detoxification, where treatment takes place for six weeks. After this treatment, the patient continues the eight-week treatment in the ward for the intensive prolonged treatment (Center for the Treatment of Illicit Drug Addiction, 2006). After the completion of a 14-weeks treatment, patients can continue their treatment in a day hospital, which usually lasts six months, or in an outpatient, individual or a group treatment in the Center for Treatment of Drug Addiction or in the regional Center for the Prevention and Treatment of Drug Addiction. There are regular urine tests performed as an objective measure of abstinence (once up to several times a week) (CZOPD, 2006) (European Monitoring Centre for Drugs and Drug Addiction, 2019b).

Medical treatment is gender sensitive; there is a good collaboration between gynecologists and addictologists. Many treatment programmes are culturally sensitive. Informed consent is obtained from a patient before initiating a treatment. It guarantees the option to withdraw from the treatment at any time. Patient data are strictly confidential, and a registration of patients entering a treatment outside the health records is not allowed. Any research conducted in treatment services involving human subjects, is subject to review of human research ethical committees, and participation of service users in the research is strictly voluntary with informed written consent ensured in all cases (Patients' Rights Act – ZpacP No. 15/08, 2008, Mental Health Act – ZDZDR No. 77/08, 2008).

Other psychiatric hospitals and psychiatric outpatient units within the primary healthcare system can also provide a basic treatment. Non-governmental organizations, within the framework and funding of social welfare programmes, are involved mainly in the provision of treatment communities and non-hospital-based residential treatment programmes.

In Slovenia, the outpatient treatment of psychiatric comorbidity among substance users may be provided in drug use services and in mental health services, as well as in certain services that provide treatment for either mental or substance use disorders and for dual diagnoses. At inpatient level, psychiatric comorbidity is treated in drug use facilities or dual diagnosis facilities (Torrens et al., 2017). At the Center for Treatment of Drug Addiction there are the only specialized ward and day hospital for the treatment of patients with comorbidities.

In 1991, the Social Forum for Addictions and Intoxications comprising of a large number of experts in the field of addictology, contacted the Italian Centro Italiano di Solidarietà (Ce.I.S), which was then implementing its Progetto Uomo (Project Human) in more than 42 countries. The Forum's experts decided to transfer Ce.I.S's practice in the field of addiction treatment to Slovenia and adjust it to the situation in Slovenia. Thus, they launched the Slovenian Projekt Človek (Project Human) programme, which gradually evolved into a comprehensive programme, which now encompasses, in its basic form, a reception centre, a therapeutic community and a rehabilitation programme designed to help those, who have completed the therapeutic community programme for a return to their everyday life. In addition to these ba-

sic programmes, Projekt Človek also includes programmes for parents and a therapeutic community for addicted parents and their children and therapeutic community for patients with comorbidities. Addicted parents and their children join the therapeutic community and live there for at least two years, 24 hours a day (Socialni forum za zasvojenosti, 1995).

Another such programme also started in 1991, under the auspices of Caritas Slovenia, which was in contact with the Comunita Incontro programme from Italy. Even though this programme did not have any therapeutic communities in Slovenia, it started admitting persons with addiction problems to therapeutic communities in Italy and other countries through a preparatory centre in Italy. The first drug users to be sent from Slovenia to Italy were those who entered the Srečanje (Meeting) programme (Socialni forum za zasvojenosti, 1995). The therapeutic community Žarek (Ray) in Jesenice, which was established by the non-governmental organization Žarek, opened its doors in 2006. Its programme lasts for two years, and its users are encouraged to become gradually more responsible through following daily schedules and through work therapy, mutual acceptance, group and individual conversations, therapeutic monitoring, recreation in nature (European Monitoring Center for Drugs and Drug Addiction, 2012).

The legal basis for the operation of therapeutic communities in Slovenia was provided by the Act Regulating the Prevention of the Use of Illicit Drugs and the Treatment of Drug Users (Act Regulating the Prevention of the Use of Illicit Drugs and the Treatment of Drug Users, 1999). This Act specifies that social-security services aimed at preventing and eliminating social distress and problems associated with illicit drug use and performed in the framework of the public service include in particular: social prevention, social first aid, personal assistance, and support for families. These services or tasks are mostly carried out by centres for social work; there are 62 such centres in Slovenia. Services are carried out in accordance with the Social Security Act (Social Security Act, 2004) and with norms and standards laid down by the minister responsible for social affairs (European Monitoring Center for Drugs and Drug Addiction, 2012).

Table 2: Treatment programs in Slovenia

PROGRAMME	DURATION	THRESHOLD	AVAILABILITY IN SLOVENIA
Opioid agonist treatment (methadone, buprenorpfine, buprenorphine/naloxon, SR-morphine)	different	low and high	Network of Centers for the Prevention and Treatment of Drug Addiction
Detoxification	up to 6 weeks	low and high	Center for Treatment of Drug Addiction, University Psychiatric Clinic Ljubljana (the only specialized programme); all psychiatric hospitals in Slovenia (mainly for alcohol, basic treatment for drug addiction)
Therapeutic community	months to years	low and high (drug free)	Different types (Projekt Človek, Pelikan Karitas, Žarek, Cenacolo, Reto...)
Narcotics anonymous	months to years	low	yes

Source: The author

In 2013, there were also 23 social rehabilitation programmes available in Slovenia for people with disabilities caused by the abuse of substances (high and low threshold), co-financed by the Ministry of Labor, Family, Social Affairs and Equal Opportunities (National Institute of Public Health, 2014).

Harm reduction refers to policies, programmes and practices that aim to minimise negative health, social and legal impacts, associated with drug use, drug policies and drug laws. It is grounded in justice and human rights. It focuses on positive change and on working with people without judgement, coercion, discrimination, or requiring that they

stop using drugs as a precondition of support. Harm reduction encompasses a range of health and social services and practices that apply to illicit and licit drugs (Harm Reduction International, 2020). Different organizations work in the field of harm reduction with people, who use drugs in Slovenia. There are twelve needle and syringe program (NSP) centres in Slovenia, half of which have a low threshold. Syringes and other injecting equipment are distributed in six NGO-run mobile NSPs across the country that also provide essential healthcare services and referrals. The National Institute of Public Health covers the cost of the sterile injecting supplies that it distributes to NPS centres, while the Ministry of Health, Ministry of Labour, Family, Social Affairs and Equal Opportunities, Foundation for Funding Disability and Humanitarian Organizations and local municipalities provide funding for their running (Eurasian Harm Reduction Association, 2019).

TREATMENT OF DRUG ADDICTION IN PRISON

In Slovenia, medical services in prison are provided by the healthcare services under the authority of the Ministry of Health, such as primary healthcare centres, operating in the areas, where prisons are located. In general, drug treatment in prisons follow the same guidance as that applied to drug treatment in the community, although in combination with the internal guidelines.

Drug treatment is primarily delivered by psychiatrists in healthcare clinics or medical practitioners in Centres for the Prevention and Treatment of Illicit Drug Addiction. Available treatment approaches include OAT, individual and group counselling, and psychosocial support programmes led by qualified professionals working in prisons. Prisoners with dependencies may enrol in low-, medium- and high-threshold programmes. In 2017, almost 60 % of prisoners with drug use problems received OAT. Those in OAT also follow an educational programme and may receive specific benefits, such as spending a weekend at home or being granted annual leave. All inmates have access to free, voluntary and anonymous testing and treatment for hepatitis and human immunodeficiency virus infections. Before the release from prison, prisoners are provided with information on overdose risk, and community treatment centres are contacted to ensure the continuity of care (European Monitoring Center for Drugs and Drug Addiction, 2019).

With the goal of implementing an alternative sanctioning, the Probation Act has been adopted in Slovenia and entered into force on 17 July 2017 (Probation Act, 2017). Probation manages criminal offenders with short-term sentences and supervises their behaviour with the purpose of eliminating the causes that influenced the offenders in committing the criminal offence. It is essential that the person remains in his/her living and working environment. At the same time, the person on probation is limited by the fact that certain obligations must be fulfilled (European Monitoring Center for Drugs and Drug Addiction, 2019).

CONCLUSION

The main focus of Slovenia's drug policy is to ensure a development of comprehensive measures and activities that address and help resolving the problem of illicit drugs in the country. Prevention activities are mainly carried out by the National Institute of Public Health, local health centers, social work centers and NGOs. The reduction of the drug-related harm has been one of the main objectives of several consecutive national strategies on drugs. It is particularly significant to point out that destigmatization is an important part of the overall drug policy. Availability of the treatment is essential because potential patients can remain out of the process, if treatment is not readily accessible.

All individuals who use substances have a free access to harm reduction programs, treatment, social rehabilitation and the integration into society. Addiction treatment programs in prisons are available on the basis of a good clinical practice; also there is an alternative way of sanctioning of those with short-term sentences in the form of probation.

In the last decade, the trend of drug consumption has changed and many new psychoactive substances (NPS) have appeared on the drug market and are in use. Regarding this, Slovenia supports the monitoring of new psychoactive substances and exchange information within the early warning system. Cooperation on this area could be highly important for the Western Balkan countries as well as Slovenia (and through it for the whole EU).

The author is of the opinion that these practices and system as such could provide useful lessons for the countries of the Western Balkans within the implementation of related activities as a part of the adoption of the Acquis Communautaire on their way to the EU membership. Among the most important experiences would be the longterm, systematic and regular monitoring, preventing and daily work with the addicted population. This could bring the most efficient influence on minimizing the level of addiction as well as help to build trust between the addicted persons and their caretakers. Without having trust among all the participants and actors in the process, little progress is achieved.

REFERENCES

- Act regulating the prevention of the use of illicit drugs and the treatment of drug users, 1999. The Official Gazette, No. 98/1999. Addiction center. 2014. Available at: <https://www.addictioncenter.com/addiction/addiction-in-the-eu/> [Accessed 15 June 2021].
- American psychiatric association, 2013. *Diagnostic and statistical manual of mental disorders (5th ed.)*, Washington, DC, Author.
- Brewer, D. D., Catalano, R. F., Haggerty, K., Gainey, R. R. & Fleming, C. B., 1998. A meta-analysis of predictors of continued drug use during and after treatment for opiate addiction. In: *Addiction*, 93, pp.73-92.
- CZOPD, 2006. *Center za zdravljenje odvisnih od prepovedanih drog* [Online]. Available at: <http://www.psih-klinika.si/strokovne-enote/center-za-zdravljenje-odvisnosti-od-prepovedanih-drog/> [Accessed 28 December 2014].
- Dekleva, B., Grund C, J., Nolimal, D. & CVELBAR, R., 1997. *Paradigma zmanjševanja škode kot politika droge*, Društvo za razvijanje preventivnega in prostovoljnega dela.
- Delic, M., 2016. *Factors associated with outcome of inpatient treatment of patients with opioid addiction*. PhD, University of Ljubljana.
- Eurasian harm reduction association. 2019. Available at: <https://harmreductioneurasia.org/countries/slovenia>.
- European Comission. 2021. *European Neighbourhood Policy and Enlargement Negotiations* [Online]. European Comission. Available: https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/conditions-membership/chapters-acquis_en [Accessed 20 August 2021].
- European Monitoring Center for Drugs and Drug Addiction. 2004. Report on the drug situation 2003 of the Republic of Slovenia.
- European Monitoring Center for Drugs and Drug Addiction. 2004. 2004 National report to the EMCDDA by the Reitox National Focal Point
- European Monitoring Center for Drugs and Drug Addiction. 2010. 2010 National report (2009 data) to the EMCDDA by the Reitox National Focal Point.
- European Monitoring Center for Drugs and Drug Addiction, 2012. 2012 National report (2011 data) to the EMCDDA by the Reitox National Focal Point.
- European Monitoring Center for Drugs and Drug Addiction. 2019. Slovenia Country Drug Report.
- European Monitoring Centre for Drugs and Drug Addiction. 2019a. *Drug treatment systems in the Western Balkans* [Online]. Luxembourg: Publications Office of the European Union. Available at: https://www.emcdda.europa.eu/system/files/publications/10368/20186097_TD0618248ENN_PDF.pdf [Accessed 15 June 2021].

- European Monitoring Centre for Drugs and Drug Addiction. 2019b. European Drug Report.
- Gossop, M., 1992. Addiction: treatment and outcome. In: *J R Soc Med*, 85, pp.469-72.
- Gossop, M., Marsden, J., Stewart, D., Rolfe, A., 1999. Treatment retention and 1 year outcomes for residential programmes in England. In: *Drug Alcohol Depend*, 57, pp.89-98.
- Harm reduction international. 2020. *Principles of harm reduction* [Online]. Available: <https://www.hri.global/what-is-harm-reduction> [Accessed 11th August 2021].
- Hočvar, T., Založnik, P., Henigsman, K., Roškar, M., 2020. Reporting about Alcohol in the Media. NIJZ.
- Kastelic, A., Kostnapfel, T., 2005. Ten years of organised drug addiction treatment in the Republic of Slovenia. In: *Zdravstveno varstvo*, 3.
- Kvaternik Jenko, I., 2006. *Politika drog: pogledi uporabnikov in uporabnic*, Ljubljana, Fakulteta za socialno delo.
- Mejak, V., 2010. *Doživljanje materinstva in potrebe po pomoči pri ženskah, odvisnih od prepovedanih drog*. University of Ljubljana.
- Mental health act – ZDZDR No. 77/08 2008. Official Gazette of the Republic of Slovenia [Uradni list RS].
- Nacionalno poročilo 2014 o stanju na področju prepovedanih drog v Republiki Sloveniji. Ljubljana: National institute of public health.
- Report on the drug situation 2017 of the Republic of Slovenia, Ljubljana: National institute of public health.
- NIDA. 2012. *Principles of Drug Addiction Treatment: A Research-Based Guide (Third Edition)* [Online]. Available: <http://www.drugabuse.gov/publications/principles-drug-addiction-treatment-research-based-guide-third-edition/drug-addiction-treatment-in-united-states/types-treatment-programs> [Accessed 6th September 2015].
- Patients' rights act – ZPACP, Official Gazette of the Republic of Slovenia [Uradni list RS].No. 15/08.
- Probation act 2017. The Official Gazette of the Republic of Slovenia [Uradni list RS], No. 27/17.
- Social security act 2004. The Official Gazette of the Republic of Slovenia [Uradni list RS], No. 36/04.
- Socialni forum za zasvojenosti 1995. Projekt za človeka v Sloveniji. Posvetovanje o problematiki metadona. In: *Zbornik izbranih poglavij*. Ljubljana: Ministrstvo za zdravstvo.
- Stark, M. J., 1992. Dropping out of substance abuse treatment: a clinically oriented review. Clinical Psycholog. *Clinical Psychology Review*, 12, pp.93-116.

- Substance abuse and mental health services administration (US). 2018. *Medications for Opioid Use Disorder: For Healthcare and Addiction Professionals, Policymakers, Patients, and Families [Internet]. Treatment Improvement Protocol (TIP) Series, No. 63.] Part 1, Introduction to Medications for Opioid Use Disorder Treatment [Online]*. Rockville (MD). Available: <https://www.ncbi.nlm.nih.gov/sites/books/NBK535270> [Accessed 19 June 2021].
- Teesson, M., Ross, J., Darke, S., Lynskey, M., Ali, R., Ritter, A. & Cooke, R., 2006. One year outcomes for heroin dependence: findings from the Australian Treatment Outcome Study (ATOS). In: *Drug Alcohol Depend*, 83, pp.174-80.
- Torrens, M., Mestre-Pintó, J. I., Montanari, L., Vicente, J. & Domingo-Salvany, A., 2017. Dual diagnosis: an European perspective. In: *Adicciones*, 29, pp.3-5.
- Toš, N., Malnar, B., Hafner Fink, M., Uhan, S., Štebe, J., Kurdija, S., Švarc, S. & Kecman, I., 1999. Opinions on health and healthcare III. Slovene Public Opinion 1999/2; International survey on the quality of life. Ljubljana: University of Ljubljana, Faculty of Social Sciences.
- Toš, N., Mlinar, Z., Makarovic, J., Gantar, P., Kos, D., Hafner-Fink, M., Štebe, J., Švarc, S., Malnar, B., Uhan, S., Kurdija, S. & B., K., 1994. Slovene Public Opinion 1994/1: Development values and space and opinions on health and healthcare Ljubljana. Ljubljana: University of Ljubljana, Faculty of Social Sciences.
- World Health Organization. 1992. *International statistical classification of diseases and related health problems, 10th revision* [Online]. Geneva, DC: World Health Association. Available at: http://www.who.int/classifications/icd/ICD10Volume2_en_2010.pdf?ua=1 [Accessed May 10 2011].
- World Health Organization. 2018. Available at: [https://www.who.int/news-room/detail/18-06-2018-who-releases-new-international-classification-of-diseases-\(icd-11\)](https://www.who.int/news-room/detail/18-06-2018-who-releases-new-international-classification-of-diseases-(icd-11)).

The Non-Aligned Movement and Serbian Foreign Policy

Duško Dimitrijević¹

ABSTRACT

The Non-Aligned Movement (NAM) today consists of 120 countries, which are almost two thirds of the total number of members of the United Nations. Its historical role in international relations is not insignificant, since the NAM has significantly contributed to ending the process of decolonization, reducing the political division of the world, strengthening solidarity among developing countries as well as achieving a more just world order. In the changed geopolitical circumstances that lead to the multipolarization of international political relations and the globalization of the world economy, the role of the NAM has become increasingly important. Its activities through the development of multilateral cooperation should eliminate various types of threats and risks to peace and security. Given that the NAM's attractiveness stems from its historical continuity and commitment to the establishment of a peaceful and democratic world order, as well as its political flexibility to adjust in the opposing relations of great powers and other important international actors, Serbia as the successor of the Yugoslav neutral foreign policy tradition, seeks to intensify cooperation with NAM countries, in order to strengthen its position in contemporary international relations.

KEYWORDS: The Non-Aligned Movement, Serbia, Serbian foreign policy, principles and goals

POVZETEK

Gibanje neuvrščenih (NAM) danes sestavlja 120 držav, kar predstavlja skoraj dve tretjini celotnega števila članic Združenih narodov. Zgodovinska vloga gibanja v mednarodnih odnosih ni zanemarljiva, saj je NAM pomembno prispeval h končanju procesa dekolonizacije, h zmanjševanju politične delitve sveta, h krepitvi solidarnosti med državami v razvoju ter h doseganju pravičnejše svetovne ureditve. V spremenjenih geopolitičnih okoliščinah, ki vodijo v multipolarizacijo mednarodnih političnih odnosov in globalizacijo svetovnega gospodarstva, postaja vloga NAM vse pomembnejša. Z razvojem večtranskega sodelovanja naj bi dejavnosti NAM odpravile različne vrste groženj in tveganj za mir in varnost. Glede na to, da privlačnost gibanja izhaja iz njegove zgodovinske kontinuitete in zavezanosti k vzpostaviti miroljubne in demokratične svetovne ureditve ter njegove politične fleksibilnosti za prilagajanje v nasprotujočih si odnosih velikih sil in drugih pomembnih mednarodnih akterjev, si Srbija kot naslednica jugoslovenske nevtralne zunanjopolitične tradicije prizadeva intenzivirati sodelovanje z državami NAM, da bi okreplila svoj položaj v sodobnih mednarodnih odnosih.

KLJUČNE BESEDE: gibanje neuvrščenih, Srbija, srbska zunanjopolitična tradicija, načela in cilji

¹ ABOUT THE AUTHOR: Duško Dimitrijević, PhD, Professorial Fellow at the Institute of International Politics and Economics in Belgrade. Email: dimitrijevicd@diplomacy.bg.ac.rs

INTRODUCTION

In the modern period of development of international relations, the international community is going through extreme uncertainties and dangers of re-regrouping and military-political polarization, which increases the negative effects on a number of aspects of interstate relations. The hotbeds of the crisis are deepening again, and new ones are emerging, just as they were during the Cold War between the two military-political blocs of the West and the East. Internal turmoil with uncertain outcomes is intensifying, and the increased tension between the United States and its allies on the one hand and Russia and China and their allies on the other does not contribute to a positive and balanced constellation of international relations, but rather to its imbalance and destabilization. The lack of unity in solving crucial economic problems in the relations between the countries of the North and the South also does not contribute to general development, but to social stagnation, poverty and decline. This situation presented the international community with a slew of additional problems, including environmental, health and cultural issues, which, combined with the negative consequences of revolutionary technical and technological changes, leave the world without perspective, i.e. without concrete answers and achievable and sustainable solutions. In the changed geopolitical circumstances and with the abundance of contradictory economic tendencies leading to the globalization of the world economy and the multipolarization of international political relations, the preservation of international peace and security remains the most important “objective necessity” of further progress and prosperity of all mankind.

The NAM in this sense is once again becoming an important factor in the international community's efforts to build a fairer and more democratic international order (Bojetić, 2019, p. 31; Tadić, 1976, p. 142).² Created as an antithesis to the politics of power and bloc division of the world, the NAM in modern international conditions independently or within the United Nations system, actively participates in solving general issues of human progress related to solving crucial economic and social problems such as poverty, pandemics, natural disasters, environmental pollution, nuclear disarmament, migration, terrorism, interna-

² The aspirations of the NAM for the transformation of the international order have their roots in the so-called *Ten principles of Bandung*, which were proclaimed in the final Communiqué at the Conference of Asian-African Countries in 1955.

tional crime and interstate and internal conflicts. As one of the progressive and democratic political forces that are ready to fight together with other political forces in solving these problems, the NAM is also deeply engaged in affirming the protection of fundamental human rights and freedoms generally associated with respect for human dignity, equality, solidarity, tolerance and social justice (Dimitrijević, 2021).

Although due to inherited relations in the world, embodied in irreconcilable aspirations of developed and underdeveloped countries and uncoordinated interests of great powers, the NAM in the meantime moved away from its original ideas, this does not mean that the NAM did not remain committed to its original goals and principles of peaceful coexistence that generally derive from the principles and goals of the United Nations. The core of his philosophy remained permanent, and the principles that form the basis of his political doctrine remained unchanged. In the new conditions, the idea has matured that the fulfillment of the goals and principles of the NAM can be achieved exclusively through the collective strategy of all its member states. Since the 120 member states of the NAM make up almost two-thirds of the United Nations membership, it is clear that this strategy can be implemented not only by anticipating the new ideological paradigm of multilateral international relations but also by rationalizing the use of existing United Nations institutions in the realization of common goals and principles.

A wide range of global and regional problems and issues that the NAM has faced over the past decades, and which were discussed at eighteen conferences of Heads of State or Government: in Belgrade (Yugoslavia) – 1961; in Cairo (Egypt) – 1964; in Lusaka (Zambia) – 1970; in Algeria (Algeria) – 1973; in Colombo (Sri Lanka) – 1976; in Havana (Cuba) – 1979; in New Delhi (India) – 1983; in Harare (Zimbabwe) – 1986; in Belgrade (Yugoslavia) – 1989; in Jakarta (Indonesia) – 1992; in Cartagena (Colombia) – 1995; in Durban (South Africa) – 1998; in Kuala Lumpur (Malaysia) – 2003; in Havana (Cuba) – 2006; in Sharm el-Sheikh (Egypt) – 2009; in Tehran (Iran) – 2012; in Porlamar (Venezuela) – 2016 and in Baku (Azerbaijan) – 2019, they speak in favor of its reaffirmation and reactivation in the system of contemporary international relations.

In the current constellation of international relations, the NAM seems to be gaining in importance as a balanced and reliable partner whose

activities in the political, social, economic and cultural spheres can contribute to a more equal division of roles in the growing multipolar world order (Jevtić, 1976, p.46). This is evidenced by numerous multilateral actions within the institutions of the United Nations and regional international organizations, through which the NAM states seek to promote joint responsibility for fulfilling international obligations contained in important international legal and political documents such as the UN Millennium Declaration of September 2000, then such as acts of the World Summit for Social Development held in Copenhagen in 1995, of the World Summit on Sustainable Development held in 2002, of the World Summit Outcome in 2005, of the 2010 High Level Plenary Meeting on Millennium Development Goals, of the Rio + 20 Conference on Sustainable Development held in 2012, of the Third UN World Conference on Disaster Risk Reduction held in Sendai in 2015, then the Resolution 70/1 of UN General Assembly of 25 September 2015, entitled "Transforming our World: the 2030 Agenda for Sustainable Development", the Action Agenda adopted in Addis Ababa on the occasion of the Third International Conference on Financing for Development held in 2015, the Paris Agreement adopted within the UN Framework Convention on Climate Change in 2015, the New Urban Agenda - Habitat III, adopted in Ecuador in 2016 at the UN Conference on Housing and Sustainable Urban Development and acts of the High-Level UN Conference on South-South Cooperation held in Buenos Aires 2019 (Final document, 2019, pp.36, etc).

In the mentioned multilateral actions and activities, in addition to full-fledged member states, states and international organizations that have observer status in the NAM often participate (currently there are 17 states and 10 international organizations). Among the observer states is Serbia, which has a strategic interest in improving its foreign policy position in more intensive cooperation with the NAM. Namely, Serbia, as the legal successor of Yugoslavia, which was one of the key protagonists of non-aligned politics, strives to contribute to the promotion of the NAM and its progressive ideas and goals in order to build fairer and more democratic international relations. In that regard, at the beginning of 2021, Serbia launched an initiative to mark the 60th anniversary of the First NAM Conference in Belgrade.

Using traditional ways of diplomatic cooperation with non-aligned countries, in early October 2021, Serbia organized this important gathering at a high political level. In addition to the fact that this Confer-

ence contributed to the improvement of mutual relations with non-aligned countries, it also pointed out the somewhat changed foreign policy orientation of Serbia. Namely, at this Conference, Serbia unequivocally expressed its desire to further strengthen mutual cooperation and interdependence with the “Third World” countries of Asia, Africa and Latin America, which would be based on solidarity, equality and mutual respect, which would enable its more optimal positioning in the existing international relations. This *per se*, would not exclude its previously declared foreign policy priorities and goals concerning European and wider international integration processes.

A BRIEF OVERVIEW OF THE ROLE OF NAM IN CONTEMPORARY INTERNATIONAL RELATIONS

As it is known, at the very beginning, non-alignment represented the foreign policy orientation of certain non-aligned countries in South and Southeast Asia, the Middle East and Africa. On the European continent, Yugoslavia was the leading socialist state that accepted and developed a policy of non-alignment. The non-alignment policy manifested not only opposition to the world's bloc division, but also the aspiration of former colonial and enslaved peoples to achieve full emancipation and independence, which was to ensure free development according to their own choice without retaining any form of dependence on superpowers, that is, the centers of military, political and economic power. The emancipation of the people, which took place in the conditions of the Cold War and the bipolar international community, took place in parallel with the processes of decolonization and building a new system of international relations.

For the NAM at that time, the United Nations was the mainstay and instrument through which the NAM could fulfill its role in creating and transforming a new international order. Acting through the United Nations system, in the given circumstances of the Cold War (but also in the post-Cold War period), the NAM learned a lot about the realization of unique goals concerning the preservation of peace and security in the world and the promotion of friendly relations and international cooperation. Membership in the United Nations prevented the isolation of non-aligned countries and developed their cohesion on the basis of their own political orientation, which arose from the principles of active peaceful coexistence of formally sovereignly equal states and peoples (Bartoš, 1955, pp.17-19; Mates, 1974; Petković, 1974).

From the moment when the goals and methods of non-aligned politics were clearly profiled at the First Conference of NAM held in Belgrade in September 1961, through a kind of neutrality based not on abstinence or distancing from active participation in international relations, but *vice versa*, active participation in international relations both in times of peace and in times of war, the demands of the non-aligned countries for a positive transformation of the world developed and spread in parallel with the development of the NAM whose formal institutionalization began in the early 1970s, to last and develop to this day.

The evolution of the NAM in the last sixty years, despite occasional crises (the so-called *crisis of continuity and authority*), but also the rise (the so-called *golden age of non-alignment*), indicates that the NAM had a real role in creating and building a new and fairer international order (Bogetic, 2019). In this sense, the influence of ideas and doctrines of non-alignment in the domain of international politics demonstrates the progressive power of the NAM, which assimilated universal values such as striving for independence, equality and self-determination of peoples, then preserving the sovereignty and territorial integrity of newly independent states in their struggle against imperialism and neocolonialism, that is, against all kinds of aggression, occupation, racism, domination and torture.

In terms of the development and transformation of international economic relations, the strategic orientation of the NAM was and remains a struggle to bridge the growing tendency for “the rich to become richer and the poor to become poorer”. In this regard, closing the gap between the industrialized North and the underdeveloped South was the leading paradigm in the conception and implementation of the strategy of the New International Economic Order (NIEO), which under the auspices of the United Nations led to the adoption of the Charter of Economic Rights and Duties. This international legal act, along with other subsequent reform acts adopted at the international level on the initiative or with the active participation of the NAM, enabled a more successful and non-discriminatory integration of the non-aligned countries into the international division of labor and world economic flows. The NAM was thus recognized at the universal international level, which was the impetus for its further work on the development and restructuring of international economic relations between developed and developing countries (North-South), and within developing and

less developed countries gathered within the South-South platform and the Group of 77 (which, in addition to the NAM member states, eventually included a number of transition countries from Eastern Europe, as well as other countries from profiled sub regional groups).

As a result of these processes in the international community, the NAM has gradually become an indispensable instrument of international economic cooperation that articulates the needs and demands of "Third World" countries that strive to strengthen their economic independence and achieve full economic freedom. Hence, today, besides the United Nations, the NAM remains the only cohesive political and economic factor of underdeveloped countries called to increase the efficiency of its external action as well as the effectiveness of its internal functioning in achieving world peace and solving the world's most important economic, social and humanitarian problems (Milinković, 1996).

As a legitimate representative of developing countries, the NAM today has the historic task of actively contributing to the reaffirmation and strengthening of democracy and the rule of law as a precondition for achieving human progress and addressing key international issues in the political, economic and social spheres such as sustainable development and poverty eradication, prevention of pandemics, natural disasters, environmental pollution, climate changes, illegal migrations, proliferation of weapons of mass destruction, nuclear disarmament, fight against terrorism and international crime and finally, general prevention of human rights and fundamental freedoms.

Having in mind the changes that have taken place in international relations since the end of the 20th century, it is clear that for the consistent realization of such a task, the reform of the United Nations is first necessary, but also the reshaping of the NAM itself (Strydom, 2007; Keethaponcalan, 2016). The reaffirmation and reactivation of the NAM, therefore, presupposes a structural and functional reorganization of the world organization as well as its comparative institutional transformation that would be more concentrated on current international conditions that require preserving international peace and security and promoting economic and social development (Dimitrijević, 2021). In that sense, the new political reality does not deny the role and place of the NAM in the current constellation of international relations, since the NAM in general has not lost its determination to deal

with the above mentioned international issues, despite all the turbulence that has befallen the international community since the end of the Cold War to this day.

DEVELOPMENT OF SERBIA'S RELATIONS WITH THE NAM

After the political changes in 2000, Serbia (then part of the FRY) was unwilling to raise the issue of renewed membership in the NAM. This, as is well known, was preceded by the disintegration of the Socialist Federal Republic of Yugoslavia (SFRY), during which non-aligned countries took different positions, in principle advocating that the Yugoslav dispute should be resolved through diplomacy and peaceful means. However, unfavorable political circumstances in the international community, and thus within the NAM, prevailed, because at the Conference of Heads of State or Government of the NAM in Jakarta in 1992, non-aligned states had divided opinions on the role of the FRY in the Yugoslav crisis. On the one hand, Islamic states blamed the FRY for the ongoing crisis (especially in Bosnia and Herzegovina); while on the other hand, African and Latin American countries supported the FRY's position regarding the disintegration of the SFRY. The question of the legitimacy of the FRY's further participation in the NAM was therefore an open political question.

Divided opinions arose from differing views on the qualification of the Yugoslav conflicts. Following the Jakarta Conference, two meetings of the Coordination Bureau were held in New York. At the first meeting, on September 30, 1992, the status of the FRY in the NAM was discussed. Due to conflicting opinions, no consensus was reached at the Coordination Bureau meeting on the status of Yugoslavia. A transitional and compromise solution was adopted to postpone the talks on the FRY without setting firm deadlines. At the initiative of the Minister of Foreign Affairs of Indonesia, the country that chaired the NAM at the time, a "gentlemen's agreement" was reached on the status of the Yugoslav delegation. In this way, the FRY tacitly accepted the suspension of its membership status in the NAM, until its international legal status in the United Nations and in the wider international community was clarified. Beginning in September 1992, the FRY was *de facto* denied the right to participate in the work of the NAM, although it was not formally excluded from its membership (according to the "empty chair" principle previously adopted in the case of Kampuchea) (Damián Lakićević, 2009, p.500).

From that period until today, Serbia's foreign policy attitude towards the NAM has significantly improved. Namely, although in the 1990s it was believed in Serbia that the NAM lost its importance in the post-Cold War period, time has confirmed that the former Yugoslavia's ties with the NAM remained very important for the foreign policy positioning of its successor states, especially for Serbia which, even in the most difficult moments of the Yugoslav crisis, remained faithful to the basic principles and goals of the NAM, and its constructive ways of cooperation between non-aligned states and "Third World" countries.

In the late 1990s, some Serbian political parties (mostly those of left-wing political orientation), renewed ties with the non-aligned, and after 2000, this progress was pushed aside by the then political belief that full membership in the European Union more significant than its earlier connections with NAM (Svilanović, 2001). For that reason, the FRY asked South Africa (which chaired the NAM at the time) to be granted observer status within this international political forum. Following the regulation of the FRY's membership in the United Nations, at the meeting of the NAM Coordination Bureau on 25 September 2001, the FRY's request for observer status in the NAM was accepted. This status was verified at the Ministerial Conference in November 2001 in New York.

Serbia's new positioning in the NAM and some progress in relations with non-aligned countries took place on the NAM Ministerial Conference held in Tehran in 2008. Namely, at that Conference, Serbia asked for the support of non-aligned countries in the UN General Assembly in order to address the International Court of Justice for an opinion on the legality of the unilaterally declared secession of the Kosovo and Metohija (KiM). The strengthening of mutual ties and the renewal of traditionally good relations between Serbia and non-aligned countries came to the fore on that occasion, which did not diminish Serbia's foreign policy orientation to join the European Union (Jeremić, 2009).

It is very interesting that in that same period, Serbia presented its foreign policy priorities to the world. Thus, in the statements of Serbian officials, four pillars were mentioned as Serbia's foreign policy priorities: cooperation with the European Union, the United States, Russia and China (Isac Fond, 2013, p.17). Although nowhere was the possibility of renewing the membership in the NAM officially mentioned, in essence, it was implied that the renewal of cooperation with non-

aligned countries would contribute to the strengthening of relations with these four international factors.

Namely, it was considered that the revival of that cooperation is not incompatible with Serbia's aspirations to join the European Union and to build constructive relations with the great powers (USA, Russia and China). According to the Serbian political elite, strengthening cooperation with the NAM could therefore be in the function of the foreign policy positioning occupied by the European Union itself through individual agreements with "Third World" countries (which includes cooperation of the great powers and international factors with these countries). This is indicated by the organization of a ministerial Conference in Belgrade in 2009, on the occasion of the 50th anniversary of the NAM, when the FRY, under the presidency of Egypt, managed to revive political cooperation with non-aligned countries (Beta, 2009). This political event confirmed that the revival of cooperation with non-aligned countries is not only for Serbia's economic interest, but also a significant political factor, the so-called a "reservoir" of votes in international organizations and forums (primarily in the United Nations and its agencies) that leads to its better international positioning, as well as a return to the international political scene (Đukanović, 2011, pp.36-47).

This foreign policy orientation was obviously imbued with a voluntaristic assessment of overall international relations, as well as an opportunistic attitude according to which the NAM as a significant international actor works not only for its own benefit, but also in the general interest as a responsible player and connecting factor in solving the most important international problems. Since the NAM takes into account not only the personal interests and needs of the current generation of the world's population, but also the interests of other countries and the needs of future generations, cooperation with it could represent the realization of Serbian foreign policy goals and priorities. This is all the more so because Serbia represents the international legal successor of the former Yugoslavia, which was one of the leading founders and members of the NAM. In the current international circumstances, Serbia needs to insist on consistent adherence to the principles of active peaceful coexistence confirmed in international political practice, *inter alia*, by respecting the principles contained in the United Nations Charter, such as the prohibition of the use of force or the threat of force against sovereignty, territorial integrity and polit-

ical independence of states, prohibition of intervention in the internal affairs of other states, prohibition of exerting pressure on other states, then by accepting obligations to respect fundamental human rights, equality and the right of peoples to self-determination, resolving international disputes peacefully, promoting international cooperation and consistent fulfillment of all international obligations.

Following the mentioned foreign policy direction, Serbia, which is dominated by the “right-left” government (coalition of the Serbian Progressive Party and the Socialist Party of Serbia), wholeheartedly tries to use its foreign policy heritage to protect its vital interests and reaffirm its reputation in the international community. In defining its strategic orientation, Serbia has remained limited by one important shortcoming, and that is a clear foreign policy strategy which cannot be replaced with more or less formal statements by officials or with the solutions adopted in its national security, defense and EU accession strategies (Evropski pokret u Srbiji, 2011).

PRIORITIES OF SERBIAN FOREIGN POLICY IN COOPERATION WITH THE NAM

Although the Law on Foreign Affairs of the Republic of Serbia stipulates that the Ministry of Foreign Affairs “proposes to the Government a strategy for the development of foreign affairs and other measures shaping the Government’s foreign policy”, and that the Minister of Foreign Affairs forms advisory bodies to formulate foreign policy proposals, such a legal possibility not realized in practice. Namely, Serbia has consciously postponed the definition of its foreign policy priorities in accordance with the stated regulations, indirectly relying on voluntaristic statements of its political officials, more or less formal statements of the Government and the Ministry of Foreign Affairs, as well as parliamentary resolutions.

Thus, for example, it can be interpreted that the basic foreign policy priorities derive from the Resolution of the National Assembly on the Protection of Sovereignty, Territorial Integrity and the Constitutional Order of the Republic of Serbia. Then, that the foreign policy priorities derive from the interpretation of the official statements of the Government of the Republic of Serbia which support the basic principles of international law and the implementation of the assumed international obligations. Also, these priorities can be derived from the Decision declaring the Republic of Serbia a military neutral state. Referring to

this Decision, the Government of the Republic of Serbia has repeatedly stated that it wants to build good relations with all countries in the world, including non-aligned countries. It is also interesting that the statement of the current President of Serbia states that “the Government of the Republic of Serbia continues to pursue an active, clearly profiled and designed foreign policy, which contributes to a better positioning of the Republic of Serbia at the regional, European and wider international level” (Vučić, 2016).

It seems interesting that the State Secretary in the Ministry of Foreign Affairs of the Republic of Serbia, Nemanja Starović, almost pointed out one such approach, specifying that it would be the most optimal solution in the current circumstances. He explained that Serbia remained committed to the basic principles on which NAM is based, such as peaceful cooperation and sovereign equality. According to him, these principles have “permanent, timeless value, but also special significance in today’s world when the great powers are increasingly inclined to unilateral action, to which the only real answer is multilateralism”. (Euronews Serbia, 2021).

In the elaboration of foreign policy priorities, the current Minister of Foreign Affairs of Serbia, Nikola Selaković, went a little further. He said in a statement on the occasion of the ministerial conference: “The NAM has been with us throughout his history a beacon of freedom and that today, in a time of serious global challenges, the NAM has the opportunity to reaffirm its libertarian traditions and advocate for a world of equals. Serbia, as a military neutral and politically independent state, will give its most sincere contribution to such goals”. Referring to the current threat of a Covid-19 pandemic, which he said had clearly shown that inequality, lack of solidarity and empathy in the world had become very apparent in the harshest way, the minister added: “We hope that by strengthening mutual ties and cooperation, as a group of states and peoples that share the same values and interests, we will strengthen our common capacity to face the challenges of tomorrow”. Considering that these challenges are already ahead of us (as he himself was convinced during his “vaccination diplomatic mission” in Africa and the Middle East), the Minister emphasized “that international law should be a pillar of the world’s political and security architecture” and that “many members of the NAM are aware that it is by insisting on international law that they are working in their favor and in favor of preserving regional and global stability” (Beta, 2021).

CONCLUSION

The issue of the role and place of the NAM in modern international relations is not questioned. The merits of the NAM in reducing the military-political division of the world, strengthening solidarity among developing countries (South-South cooperation), as well as in conducting a North-South dialogue, in order to achieve a fairer international economic order, continue and deepen to this day.

From the historical experience so far, it is clear that the United Nations encouraged the emergence and development of the NAM. The United Nations was a universal political forum in which non-aligned states could develop their activities and pursue their interests together with the interests of the international community as a whole. The world organization provided opportunities in which the policy of non-alignment is affirmed and through which the bloc pressures of the East and the West can be resisted. The United Nations played a decisive role because it enabled the rapprochement of the NAM states, which in the process of decolonization gained independence and freedom from the yoke of the former colonial powers.

The active participation of the NAM in the activities of the United Nations and its agencies has grown over time with the increasing number of the non-aligned countries in the membership of the world organization. Today, the NAM consists of 120 countries, which is two thirds of the total number of members of the United Nations. With an impressive and numerically superior voting power, the NAM has practically influenced the course of contemporary international relations inside and outside the United Nations system. In this way, the United Nations has become the NAM significant stronghold, an irreplaceable system for achieving its goals and principles, and an important instrument for justifying its real strength in international relations. Therefore, it should come as no surprise that Serbia is interested in deepening co-operation with the NAM, since in that way it can optimize its foreign policy position and harmonize its foreign policy priorities with the goals of the wider international community.

In general, cooperation with the NAM can lead to the expansion of opportunities for Serbia's proactive action in achieving its own vital interests. However, such situation presupposes a clearer definition of foreign policy priorities through the foreign policy strategy, which

Serbia should adopt in the near future. With its foreign policy strategy, Serbia would be able to clearly define its political, economic, social and cultural goals in cooperation with the NAM countries and the countries of the “Third World”. The strategy would also enable it to achieve an adequate political climate at the domestic level, which is an important precondition for the institutionalization of bilateral relations with all important non-aligned countries.

At the multilateral level, Serbia also can use United Nations mechanisms, as well as regional international organizations and forums (e.g. the African Union, the Organization of Islamic Cooperation, the Arab League, the Association of Southeast Asian Nations, etc.). Strengthening cooperation with non-aligned countries would contribute to the improvement of Serbia’s international position, which would be very important in the negotiation process on regulating the status of KiM. In this regard, Serbia can use the good experiences of Yugoslavia, which once faced serious political problems, especially when it came into conflict with the USSR and the Eastern Bloc, and when its ties with the non-aligned allowed it to get out of the international blockade and to regain its reputation on the international political scene.

Serbia can use the foreign policy tradition of Yugoslav cooperation with non-aligned countries in an optimal way in the process of European integration. Namely, Serbia can use the good political and economic ties previously established with the “Third World” in strengthening its relations with the members of the European Union and other countries in the Western Balkans. Such an approach in no way deviates from Serbia’s foreign policy commitment to future membership in the European Union. Moreover, such an approach can be of mutual benefit in the process of harmonizing foreign policy positions with the European Union (Politika, 2021).

Finally, Serbia’s cooperation with the NAM can open new avenues of global cooperation, by which the NAM member states can get closer to developed countries of the world, including member states of the European Union (Damjan Lakićević, 2003, p.169, Đukanović, Lađevac, 2009, p.358).

REFERENCES

- Bartoš, M., 1955. Povelja OUN i dužnost aktivne koegzistencije,
In: *Međunarodna politika*, pp. 126-128.
- Beta, 2009. Jubilej nesvrstanih u Beogradu. Beograd, 16. Julij 2009.
- Beta, 2021. Selaković: Pokret nesvrstanih danas ima priliku da reafirmiše svoje slobodarske tradicije. Beograd, 13. Julij 2021.
- Bogetić, D., 2019. *Nesvrstanost kroz istoriju*. Beograd: Zavod za udžbenike.
- Damian Lakićević, A. 2003. Globalizacija i zemlje u razvoju, *Ekonomski teme*, Vol. XLI, No. 2 pp.169, etc.
- Damian Lakićević, A., 2009. Izgledi za obnavljanje saradnje Srbije sa Pokretom nesvrstanosti, In: *Međunarodni problemi*, no. 4, pp.500, etc.
- Dimitrijević, D., 2021a. The Non Aligned Movement – Sixty Years Since The Belgrade Summit (Foreword), In: Duško Dimitrijević, Jovan Čavočki (eds), *The 60th Anniversary of the Non-Aligned Movement*, Belgrade: Institute of International Politics and Economics, pp.13-22.
- Dimitrijević, D., 2021b. The Non Aligned Movement and Reform Tendencies in the United Nations, In: Duško Dimitrijević, Jovan Čavočki (eds), *The 60th Anniversary of the Non-Aligned Movement*, Belgrade: Institute of International Politics and Economics, pp.429-462.
- Đukanović, D., Lađevac, I., 2009. Prioriteti spoljnopoličke strategije Republike Srbije. In: *Međunarodni problemi*, No. 3. pp.343-364.
- Đukanović, D., 2011. The Position of the Non-aligned Movement in the Current Foreign Policy of the Republic of Serbia. In: *The Review of International Affairs*, Vol. LXII, No. 1142, pp.36-47.
- Euronews Serbia. 2021. Beograd i Pokret nesvrstanih 60 godina kasnije:
Kakvi su odnosi Srbije i članica pokreta danas? Beograd.
Available at: <https://www.euronews.rs/srbija/politika/15424/beograd-i-pokret-nesvrstanih-60-godina-kasnije-kakvi-su-odnosi-srbije-i-clanica-pokreta-danas/vest>. [Accessed 28 September 2021].
- Evropski pokret u Srbiji, 2011. *Spoljna politika Srbije, strategije i dokumenta*, Beograd: Evropski pokret u Srbiji.
- Final document. 2019. 18th Summit of Heads of State and Government of the Non-Aligned Movement. Baku, the Republic of Azerbaijan, 25-26 October 2019,
Available at: https://www.unidir.org/sites/default/files/2020-10/2019_NAM%20Summit%20final%20doc.pdf [Accessed 28 September 2021].
- Isac Fond. 2013. *Od četiri stuba spoljne politike do evroskih integracija - postoji li volja za strateško usmerenje spoljne politike Srbije?* Beograd: Isac Fond.

Jeremić, V., 2009. Remarks to the 20th Anniversary Conference Celebrating the Ninth Summit of the Non-Aligned Movement. *History and Legacy for the Peaceful World.*
Mr Vuk Jeremić, Minister of Foreign Affairs of the Republic of Serbia,
Belgrade, 7 September.

Jevtić, B., 1976. *Međunarodna uloga nesvrstanosti – novi politički i ekonomski odnosi u svetu,* Beograd: Rad.

Keethaponcalan, S. I., 2016. Reshaping the Non-Aligned Movement: Challenges and Vision.
Bandung Journal of Global South.

Mates, L., 1974. *Koegzistencija.* Zagreb: Školska knjiga.

Milinković, B., 1996. *Nesvrstanost u poshlagdoratovskoj eri,* Beograd: Međunarodna politika, Službeni list, Pravni fakultet, Fakultet političkih nauka, Institut ekonomskih nauka, Institut za međunarodnu politiku i privredu.

Ministry of Foreign Affairs, Republic of Serbia. 2021. The Non-alignment Movement, Available at:<https://www.mfa.gov.rs/spoljna-politika/srbija-u-medjunarodnim-organizacijama/pokret-nesvrstanih-zemalja>. [Accessed 28 Sepbember 2021].

Petković, R., 1974. *Teorijski pojmovi nesvrstanosti.* Beograd: Rad.

Politika. 2021. Nesvrstani se na jesen vraćaju u Beograd. Beograd, 03.05.2021.

Strydom, Hennie. 2007. The Non-Aligned Movement and the Reform of International Relations. In: *Max Planck Yearbook of United Nations Law*, Vol. 11, No.1, pp.1-46.

Svilanović, G., 2001. Ekspoze saveznog ministra za inostrane poslove Gorana Svilanovića u Saveznoj skupštini Savezne Republike Jugoslavije. Beograd, 24. oktobar.
Available at: http://www.mfa.gov.yu/Srpski/spopol/Ministar/Govori/241001_s.html. [Accessed 1 October 2010].

Tadić, B., 1982. *Nesvrstanost i dileme nesvrstanosti.* Beograd: Izdavački centar Komunist.

Vučić, A., 2016. Ten-point Exposition: Proud and self-confident in front of the world - Serbia on the road to the EU - Serbia that preserves and protects its independence and Serbia that nurtures good and traditional relations with sincere friends in the world. Assembly of the Republic of Serbia.

Washington Agreement is (not) an Internationally Binding Bilateral Treaty

Ismet Hajdari¹

ABSTRACT

In September 2020, the former U.S. administration under President Donald Trump organized a signing ceremony in the White House between Kosovo and Serbia. The parties signed respective documents, committing themselves to economic normalization. Colloquially referred to as the "Washington Agreement," the signed documents were presented as a breakthrough in reconciliation between former wartime foes. However, the true nature of the Washington Agreement (W.A.) remains disputed to this day. This study examines the accurate nature of this agreement, including its legal weight and contractual ramifications. This will be achieved by analyzing the W.A.'s core, legal nature, the status of the U.S. concerning the Agreement, and the lack of credibility-enhancing devices in the W.A. a detailed assessment will be made using qualitative research methods that are expected to lead to the conclusion that the W.A. is not a bilateral agreement that is legally binding for the signatories. Rather, it is more a letter of intent and manifestation of goodwill by Kosovo and Serbia, respectively.

KEYWORDS: U.S., Kosovo, Serbia, Washington Agreement

POVZETEK

Septembra 2020 je nekdanja ameriška administracija pod predsednikom Donaldom Trumpom organizirala slavnostni podpis v Beli hiši med Kosovom in Srbijo. Strani sta podpisali ustrezne dokumente, s katerimi sta se zavezali k gospodarski normalizaciji. Podpisani dokumenti, pogovorno imenovani „Washingtonski sporazum“, so bili predstavljeni kot preboj v spravi med nekdanjimi vojnimi sovražniki. Vendar je resnična narava Washingtonskega sporazuma (W.A.) še danes sporna. Ta študija preučuje natančno naravo tega sporazuma, vključno z njegovo pravno težo in pogodbenimi posledicami in sicer z analizo bistva, pravne narave W.A., statusa ZDA v zvezi s sporazumom in pomanjkanja mehanizmov za povečanje verodostojnosti v W.A.. V tem obsegu bo opravljena podrobna ocena z uporabo kvalitativne raziskovalne metode, ki naj bi pripeljala do zaključka, da W.A. ni dvostranski sporazum, ki je pravno zavezajoč za podpisnike z vidika mednarodnega prava; bolj je pismo o nameri oziroma izkaz dobre volje s strani Kosova oziroma Srbije, kar po mednarodnem pravu ne pomeni zavezajočega sporazuma.

KLJUČNE BESEDE: ZDA, Kosovo, Srbija, Washingtonski sporazum

¹ ABOUT THE AUTHOR: Ismet Hajdari is a journalist and academic researcher. Earned his PhD in political sciences at the South East European University - SEEU (North Macedonia). Lectures at the International Business College - IBCM (Kosovo). Email: i.hajdari@ibcmmitrovica.eu

INTRODUCTION

The paper focuses on the respective agreements signed by Kosovo Prime Minister Avdullah Hoti and Serbian President Aleksandar Vučić on September 4, 2020, to normalize economic relations between their two countries.² The deal was reached after significant American lobbying for several months. Both Hoti and Vučić signed a separate piece of paper presented as an agreement. The signing ceremony was held in the White House in Washington, DC in the presence of U.S. President Donald Trump, and the signed deal was called the Washington Agreement (W.A.) Despite the enthusiastic insistence by the host that the two sides reached a “historic” and a “major breakthrough” bilateral agreement that was intended to normalize first their economic relations, laying the ground for political reconciliation, this agreement was criticized right from the start. “It is actually neither historic nor a breakthrough,” (Lika, 2020). Meanwhile, some issues such as: whether it was a binding contract from the point of international law, what are its consequences for Belgrade and Pristina, are they binding for the parties, what is the host’s role and obligation have remained not answered.

Consequently, these are the primary research purposes that prompted this paper. The paper’s research question is: is a confusion on the character of the W.A. fueled by the fact that Kosovo and Serbia signed only its piece of paper separate from each other? The two documents are almost identical but nevertheless different. Replying to this question will help to decipher another dubiety of the W.A. It is created by including in it some clauses that are not related to the relations between Kosovo and Serbia at all, like banning the use of 5G equipment supplied by “unreliable suppliers,” decriminalization of homosexuality, and classifying Hezbollah as a terrorist organization.

The paper hypothesizes that the W.A. is not a proper binding bilateral treaty between two states as Kosovo and Serbia did not include credibility-enhancing devices in their deal; there are no legally enforceable obligingness or ramifications for Pristina and Belgrade that will lead unstoppably to implementation of the W.A., which makes it a weak agreement or even only a letter of intent. Another hypothesis that would be examined argues that the implementation of the W.A. is primarily

² Kosovo’s version of the W.A. is available online on the government’s home website that is listed as a source in the literature section of this paper (Dokumente, 2020), while the Serbian version is not officially accessible online for the public.

a matter of the goodwill of the parties to the Agreement to accomplish what they have committed to in the Oval Office. To find out if the raised hypotheses are correct, this analysis will try to identify the true character of the W.A. by analyzing the empirical material and international legislation that regulate agreements between states (treaty law); analyzing a specific form of the W.A., examining its content that the parties agreed on and seeking to solve the dilemma if this deal between Kosovo and Serbia can be considered as an international binding bilateral agreement.

STATES PARTIES WITH BITTER PAST

Dispute between Kosovo and Serbia is considered one of the most significant territorial issues in Europe. The two sides went through the 1998-1999 war between the independence-seeking Kosovo Liberation Army (KLA) and the Serbian armed forces. In addition to the enormous destruction in Kosovo, the war resulted in over 13,000 casualties, most of them Albanians. NATO needed to intervene militarily for the war to end, Serbian forces to leave Kosovo, and a UN administration to be established over this territory. These dramatic events and a change in the balance of power on the ground led to Kosovo's 2008 declaration of independence, which was promptly recognized by all Western powers and 22 of the 27 members of the European Union. At the same time, eastern powers, Russia and China, have made it clear that they will support Serbia's refusal of Kosovo's independence. In practice, this means, as Jamar & Vigness point out, that Kosovo faces a huge obstacle towards its full international recognition. "Russia has refused to acknowledge Kosovo's independence and, with a permanent seat on the U.N. Security Council, Russia's veto (along with China's) is speculated to be one of the key reasons why Kosovo has not had a successful status declaration by the U.N. Security Council" (2019, pp. 916-917).

Relations between Kosovo and Serbia have deteriorated dramatically since Kosovo's declaration of independence in 2008. The political tensions that prevail in the relations between Pristina and Belgrade spill over into the field and among the people on both sides, continuously producing intolerance and antagonism on ethnic grounds between the two nations. After the International Court of Justice (ICJ) has delivered an advisory opinion in July of 2010 in which it concluded that "the declaration of independence of Kosovo adopted on February 17 did not violate international law" (ICJ, 2010), the U.N. Gene-

ral Assembly adopted in its sixty-fourth session in September of 2010 a resolution, acknowledging “the content of the advisory opinion of the International Court of Justice” on Kosovo and welcoming “the readiness of the European Union to facilitate the process of dialogue” between Kosovo and Serbia (UN, 2010). Consequently, in 2011, the EU launched negotiations between the two countries, which are officially still ongoing and whose crown is the so-called Brussels Agreement reached in April 2013 (Elmehed, 2015). Despite not recognizing each other, the two parties have taken a significant step with this agreement towards resolving the specific problems that have ruled between them for decades, laying the ground to address the most prominent dispute between them – the political status of Kosovo.

Accordingly, previous U.S. administrations of presidents George W. Bush and Barack Obama were not involved directly in the mediation of the talks between Kosovo and Serbia as the mediating driving seat has been mandated to the EU. Nevertheless, U.S. diplomacy has continuously backed Brussels negotiations under the EU’s baton aimed at ending this long-simmering dispute in South-eastern Europe, noting both sides that they are expected to normalize relations as a precondition for accelerating their rapprochement with EU membership. The negotiations between Kosovo and Serbia, as well as the Western Balkans at all, were not enjoying special attention by U.S. foreign policy since the election of Trump as president. More effective American action was missing despite warnings that the U.S.’ lack of interest in the Balkans “underscores inconsistencies in U.S. policy and highlights the lack of clear leadership in a region where Russia’s recent activity risks exacerbating political and social instability” (Stronski, Himes, 2021, p.3).

Just a year ahead of the November 2020 elections, the U.S. administration all of a sudden awoke from its hibernation over the Balkans, showing great interest in improving the relations between Kosovo and Serbia by advancing their negotiations for normalization. It was evident from the very beginning that this push by the U.S. to address tensions between Serbia and Kosovo was inspired by the domestic political needs of President Trump, who was to run the presidential election with very little or any success on the international stage. Trump appointed in October 2019 the then U.S. ambassador to Germany and his loyal associate, Richard Grenell, as a special envoy for Kosovo and Serbia. His task was to restart a stalled dialogue between Serbia and Kosovo aimed at ending their long-simmering dispute and deliver

“a diplomatic victory in the Balkans before the November election for a president short on such achievements” (Kingsley, Vogel, 2020). Aware that the relations between Kosovo and Serbia have been so complex that it was impossible to imagine a significant political shift between the parties during the night, Grenell chose the economy and transport as a framework in which to identify issues on which he could ensure consensus and readiness for cooperation between the two sides (U.S. News, 2020). Lika called it “the economy-first-politics-next logic to solve the long-standing fight between Belgrade and Pristina” (2020). This strategy proved to be correct because the economy and transportation both present a bottleneck in the relations between the two countries. Railway and air traffic have not functioned between the former foes since the war. At the same time, they are only connected by an old network of poorly maintained roads built in former Yugoslavia. After almost a year-long shuttle diplomacy between Pristina and Belgrade, Grenell managed to bring the two sides to an agreement to commit to the normalization of their economic relations, which will be sealed in the presence of President Trump in the White House.

THE CORE OF THE WASHINGTON AGREEMENT

Contemporary international theory and treaties in practice have no strict limits on what can and cannot be the subject of international agreements between two or more states. Principally, the parties can conclude agreements on everything in their common interest, on everything they are responsible for, without harming others or the international order. The W.A. does not conflict with this standard. Still, its content is unusual, to say the least, something not seen very often in international agreements’ practice. Presented as an agreement to renew and develop economic ties between Kosovo and Serbia and titled “Economic Normalization” (but with parties’ names omitted in the title), the Agreement in its first and only introductory sentences states that “Serbia (Belgrade) and Kosovo (Pristina) agree to move forward with economic normalization” (Dokumente, 2020).

The subsequent five clauses of the contract consistently adhere to the economic nature of the contract, i.e., its title. They are divided not by a number of articles as most international agreements, when listing the parties’ tasks, but by bullet points. In the first two provisions, the parties pledge to “implement the Belgrade-Pristina highway agreement pre-signed on February 14, 2020” and “the Belgrade-Pristina rail

agreement pre-signed on February 14, 2020". The second paragraph of the second article of the W.A. states that "both parties will commit to a joint feasibility study on options for linking Belgrade-Pristina rail infrastructure to a deep seaport in the Adriatic" (*ibid.*).

The U.S. appears not only like a mediator but implementing party equal to Kosovo and Serbia in the third article of the agreement. The wording of this article suggests that this country could even be considered a third party just in relation to some clauses of the W.A. despite not signing it. This would be given more attention later in the paper. This part of the agreement, with a substantial role of the U.S., commits Kosovo and Serbia to "work with the U.S. International Development Finance Corporation and EXIM on memorandums of understanding" to operationalize the Peace Highway (between Kosovo and Serbia) and the rail link between Pristina and Merdare (major border crossing between the two states). The parties commit also to support SME's, additional bilateral projects and agree on U.S. International Development Finance Corporation full-time presence in Serbia (*ibid.*).

Like previous articles of the W.A. on the improvement of economic and transportation ties between Kosovo and Serbia³, the following five articles of the Agreement list the commitments of the two signatories to a set of topics that have already been on the agenda of the EU sponsored talks and were agreed between Kosovo and Serbia (opening of the reconstructed Merdare border crossing financed by the EU, mutual recognition of diplomas and professional certificates) or were launched earlier by some Western Balkans' states like "Mini-Schengen zone"⁴. The list of economic topics agreed upon by the parties ends with one that really represents a novelty for the signatories. It is the commitment of Pristina and Belgrade to work together with the American side on a "feasibility study for the purposes of sharing Gazivode/Ujman Lake, as reliable water and energy supplies." In addition, in the remaining and almost half of the agreement, the economy gives way to politics, primarily to American international goals. Kosovo and Serbia commit to: the prohibition of the use of 5G equipment "supplied by

³ The author notes that EU already committed itself to upgrading current road network or building up a new one between Kosovo and Serbia which is identical to the one foreseen in the W.A., but will not pay attention to this as it can drag the paper to debating the relations between the U.S. and EU.

⁴ "Mini-Schengen" (later renamed as "Open Balkan" initiative) refers to an idea promoted by Prime Minister of Albania Edi Rama, Prime Minister of North Macedonia Zoran Zaev, and President of Serbia Aleksandar Vučić, to enhance regional economic cooperation among the Western Balkan states by implementing the "Four Freedoms" of the EU, i.e., free movement of goods, services, capital, and people. Kosovo had previously refused to endorse the Mini-Schengen/Open Balkan idea out of fear that it might turn into an alternative to full membership in the EU.

untrusted vendors in their communication networks,” information-sharing on airline passenger screening within the framework of broader U.S. cooperation in the Balkans,” working “with the 69 countries that criminalize homosexuality to push for decriminalization”, and designating Hezbollah “in its entirety as a terrorist organization” (*ibid.*).

The unusual eclecticism between bilateral issues concerning only Kosovo and Serbia, on one, and U.S. foreign policy objectives, on the other hand, continues in the W.A. with a “non-economic” part, that draws upon three specific political commitments concerning the interest of the signatories: “protection and promotion of freedom of religion”; solving the fate of missing persons and “identifying and implementing long-term, durable solution for refugees.” This section continues with a peculiar declaration of a diplomatic ceasefire between Kosovo and Serbia. They commit to declaring a moratorium on lobbying for international recognition (Pristina) and the so-called international de-recognition campaign against Kosovo (Belgrade). This clause has taken effect immediately (*ibid.*). “The cherry on top” of the eclectic agreement with mixed bilateral and trilateral goals comes with the W.A.’s last bullet-pointed sixteen (and so-called Israeli) clause. The Kosovo version of the Agreement reads: “Kosovo (Pristina) and Israel agree to recognize each other mutually”, (*ibid.*). In the Serbian version of the text, this clause reads: “Serbia (Belgrade) to open a commercial office, and a ministry of state offices, in Jerusalem on September 20, 2020, and move its embassy to Jerusalem by July 1, 2021,” (Exit, 2020). The text of the 16th clause of the W.A. is different completely in the versions signed by Hoti and Vučić. It creates room for arguing that, in general, we have two separate political commitments of Kosovo and Serbia to the U.S. mediator or two different versions of the same document, or even two separate contracts. The remaining text in both versions of the W.A. is indeed 95 percent identical in content, but still, they are different by single and completely independent clause. Such content ignites professional reservations, arguing that the W.A. could not even to a small and albeit very loose and confusing extent be defended as a binding bilateral treaty.

THE LEGAL NATURE OF THE WASHINGTON AGREEMENT

As it could be seen in the previous chapter, a major controversy surrounding the W.A. consists of commitment of Kosovo and Serbia to work in parallel on resolving their bilateral disputes equally to achieving

specific U.S. foreign policy priorities, which have little or no connection with the parties. This dichotomy serves as a strong argument that the agreement is not a legally binding treaty but, in the first place, a political commitment that does not create any legal obligations of the signatories to each other. “It is unlikely that the U.S. had the intention to enter into legal obligations, or that Serbia would have intended to implicitly recognize Kosovo as a state by entering into a treaty that would include Kosovo as a party,” (Muharremi, 2021). “There are several clauses in the Agreement which have absolutely nothing to do with normalizing economic relations between Kosovo and Serbia, and whose inclusion therein thus verges on the ridiculous,” (Lika, 2020).

Such assessments reflect the unusualness of the W.A. that comes into light first by the way this agreement was signed. Each party signed its own version of the deal, which the other party did not sign. It is an unusual form to reach an internationally binding bilateral agreement. This behavior is puzzling and promptly noticed. “There was not a single document that both sides signed, but actually two fairly similar separate documents which Serbia’s President Aleksandar Vučić and Kosovo’s Prime Minister Avdullah Hoti signed individually,” (*ibid.*). “It appears that the so-called ‘historic deal’ is nothing more than a series of pledges signed by both parties in two separate and different documents,” (Xhambazi, 2020). As far as we could assume, each party was in the possession and left Washington, DC with the version signed only by each of them separately, but not by the other party, so that it could be assessed that the W.A. consists of two almost identical but different versions of the Agreement which are confirmed separately by the signature of only one party. Theoretically, this may present a major obstacle in treating the two different versions of the W.A. as an international bilateral treaty.

Those who defend the W.A. as a full-blown international treaty can say that the international law is flexible in such cases, defining the notion of a treaty as “an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation” (UN, 1969). But, due to its unusual form, the existence practically of two versions of one same agreement and the lack of credibility-enhancing devices as a significant feature of an international treaty, it will be a challenge to apply the above cited article of the Vienna Convention on the Law of Treaties to the case of the

W.A. or subsume this agreement under the Convention with justification that it adheres to the international law in all necessary legal terms. The latter will be discussed in more detail later in this paper.

It remains unclear also the way of adoption of the W.A. in the White House. The Vienna Convention on the Law of Treaties says in Article 9 that “the adoption of the text of a treaty takes place by the consent of all the States participating in its drawing up,” (*ibid.*). Internationally recognized tools by which parties may express consent are a signature, exchange of instruments constituting a treaty, ratification, acceptance, approval, or accession. Kosovo and Serbia opted for signatures for expressing their consent to the W.A., but the international law did not make them automatically the parties to the Agreement. “However, simply signing a treaty does not usually make a State a party... A State does not take on any positive legal obligations under the treaty upon signature. Signing a treaty does, however, indicate the state’s intention to take steps to express its consent to be bound by the treaty at a later date” (UN, 2011). “Neither Kosovo nor Serbia ratified or otherwise submitted the Washington Agreement to internal acceptance procedures” (Muharremi, 2021). “In brief, what was signed at the Oval Office was simply not a bilateral agreement” (Lika, 2020).

“States can create obligations under international law when they make unilateral commitments that are specific, publicly announced, and made by authorized state representatives, and which, given all the circumstances, create a good faith expectation on the part of the addressee that such commitments will be respected as legal obligations,” (Muharremi, 2021). Speaking further about the legal shortcomings of the W.A. some more questions had arisen promptly, even on September 4, 2020. They have not been answered so far. “It is unclear whether leaders provided each other with a copy of their respectively signed document. It is also unclear what kind of powers these documents would hold, beyond an informal understanding between parties?” (Exit, 2020). Also, we still do not know if and how Pristina and Belgrade’s consent to be bound by the W.A. would be ratified at home? We also do not know if the signatories were able to take a look at the other party’s version of the Agreement? Did they express consent to be bound by only their own text but not the text in possession of another side? Were they aware of the entirely different sixteenth (Israeli) clause of the Agreement in Kosovo and Serbian versions of the text? Did the parties exchange the texts of the Agreement betwe-

en themselves after signing them? Or they did it only with the American host?

Another confusing point of the Washington Agreement consists of the signatures. Hoti and Vučić put their signatures in the same place of their version of the text (in the lower-left corner of their version of the Agreement). It could not happen accidentally and only could mean that the author of the draft of the (bilateral) Agreement did not anticipate the possibility of each version being signed by both parties. The W.A. parties also did not envisage any procedures for notifications and communications as well as for judicial settlement, arbitration, and conciliation as it is foreseen by the Vienna Declaration on the Law of Treaties (UN, 1969). The Agreement also lacks a provision designing the depositary of a treaty that would keep “custody of the original text of the treaty and of any full powers delivered to the depositary” and would take care about “registering the treaty with the Secretariat of the United Nations.” (*ibid.*, pp.26-27). The agreement also lacks numbers on the pages of both texts as each of the two versions consists of two pages, but neither carries numbers of pages. The pages of both versions are not stapled but fastened with a paperclip. In the view of the author, all these shortcomings further reinforce the impression that it is not plausible to consider the W.A. as an internationally binding interstate treaty but as two separate unilateral declarations.

INTERPRETATION AND THE WASHINGTON AGREEMENT

International law has laid a strong foundation for the interpretation of treaties. They are found, *inter alia*, in articles 31. to 33. of the Vienna Convention on the Law of Treaties (UN, 1969). Establishing a way to authentically interpret the content of an international agreement, usually by an independent body, is an essential element for its smooth implementation and for resolving any misunderstandings that its parties may have over the meaning of one or more provisions of the treaty that they reached. In their agreement signed in the presence of the U.S. President Trump and his closest associates, Kosovo and Serbian top representatives did not envisage any instrument for a binding interpretation of their agreement if the need for such an interpretation occurs or proves as necessary. A powerful sponsorship over an international agreement, like the U.S. one in the case of the Kosovo and Serbia economic normalization agreement, may mean that just as they complied with the invitation to Washington DC to sign an agreement,

they are tacitly reconciled that the U.S. has the final say in deciphering of its provisions if disagreements over the content arise between the signatories to the Agreement. Even if this is true, it cannot substitute an agreed mechanism for interpretation, which will be a part of the deal and will come to force if a situation arises, making such interpretation of the content of this agreement as necessary. That is why the lack of an interpretation mechanism agreed by the parties is another weak point of the W.A.

As previously and briefly noted, an additional complication for the W.A. to be accepted as a proper bipartite treaty binding for both the states consists of the Israeli clause in the 16th paragraph of the agreement. The texts of this clause in the versions of the agreements which Hoti and Vučić took home are entirely different, envisaging completely different steps that the two sides should take regarding Israel. This situation is not provided for in the international law on treaties. Even when it envisages different actions of the signatories, the text of an international treaty is supposed to be identical in all versions belonging to its parties. Strictly interpreted, the fact that the text of the 16th task in the Kosovo and Serbian versions is completely different makes these two versions more look like two separate agreements than a single one, despite the fact that the remaining text in the W.A. is identical in both versions.

A legal mess continues to steam from further detailed academic interpretation of the Agreement, especially when you ask the question if Hoti and Vučić can consider that Kosovo and Serbia have reached an agreement with each other at all. Legally, it would be very difficult to prove this because Vučić's version does not have Hoti's signature, while Hoti lacks Vučić's signature. Even if it will be established that Hoti verbally stands behind what is written in Vučić's version as well as that Vučić verbally stands behind what is written in Hoti's version, it will be very difficult to defend as binding the provisions in Hoti's version (and only with his signature), which prescribes what not only Kosovo but also Serbia should do or not, or in Vučić's version (and only with his signature) what not only Serbia but also Kosovo should do or not. This just reinforces additionally the hypothesis elaborated in the text on a few occasions so far that there is not one but two different agreements that without a problem could be called the Kosovo and Serbia economic normalization agreement(s).

Such a situation is not envisaged by international law and could be considered as a rare precedent in the history of international treaties that regulate relations between states. The most famous case of having two different texts of the same international bilateral agreement is the Treaty of Waitangi reached in 1840.⁵ This agreement is a “historic pact between Great Britain and a number of New Zealand Maori tribes of North Island” that “purported to protect Maori rights and was the immediate basis of the British annexation of New Zealand” (Lotha, 2021). The Vienna Convention on the Law of Treaties (UN, 1969) as the most updated codification of treaty law does not even anticipate such a situation that occurred in the W.A. On the contrary, in Article 31 (“Interpretation of treaties authenticated in two or more languages”), it says that “the terms of the treaty are presumed to have the same meaning in each authentic text” (*ibid.*). This regulation cannot be applied and is powerless for a situation when there are two different versions of the same agreement as it is the case with the W.A. The Convention further states that “the meaning which best reconciles the texts, having regard to the object and purpose of the treaty, shall be adopted,” (*Ibid.*), but, all the same again, this does help when the parties to an agreement pursue different meanings of the same text of an article(s), but not when there are two different texts as in the case the W.A.

Analyzing both Kosovo and Serbian versions of the Agreement it can be noticed that, intentionally or otherwise, they are written in the style of a unilateral commitment of the signatories to a third party and not as a text around which the two parties have reached a common language and want to translate it into an internationally binding bilateral agreement. “It looks like the two parties and the mediator opted for the softest agreement format by which they expressed political commitments as they are unwilling to undertake binding obligations because of political sensitivities or other reasons,” (Muharremi, 2021). “It becomes clearer that what was signed in the Oval Office on September 4, is not a bilateral agreement between Kosovo and Serbia, but rather a mutual commitment by them to serve Trump’s reelection purposes

⁵ The Treaty of Waitangi was a written agreement by which New Zealand became a colony of the Great Britain and Maori became British subjects. However, Maori and Britain had different understandings and expectations of the treaty what led to warfare in 1844–47 and the New Zealand Wars of the 1860s. Some people argue that there are two treaties: te Tiriti, the Maori version, and the treaty, the English version. The treaty has two texts. It was drafted in English and then translated into Maori. The Maori version is not an exact translation of the English as the meaning of the English version was not exactly the same as the meaning of the Maori translation, especially with regard to the crucial question of sovereignty in the first article. In the English text, Maori leaders gave the Queen “all the rights and powers of sovereignty” over their land. In the Maori text, Maori leaders gave the Queen the complete government over their land as the word ‘sovereignty’ had no direct translation in Maori. Maori believed that they kept their authority to manage their own affairs and ceded a right of governance to the Queen in return for the promise of protection.

in the U.S.,” (Lika, 2020). That is why a rigorous analysis of the format in which it was written and of the way in which the parties made their commitments leads to a strong impression that the text of the two versions of the W.A. is more appropriate for the format of a letter of intent⁶ than for an internationally binding agreement as the parties are just outlining the commitment to the wish-list which they will probably intend to formalize later in a legally strict agreement.

U.S. IS (NOT) A THIRD STATE TO THE WASHINGTON AGREEMENT

The Vienna Convention on the Law of Treaties (UN, 1969) in article 35 (“Treaties providing for obligations for third States”) clearly states when a country which is not a party to the agreement can be bound to it as a third State: “An obligation arises for a third State from a provision of a treaty if the parties to the treaty intend the provision to be the means of establishing the obligation and the third State expressly accepts that obligation in writing”. We can rightly assume that Kosovo and Serbia themselves have not established formally any obligation for the U.S. as the third state to the W.A. Neither such obligations were committed separately “expressly” and “in writing” by the host in the White House as neither of the two versions of the Agreement bears any American signature.

So it is difficult to prove legally that the U.S. is a third party to the W.A. However, we face in this case another confusing moment for international law: we have a country that is legally not a third State to the treaty, but commits itself to its task(s) like the U.S. does in the third and seventh article of the W.A. Commitments which the U.S. takes over in these two articles suggest that this country sometimes may not and sometimes may be considered as a third State (regarding the third and seventh article of the W.A.) despite not legally being declared as such. So, being or not being a third State, the status of the U.S. in the Agreement unavoidably remains another confusing element of the W.A. as, on the one hand, officially this country is not a third party, while, on the other hand, it appears as an implementing partner in the third and seventh article of the W.A. that projects the significant economic and infrastructural projects for Kosovo and Serbia. The U.S. committed itself (not “in writing” but by remarkable attendance of its officials, star-

⁶ “A letter that formally states what someone plans to do although this is not a legal promise of official contract” (Cambridge Dictionary, 2021).

ting from President Trump to the signing ceremony in the White House) that it will work with Kosovo and Serbia in the operationalization of the Peace Highway (between Kosovo and Serbia), operationalization of the rail link between Pristina and Merdare), providing financial support to support SME's, additional bilateral projects (including U.S. International Development Finance Corporation full-time presence in Serbia) as well as in engaging with Pristina and Belgrade on "feasibility study for the purposes of sharing Gazivode/Ujman Lake, as a reliable water and energy supplies" (Dokumente, 2020).

By the way, the legal status of the U.S. in relation to the W.A. is not even mentioned in the thanking letter signed by President Trump at the end of the signing ceremony in the White House (Exit, 2020). Trump applauded the highest representatives of the both sides for "bravery in making progress towards Serbia-Kosovo normalization" and "historical diplomatic breakthrough" (*ibid.*). The letter, however, does not say a single word about the status or obligations of the U.S. in implementing the W.A. When journalists asked Grenell if Kosovo and Serbia had signed an agreement with each other or with the U.S., he replied, "they signed an agreement to work with each other, they did not sign with the U.S, we are not a signature" (Xhambazi, 2020).

LACK OF CREDIBILITY-ENHANCING DEVICES AND WASHINGTON AGREEMENT

As the most important subjects of international relations, led by their priorities and self-interests and acting within their competencies, states enter permanently into international agreements, tending to address their own concerns, in the first place or expecting to make some political or economic gains. These agreements vary widely along with two major formats. Some are formal and binding with huge legal impact and serve as law-making treaties. In contrast, others fall short of that classification and are labeled instead as "soft law"⁷ or even non-binding agreements because they do not include: sophisticated monitoring mechanisms on state conduct, formal inspections of state behavior and compliance by neutral observers; and, consequently, dispute resolution procedures that are present in hard law treaties.⁸ According to Guzman, when states enter into an agreement, they have the option

⁷ The term "soft law" refers to weak legal instruments which do not have any legally binding force, or whose binding force is somewhat weaker than the binding force of traditional law.

⁸ "Hard" law refers to actual binding legal instruments and laws. In contrast with soft law, hard law gives states and international actors actual binding responsibilities as well as rights. The term is common in international law where there are no sovereign governing bodies.

of adopting one of the existing forms. “If they evidence an intent to be ‘bound’ the agreement is labeled a treaty, and if they do not demonstrate such an intent, it is labeled ‘non-binding,’ or ‘soft law’” (2005, p.583). Binding treaties impact on signatory states’ behavior more than non-binding soft law agreements that do not have enforcement mechanisms to identify violations and their costs or provide for some formal sanction like the binding ones do. When entering into international agreements, states prefer soft law but no provisions for dispute resolution or monitoring.

The majority of scholars agree that this omission serves the parties to an international agreement to weaken the force and credibility of their commitments, in particular when they do not enter into international treaties voluntarily but it is imposed on them as it is reasonably claimed to happen in the case of the W.A. reached by Kosovo and Serbia. “It is only when international law will aid a country in its quest for power that such a country will abide and give recognition to such laws, but in a situation where international law becomes a hindrance to a country’s quest for power, that country will not give any recognition to that international law but will rather carry on with their actions and ambitions to be powerful and influential in the international arena” (Kwarteng, 2018, p.5). Boyle claims that the use of soft law instruments enables states to agree to more detailed and precise provisions because their legal commitment, and the consequences of any non-compliance, are more limited. “Soft law consists of general norms and principles, not rules,” (1999).

Although signing a treaty rather than soft law (including mandatory dispute resolution, and choosing to put monitoring procedures in place) increase the impact of an agreement on state behavior, Kosovo and Serbia under the U.S. mediation have entered into the W.A. as a way of exchanging promises about future conduct towards normalization of their economic relations, but without adopting enforcement techniques that ensure performance. They have not chosen to enter into a hard law agreement and include a dispute resolution mechanism though agreements are more valuable if they can bind the parties more effectively. The W.A. lacks credibility-enhancing devices that would impact and increase the effectiveness of this agreement and the credibility of the promises made by Kosovo and Serbia. It is difficult to find out why Kosovo and Serbia failed to design their agreement in the White House in a “heavy law” way by including dispute resolution provisions

as well as monitoring, reporting and verification in order to maximize the credibility of their commitments.

In general terms, states choose soft law because it is less binding on them and, therefore, gives them greater flexibility. This flexibility is desirable for various reasons, including the ability of states to deal with an uncertain world or to reduce pragmatically the costs of termination or abandonment. According to Kwarteng, countries will do anything to become powerful rather than giving recognition to international law. All countries strive to outweigh one another in the international system, and that is more important to states than submitting their quest for power to the recognition of any international law,” (2018, p.5). “As a result, States often enter into soft law agreements rather than treaties, typically fail to provide for any dispute resolution procedures, and frequently require little or no monitoring or verification of performance,” (Guzman, 2005, p.587). In the view of the realism school of thought, power is an essential element in the international system, and that explains the reason why countries will do everything within their possible means to bind themselves as less as possible to international agreements because “the more powerful you are as a country, the more influential you become in the international system and as such countries will not compromise their quest to be powerful for the recognition of any international law or convention” (Kwarteng, 2018, p.5).

Although consisting of an exchange of promises between Kosovo and Serbia for their unilateral or bilateral actions (in some of them, the U.S. appears as an implementing party, so in these cases we have trilateral commitment), the findings of the author’s examination so far suggest that the W.A. is far from being a full-blown and binding treaty for Kosovo and Serbia. This view has also been expressed by Lika. “Anyhow, at the end of the day, the two clauses concerning Kosovo’s and Serbia’s relations with Israel won Kosovo an additional recognition but, like the rest of the deal, do not create any binding commitment between Belgrade and Pristina,” (2020). Along with some other significant shortcuts, which have been discussed more in previous chapters, the lack of credibility-enhancing devices like governance, dispute resolution, tangible sanctions triggered by the violation, or failure to comply with it make the W.A. a weak and not-imposing deal. It is based on political but not legal commitment. Moreover, its form looks less like a strongly binding bipartite agreement where Kosovo and Serbia legally unambiguously take over the challenging task of normalization of their economic relations as the overture of their political reconciliation. Still, it

looks more like a statement on good intentions by the parties to each other and to the American host.

Lack of deadlines and mechanisms to ensure the implementation of the Agreement Guzman explains as “the desire of states to retain control over disputes. When a dispute arises, the argument goes, states prefer to resolve the dispute through bargaining and diplomacy rather than third-party adjudication” (2005, p.593). Consequently, such a format of the W.A. could not include in the text provisions for enforcement of the tasks that the two countries committed to implement or for dispute resolution procedures if misunderstandings break out between them. Except for their steps toward Israel and an obligation of Serbia not to carry out its de-recognition campaign against Kosovo in the next 12 months, on one, and obligation of Kosovo not to seek any membership in international organizations in the same timeline, on the other hand, there is no even any other deadline for the rest of 10 tasks listed in the W.A..

CONCLUSION

This research confirmed its major hypothesis: the W.A. signed by Kosovo and Serbia on November 4, 2020, in the White House is not an internationally binding bilateral treaty or ‘hard law’ – as these binding treaties are called sometimes – because it does not result in legally enforceable obligingness or ramifications for Pristina and Belgrade that will provide the implementation of the Agreement or, if not, will result in the tangible sanctions for a failure of one or both signatories to comply with international law. “Signing a treaty rather than soft law, including mandatory dispute resolution, and choosing to put monitoring procedures in place, all increase the impact of an agreement on state behavior,” (Guzman, 2005, p.588). The W.A. does not bind the two parties because they did not provide for any credibility-enhancing devices in their deal reached by the U.S.’ mediation. The lack of these devices prevent the Agreement to enjoy the legal force as a fully-fledged international treaty does.

The W.A. is not itself legally enforceable, which makes it a fragile agreement when it comes to its implementation. Whether it will be implemented or not depends primarily on and is a matter of goodwill of the parties to the Agreement or on the willingness of the U.S. - as the driving mediator force in its conclusion – to use diplomatic pressure to persuade Kosovo and Serbia to accomplish what they have committed to each other in the Oval Office. If this happens, realists will be able to use this case for arguing that the leading world power’s political sponsorship over the W.A. could be a stronger guarantee for its implementation than the inclusion of internationally accepted credibility-enhancing devices, which provide the parties’ accountability if they do not act accordingly. It remains to be seen if American political and diplomatic power will be used as the strongest leverage tool that can impose the W.A. implementation in a situation where there is no any legal dispute settlement that improve the probability of compliance by Pristina and Belgrade.

Another element that strongly weakens the legality and implementation ability and enforceability of the W.A. consists of the existence of the two variants of the text of the same Agreement, i.e. two W.A.s, which instead of being identical – which is a basic precondition for the legality of an international treaty that tends to bind its parties to their promises - differ from each other. This is one of the most puzzling

elements of the W.A. that contributes to its unusualness and dubiety, enhancing additionally its implementation capacity's weakness. Although the difference is small and refers to only one (Israeli) clause completely different in the Kosovo version from the one in the Serbian version of the W.A. text, any legal interpretation, or arbitration, would establish that these two versions were two non-identical documents.

If the W.A. is not an internationally binding bilateral treaty, the question is what it is then? The format in which the W.A. is written mostly resembles an introductory and non-binding letter of intent where parties state their concrete intentions, because it consists of a kind of a declaration or confirmation of a purely political understanding between its parties without a legal component which makes the Agreement enforceable by the international law. The (two variants of) W.A. consist of a non-binding bilateral wish-list containing Kosovo and Serbian joint economic topics mixed with American foreign goals. "It seems that in the Kosovo-Serbia deal, the Trump Administration got the causal arrows the wrong way around" (Lika, 2020). And even in case it is treated as a legal bilateral agreement, our analysis also holds that the W.A. could be listed in the category of legally poor agreements that make up the so-called soft law.

Not wanting to deal with the political background that generated the W.A. (as this would drag this paper into the political arena and the inevitable elaborations about the W.A. as a politically motivated agreement intended to be used for the domestic needs of then U.S. President Trump⁹), the author considers that from the point of international law, Kosovo and Serbia just expressed in the W.A. goodwill to initiate the process of economic normalization between them. But, they did not set deadlines or a mechanism for monitoring the implementation, the evaluation and the accountability for faults in accomplishing their commitment.

Fortunately, there are not many such agreements with such a puzzling and eclectic content because they lead to legal uncertainty in international relations. These relations are already dominated by the tendency of states to preserve their sovereignty and not to assume obligations that would mean limiting this sovereignty or delegating to someone

⁹ In the aftermath of the signing ceremony in the Oval Office, Trump tweeted, "Another great day for peace with Middle East-Muslim-majority Kosovo and Israel have agreed to normalize ties and establish diplomatic relations. Well done! More Islamic and Arab nations will follow soon". Although Kosovo is not an Islamic or Arab nation, but European and secular one.

else some of the elements of their sovereignty. Therefore, states are extremely careful about what they take on when concluding agreements with others. In the world of imperfect agreements, the W.A. is an example of how agreements should not be made if the parties sincerely intend to commit themselves to fulfilling their obligations under legally founded deals with other states. Kosovo and Serbia do not have any legal instruments at their disposal to force the other party to comply with the obligations under the Agreement. It is not known at all within what period these obligations should be fulfilled by both sides and what will happen if one of the parties refuses or acts contrary to the Agreement.

Along the expected diplomatic pressure from Washington, DC, another element that could encourage Kosovo and Serbia to take seriously over what they pledged in the White House is their reputational loss before the eyes of the international community if they fail to implement their promises. Pristina and Belgrade should not forget that when making a promise before the Trump administration, the two parties have pledged also their reputation as a form of collateral for their eventual non-compliance with the W.A. The parties to the Agreement have to be aware that a violation of international commitments, then, imposes a reputational cost that is felt when future agreements will be sought by Kosovo and Serbia. However, the way things are today in the relations between Kosovo and Serbia – and they are not good because they are dominated by tensions and extreme political animosity – it turns out that the greatest opportunity for the W.A. to be implemented lies in Washington, DC, not Pristina and Belgrade.

It remains to be seen if the U.S. will be intensively engaged in the implementation of the W.A., demonstrating the prevalence of real policy in nowadays international relations by which the implementation of an interstate agreement depends more on whether a world power stands for it, and less on the use of modern credibility-enhancing standards of international law that ensure performance.

REFERENCES

- Bjorge, E., 2014. *The Evolutionary Interpretation of Treaties*. United Kingdom: Oxford
- Bowman, M., J., Kritsotis, D., 2017. *Conceptual and Contextual Perspectives of the Modern Law of Treaties*. Cambridge: University Press.
- Gardiner, R., K., 2016. *Treaty Interpretation*. United Kingdom: Oxford.
- Goldsmith, J., L., Posner, A., E., 2005. *The Limits of International Law*. Oxford: University Press
- Guzman, T., A., 2005. *Design of International Agreements*. European Journal of International Law, Vol. 16, No. 4, pp. 579-612, Oxford: University Press.
- Klingler, J., Parkhomenko, Y., Salomidis, C., (eds.), 2018. *Between the Lines of the Vienna Convention? Canons and Other Principles of Interpretation in Public International Law*. The Netherlands: Alphen aan den Rijn.
- Koremenos, B., 2016. *The Continent of International Law: Explaining Agreement Design*. United Kingdom: Cambridge.

Internet sources

- Boyle, A., 1999. *Some Reflections on the Relationship of Treaties and Soft Law*, [online] Available at: <http://www.jstor.org/stable/761739> [Accessed 1 June 2021].
- Cambridge Dictionary (2021), *Letter of Intent*, [online] Available at: <https://dictionary.cambridge.org/us/dictionary/english/letter-of-intent> [Accessed 4 June 2021].
- Dokumente, 2020. *Marrëveshja për Normalizim e Raporteve Ekonomike në mes të Republikës së Kosovës dhe asaj të Serbisë*, [online] Available at: <https://kryeministri-ks.net/dokumente/page/7/?kategoria&viti=2020#038;viti=2020> [Accessed 25 May 2021].
- Elmehed, M., 2015. *Disambiguating the Brussels Agreement: A Study of Ambiguity in the Serbia-Kosovo Normalization Process*, [online] Available at: <https://lup.lub.lu.se/luur/download?func=downloadFile&recordId=8512062&fileId=8566566> [Accessed 5 May 2021].
- Encyclopedia Britannica, 2021. *Vienna Convention on the Law of Treaties*, [online] Available at: <https://www.britannica.com/topic/Vienna-Convention-on-the-Law-of-Treaties> [Accessed 8 June 2021].
- Exit., 2020. *Kosovo and Serbia Signed Separate Pledges, Not an Agreement*, [online] Available at: <https://exit.al/en/2020/09/04/kosovo-and-serbia-signed-separate-pledges-not-an-agreement/> [Accessed 30 May 2021].

- ICJ, 2010. *Accordance with International law of the Unilateral Declaration of Independence in Respect of Kosovo*, [online] Available at: <https://www.icj-cij.org/en/case/141> [Accessed 21 May 2021].
- Lika, I., 2020. *ANALYSIS - Kosovo-Serbia 'Agreement': Lots of Noise, Little Substance*, [online] Available at: <https://www.aa.com.tr/en/analysis/analysis-kosovo-serbia-agreement-lots-of-noise-little-substance/1972892> [Accessed 26 May 2021].
- Lotha, G., 2021. *Treaty of Waitangi-Britannica*, [online] Available at: <https://www.britannica.com/event/Treaty-of-Waitangi/additional-info#history> [Accessed 29 March 2021].
- Jamar, H., Vigness, K., M., 2019. *Applying Kosovo: Looking to Russia, China, Spain and Beyond After the International Court of Justice Opinion on Unilateral Declarations of Independence*, Cambridge University Press, [online], Available at: <https://www.cambridge.org/core/journals/german-law-journal/article/applying-kosovo-looking-to-russia-china-spain-and-beyond-after-the-international-court-of-justice-opinion-on-unilateral-declarations-of-independence/8A9AAA20549A0A2A70611F43090CCB56> [Accessed 25 May 2021].
- Kingsley, P., Vogel, P., K., 2020. *Pushing for Serbia-Kosovo Peace Deal, U.S. Roils Allies*. [online] Available at: <https://www.nytimes.com/2020/06/20/world/europe/serbia-kosovo-peace-elections.html> [Accessed 25 May 2021].
- Kwarteng, H., A., 2018. *Is International Law Really Law?* [online] Available at: https://www.researchgate.net/publication/323633454_Is_International_Law_Really_Law [Accessed 11 April 2021].
- Muharremi, R., 2021. *The "Washington Agreement" Between Kosovo and Serbia*, [online] Available at: <https://www.asil.org/insights/volume/25/issue/4/washington-agreement-between-kosovo-and-serbia> [Accessed 28 May 2021].
- Security Council, UN., 2010. *Request for an Advisory Opinion of the International Court of Justice on Whether the Unilateral Declaration of Independence of Kosovo is in Accordance with International law*, [online] Available at: <https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF%7D/Kos%20A64%20L.65%20Rev1.pdf> [Accessed 12 March 2021].
- Stronski, P., Himes, A., 2019. *Russia's Game in the Balkans*, [online] Available at: <https://carnegieendowment.org/2019/02/06/russia-s-game-in-balkans-pub-78235> [Accessed 26 May 2021].
- UN, 2011. *Treaty Event: Towards Universal Participation and Implementation*, [online] Available at: https://treaties.un.org/doc/source/events/2011/Press_kit/fact_sheet_1_english.pdf [Accessed 28 May 2021].
- UN Office for Legal Affairs (ULA), 1969. *Vienna Convention on the Law of Treaties*, [online] Available at: https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf [Accessed 11 April 2021].

U.S. NEWS, 2020. *US Envoy Urges Serbia, Kosovo to Drop Obstacles to Talks.* [online]

Available at: <https://www.usnews.com/news/us/articles/2020-01-24/us-envoy-urges-serbia-kosovo-to-drop-obstacles-to-talks#:~:text=Grenell%20was%20appointed%20by%20Trump%20as%20the%20special,stalled%20since%20Kosovo%20imposed%20the%20tax%20in%202018> [Accessed 17 May 2021].

Xhambazi, V., 2020, Kosovo-Serbia Summit at the White House: What was it all about? [online]

Available at: <https://neweasterneurope.eu/2020/09/14/kosovo-serbia-summit-at-the-white-house-what-was-it-all-about/> [Accessed 5 June 2021].

How can Kosovo become part of the Geneva Conventions and their Additional Protocols, including the Genocide Convention?

Viona Rashica¹

ABSTRACT

Being a party to international agreements of particular importance is a key foreign policy priority of any state. Kosovo, which declared its independence in 2008, due to the painful past from its last war in 1998-1999, must take seriously its membership in important treaties of the international humanitarian law, especially the Geneva Conventions and their Additional Protocols including the Genocide Convention. The main purpose of this paper is to explain the way Kosovo can become a contracting party to these Conventions and Protocols. For the realization of the research are used qualitative methods, based on bibliography and the credible Internet sources related to international treaties, the Geneva Conventions and their Additional Protocols, the Genocide Convention, and to Kosovo. Research findings show that Kosovo could become a party to these Conventions and Protocols through succession, although it is not a member state of the UN. The conclusions aim to increase knowledge about the mentioned Conventions and the reasons why Kosovo should be a party to them.

KEYWORDS: Kosovo, contracting party, succession, the Geneva Conventions and their Additional Protocols, the Genocide Convention

POVZETEK

Postati podpisnica mednarodnih sporazumov s posebnim pomenom je ključna in prednostna zunanjepolitična naloga vsake države. Kosovo, ki je leta 2008 razglasilo svojo neodvisnost, zaradi boleče preteklosti zadnje vojne v letih 1998-1999, bi moralo v ospredje političnega udejstvovanja postaviti pristopanje k pogodbam mednarodnega humanitarnega prava, zlasti k ženevskim konvencijam in njihovim dodatnim protokolom, pa tudi k Konvenciji o preprečevanju in kaznovanju zločina genocida. Glavni namen tega prispevka je razložiti kako lahko Kosovo postane pogodbenica teh konvencij in protokolov. Raziskava je bila izvedena s kvalitativno metodo, z obravnavo del navedenih v spodnji bibliografiji in z obravnavo verodostojnih internetnih virov o mednarodnih pogodbah, o ženevskih konvencijah in njihovih dodatnih protokolih, o Konvenciji o genocidu in o Kosovu. Ugotovitve raziskav kažejo, da bi Kosovo lahko postalo pogodbenica slednjih konvencij in protokolov preko nasledstva, čeprav ni članica ZN. Namen zaključkov je povečati poznavanje omenjenih konvencij in razlogov, zakaj bi moralno biti Kosovo del njih.

KLJUČNE BESEDE: Kosovo, pogodbenica, nasledstvo, ženevske konvencije in njihovi dodatni protokoli, Konvencija o preprečevanju in kaznovanju zločina genocida

¹ ABOUT THE AUTHOR: Viona Rashica is Doctor of Political Sciences at the South East European University in Tetovo, North Macedonia. Email: vionarashica@hotmail.com

INTRODUCTION

The paper addresses a topic which is related to an important issue of the partially recognized state Kosovo in becoming a party to international agreements of great importance in international humanitarian law. Although a young entity, with a lot of challenges in terms of realizing its foreign policy, Kosovo, whose people were facing genocide in the last war in the period 1998-1999, must take seriously its membership in the Geneva Conventions and their Additional Protocols, as well as the Convention on the Prevention and Punishment of the Crime of Genocide. The paper focuses on the research question: Can Kosovo become a contracting party to the Geneva Conventions and their Additional Protocols, as well as the Genocide Convention through succession? While the hypothesis of this research is: Through succession Kosovo can become a contracting party to a number of international agreements, which have been ratified by the former Yugoslavia, including the Geneva Conventions and their Additional Protocols, as well as the Genocide Convention.

Therefore, to give the research question the right answer and to identify the raised hypothesis, in addition to the abstract, introduction, conclusion and references, the paper also contains four chapters. The second chapter gives the definition of international agreements and the ways by which states can become their contracting parties. The third chapter of the paper explains the importance of the Geneva Conventions and their Additional Protocols. The fourth chapter offers the definition of genocide and highlights some of the key features of the Genocide Convention. The fifth chapter emphasizes the main events in Kosovo from the time when it was an autonomous province of the former Yugoslavia to the declaration of its independence in 2008. Whereas, the sixth chapter is the most important chapter of this paper because it clarifies how Kosovo can become a contracting party to the Geneva Conventions and their Additional Protocols, as well as the Genocide Convention, through succession.

This paper has explanatory, descriptive, analytical and comparative nature, and for its realization are used qualitative methods, based on literature and the internet sources that are related to the international human rights treaties, in particular to the Geneva Conventions and their Additional Protocols, the Genocide Convention, and also to the Republic of Kosovo.

THE MEMBERSHIP OF STATES IN INTERNATIONAL AGREEMENTS

THE DEFINITION OF INTERNATIONAL AGREEMENTS AND WAYS STATES BECOME PARTIES TO THEM

Different types of international documents drafted in writing are presented in different terms. Most often they are called international agreements or treaties, but other terms such as convention, pact, declaration, charter, statute, protocol, etc., are also used. International treaties are the most important agreements reached between two or more subjects of international law. Conventions are agreements that define the relations between states in a certain field. They are used in cases when legal rules need to be created, but also for the regulation of economic or cultural issues, etc. Pacts are solemn agreements, which refer mainly to various political issues. Declarations represent agreements by which the contracting parties mutually oblige to adhere to certain rules of conduct in the future. Through them are established general rules of the international law and international relations. Charters and statutes contain agreements on the establishment, organization and definition of the competencies of international organizations and their bodies. While protocols are various informal agreements between states or complementary agreements for the interpretation, extension or replacement of other agreements (Gruda, 2013, pp.289-299). However, it should be emphasized that these terminological differences have no significance in the international law because the value of each agreement for the contracting parties is the same, regardless of the name.

There are several ways by which states can become parties to various international agreements. Ratification is the final engagement to compliance of the contracting parties with the obligations from a treaty, which had been adopted by their representatives. Article 14 of the Vienna Convention on the Law of Treaties states:

- The consent of a State to be bound by a treaty is expressed by ratification when:
 - a) the treaty provides for such consent to be expressed by means of ratification;
 - b) it is otherwise established that the negotiating States were agreed that ratification should be required;
 - c) the representative of the State has signed the treaty subject to ratification; or
 - d) the intention of the State to sign the treaty subject to ratifi-

cation appears from the full powers of its representative or was expressed during the negotiation.

- The consent of a State to be bound by a treaty is expressed by acceptance or approval under conditions similar to those which apply to ratification (Dörr and Schmalenbach, 2018, p.199).

A state can become a contracting party not only by a signature and ratification, but also by accession. In this case, a state does not participate in the negotiations that have resulted in the reaching of the agreements, but is only invited by the contracting parties to join them. The possibility of accession can be unlimited if this is allowed to all countries of the world, or can be limited (Gruda, 2013, pp.313-314).

Political entities are not immutable. They are subject to change, in which case new states are created and old states disappear, e.g. when dissolutions and secessions take place. So changing the political sovereignty of a particular territorial entity can cause a number of complications. How far is a new state bound by the treaties and contracts entered into by the previous sovereign of the territory? Does nationality automatically devolve upon the inhabitants to replace that of the predecessor? What happens to the public property of the previous sovereign and to what extent is the new authority liable for the debts of the old? (Shaw, 2008, pp.956-957)

Another way through which states can become parties to international agreements is succession. Succession is a process that happens when one or more international legal entities replace another international legal entity as a result of the use of force, peacefully or with a revolution, in which case appears the transfer of rights and obligations from a state that has changed or lost its identity to another state or other communities. The latter can be general when there is a full establishment of state sovereignty over another state or partial when sovereignty extends over a certain part of a state territory. One of the most important issues that arise in the case of succession is whether the treaties of the state that has been extinguished or divided into the successor states are transferred, or have disappeared with the lost or given territory. Agreements reached by the previous state remain in force for the new state only if the latter expressly accepts them or if there is no specific statement of non-recognition or annulment (Gruda, 2013, p.94).

The international aspects of succession are governed through the rules of customary international law. There are two relevant Conventions on succession:

- 1) The Vienna Convention on Succession of States in Respect of Treaties, which was signed on August 23, 1978, and entered into force on November 6, 1996;
- 2) The Vienna Convention on Succession of States in Respect of State Property, Archives and Debts, which was signed on April 8, 1983, and has not yet entered into force (Shaw, 2008, p.959).

It should be mentioned that the Vienna Convention on the Succession of States in Respect of Treaties highlights the differences between:

- “Contracting State” means a State which has consented to be bound by the treaty, whether or not the treaty has entered into force;
- “Contracting party” means a State which has consented to be bound by the treaty and for which the treaty is in force;
- “Other State party” means in relation to a successor State any party, other than the predecessor State, to a treaty in force at the date of a succession of States in respect of the territory to which that succession of States relates (United Nations Treaty Collection, n.d.).

THE MAIN CHARACTERISTICS OF THE 1949 GENEVA CONVENTIONS AND THEIR ADDITIONAL PROTOCOLS

The Geneva Conventions and their Additional Protocols are international treaties that contain the most important rules limiting the barbarity of war. These are the instruments of international law, at the core of the international humanitarian law, that regulate the conduct of armed conflict and seek to limit its effects. They specifically protect people who are not taking part in the hostilities (civilians as well as medical and humanitarian workers) and those who are no longer participating in the hostilities, such as wounded, sick and shipwrecked soldiers and prisoners of war. The Conventions and their Protocols call for measures to be taken to prevent or put an end to all their breaches. They contain stringent rules to deal with what are known as “grave breaches”. Those responsible for grave breaches must be sought, tried or extradited, whatever nationality they may hold (International Committee of the Red Cross, 2010).

On August 12, 1949, an international conference of diplomats revised and updated the Geneva Conventions, which entered into force on October 21, 1950. Ratification grew steadily through the decades: 74 states ratified the Conventions during the 1950s, 48 states did so during the 1960s, 20 states signed them during the 1970s, and another 20 states did so during the 1980s. Twenty-six countries ratified the Conventions in the early 1990s, largely in the aftermath of the break-up of the Soviet Union, Czechoslovakia and the former Yugoslavia. Nine new ratifications since 2000 have brought the total number of States Parties to 196, making the Geneva Conventions universally applicable (International Committee of the Red Cross, 2010).

The four Geneva Conventions are:

- 1) *Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field* represents the fourth updated version in 2016 of the Geneva Convention on the wounded and sick following those adopted in 1864, 1906 and 1929. It contains 64 articles. These provide protection for the wounded and sick, but also for medical and religious personnel, medical units and medical transports. The Convention also recognizes the distinctive emblems. It has two annexes containing a draft agreement relating to hospital zones and a model identity card for medical and religious personnel (International Committee of the Red Cross, n.d.).
- 2) *Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea* is a special convention updated in 2017, through which the protection of wounded, sick and shipwrecked members of armed forces at sea was regulated for the first time in a Geneva Convention. Prior to this, the rules on the protection of the wounded, sick and shipwrecked during naval warfare were codified in the 1889 and 1907 Hague Conventions, which adapted the principles of the Geneva Conventions on the wounded and sick to naval warfare. This Convention contains 63 articles. In addition to the protection of wounded, sick and shipwrecked members of armed forces at sea, these articles provide specific protection for hospital ships, coastal rescue craft, medical aircraft and other medical transports at sea, as well as religious, medical and hospital personnel performing their duties in a naval context. The Convention also recognizes the distinctive emblems. It has one annex, consisting of a model identity card for medical and religious personnel attached to the armed forces at sea (International Committee of the Red Cross, n.d.).

- 3) *Convention (III) relative to the Treatment of Prisoners of War* replaced the Prisoners of War Convention of 1929. It contains 143 Articles whereas the 1929 Convention had only 97. It became necessary to revise the 1929 Convention on a number of points owing to the changes that had occurred in the conduct of warfare and the consequences thereof, as well as in the living conditions of peoples. Experience had shown that the daily life of prisoners depended specifically on the interpretation given to the general regulations. Consequently, certain regulations were given a more explicit form which was lacking in the preceding provisions. Since the text of the Convention is to be posted in all prisoner of war camps, it has to be comprehensible not only to the authorities but also to the ordinary reader at any time (International Committee of the Red Cross, n.d.).
- 4) *Convention (IV) relative to the Protection of Civilian Persons in Time of War* adopted in 1949 takes account of the experiences of World War II. It contains a rather short part concerning the general protection of populations against certain consequences of war, leaving aside the problem of the limitation of the use of weapons. The great bulk of the Convention puts forth the regulations governing the status and treatment of protected persons. These provisions distinguish between the situation of foreigners on the territory of one of the parties to the conflict and that of civilians in occupied territory (International Committee of the Red Cross, n.d.).

In the two decades that followed the adoption of the Geneva Conventions, the world witnessed an increase in the number of non-international armed conflicts and wars of national liberation. In response, two Protocols Additional to the four 1949 Geneva Conventions were adopted on June 8, 1977 and entered into force on December 7, 1978, which are:

- 1) *Protocol Additional to the Geneva Conventions of August 12, 1949, relating to the Protection of Victims of International Armed Conflicts;*
- 2) *Protocol Additional to the Geneva Conventions of August 12, 1949, relating to the Protection of Victims of Non-International Armed Conflicts* (International Committee of the Red Cross, n.d.).

Protocol Additional to the Geneva Conventions of August 12, 1949, relating to the Adoption of an Additional Distinctive Emblem was adopted on December 8, 2005 and entered into force on January 14, 2007 (International Committee of the Red Cross, n.d.).

THE MAIN CHARACTERISTICS OF THE 1948 CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE

The word “genocide” was first coined by Polish lawyer Raphäel Lemkin in 1944 in his book “Axis Rule in Occupied Europe”. It consists of the Greek prefix *genos*, meaning race or tribe, and the Latin suffix *cide*, meaning killing. Lemkin developed the term partly in response to the Nazi policies of systematic murder of Jewish people during the Holocaust, but also in response to previous instances in history of targeted actions aimed at the destruction of particular groups of people. Later on, Lemkin led the campaign to have genocide recognized and codified as an international crime (United Nations Office on Genocide Prevention and the Responsibility to Protect, n.d.). Genocide was first recognized as a crime under international law in 1946 by the United Nations General Assembly (A/RES/96-I). It was codified as an independent crime in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention).

The intention of genocide is examined in four situations:

- Ethnic cleansing;
- Destruction of human habitat;
- Aerial bombardment;
- Nuclear attack.

The term “ethnic cleansing” came into vogue in the 1990s to describe the forced removal of Muslims and Croats from Bosnia (Quigley, 2006, p.191). Ethnic cleansing has been empowered as a term as a result of the expulsion of Kosovo Albanians during the Kosovo war (24 March 1998 – 12 June 1999), when major violations of international humanitarian law occurred. In addition, on 27 May 1999, the International Criminal Tribunal for the former Yugoslavia issued an indictment and arrest warrant for: Slobodan Milošević (the then President of the Federal Republic of Yugoslavia); Milan Milutinović (the then President of Serbia); Nikola Šainović (then Deputy Prime Minister of the FRY); Dragoljub Ojdanić (then Chief of Staff of the Yugoslav Army); and Vlajko Stojiljković (then Minister of Internal Affairs of Serbia). It should be emphasized that these were the first indictments in the history of international criminal tribunals against state leaders. They were accused of murders and violations of the laws or customs of war, persecutions on political, racial or religious grounds. Specifically, the five indictees were charged with murders of over 340 persons identified by names,

annexed to the indictment, and for the expulsion of 740000 Kosovo Albanians (International Criminal Tribunal for the former Yugoslavia, 1999).

The Genocide Convention is an instrument of the international law that codified for the first time the crime of genocide. This convention was the first human rights treaty adopted by the General Assembly of the UN on 9 December 1948, which entered into force on 12 January 1951, and signified the international community's commitment to 'never again' after the atrocities committed during the Second World War. Its adoption marked a crucial step towards the development of international human rights and international criminal law as we know it today (United Nations Office on Genocide Prevention and the Responsibility to Protect, n.d.). Two of the most important articles of this convention are:

- 1) Article I states: The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish;
- 2) Article II states: In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:
 - a) Killing members of the group;
 - b) Causing serious bodily or mental harm to members of the group;
 - c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
 - d) Imposing measures intended to prevent births within the group;
 - e) Forcibly transferring children of the group to another group (Office of the United Nations High Commissioner for Human Rights, n.d.).

The International Court of Justice (hereinafter 'ICJ') has repeatedly stated that the Convention embodies principles that are part of general customary international law. This means that whether or not states have ratified the Genocide Convention, they are all bound as a matter of law by the principle that genocide is a crime prohibited under international law. The ICJ also stated that the prohibition of genocide is a peremptory norm of international law (or ius cogens) and consequently, no derogation from it is allowed. Mauritius is the last state

to become a contracting party to the Genocide Convention on 8 July 2019, in which case the number of contracting parties to this convention is 152, and with the exception of Palestine all parties are members of the UN.

KOSOVO FROM THE AUTONOMOUS PROVINCE IN THE SFRY UNTIL ITS INDEPENDENCE

Yugoslavia as a federation was created on November 29 1943, when the Federal Principle was proclaimed as the basis of the future Yugoslav constitution that had guaranteed equality between Serbia, Croatia, Slovenia, Macedonia, Montenegro, and Bosnia and Herzegovina, while historical and ethnic entities such as Kosovo, Vojvodina, Dalmatia and Sandžak were not recognized and were not given the full status of federal republics. In 1946, it was decided to create two autonomous sub-federal units within Serbia, Kosovo and Metohija (renamed to Kosovo in 1963), and Vojvodina (Radan, 2002, p.147). In 1952 the federal structure of Yugoslavia consisted of six republics (Serbia, Croatia, Slovenia, Macedonia, Montenegro, and Bosnia and Herzegovina). The Constitution of 1946, the Basic Constitutional Law of 1953 and the Constitution of 1963 demonstrated that Yugoslavia was a highly centralized state. However, the Constitution of 1974 was of great importance for the reorganization of the Yugoslav federation because for the first time, the Republics and even the autonomous provinces had their own constitutions.

In addition to the constitutions, the autonomous provinces also possessed a government, judicial bodies, an Assembly and a Presidency (Gruda, 2007, p.692). This constitution provided Kosovo (as well as Vojvodina) an equal status in decision-making on economic issues, in some areas of foreign policy, as well as in many other areas, with that of the six republics. Both autonomous provinces also had their direct representatives in the main forums of the Yugoslav Federation. Although Kosovo and Vojvodina continued to be parts of Serbia, they were at the same time bodies with full federal rights (Malcolm, 2011, p.412). The reintegration of Kosovo into Serbia was achieved by amendments to the Constitution of the Republic of Serbia in February 1989 and July 1990 which effectively revoked the legal basis for Kosovo's autonomy within Serbia. Kosovo's status reverted to that held under the 1946 Constitution (Radan, 2002, p.154).

On 7 September 1990, the majority of delegates from the dissolved

Kosovo assembly met in the town of Kačanik and issued the Kačanik Resolution. The Resolution reaffirmed the right of the Albanian people to self-determination and reiterated the essential demands of the July 2, 1990 Declaration concerning Kosovo's status as an equal member of the Yugoslav federation, referring to the latter as a 'community of Yugoslav peoples'. On the same date as the Kačanik Resolution the dissolved Kosovo assembly proclaimed the Constitution of the Republic of Kosovo that marked Kosovo's secession from Serbia, although not from Yugoslavia. Given that the European Economic Community was only prepared to grant recognition to republics of Yugoslavia, and not its autonomous provinces, Kosovo's application for recognition was not even accepted by the EEC for consideration by the Badinter Commission. However, with the emergence of the militant Kosovo Liberation Army (KLA) in early 1998, the level of hostility increased dramatically. The KLA's emergence revealed factionalism within the ranks of Kosovo's Albanians over the means by which independence should be sought. In mid-1998 fierce fighting broke out between Yugoslavia's police and armed forces, on the one hand and the KLA, on the other, over control of Kosovo's territory. The Kosovo war has been characterized by numerous crimes such as: killings; disappearances and organs removals; targeted killings; rapes and sexual assaults; forced expulsions; arbitrary arrests and detentions; destruction of civilian properties and mosques; contamination of water wells; robbery and extortion, etc. (Human Rights Watch, n.d.). This led to an increased international concern over the region. In 1999, though, without the authorization of the Security Council, NATO launched airstrikes against Serb soldiers, while Serbia declared its capitulation (Radan, 2002, pp.199-201).

On June 10, 1999, with the UN Resolution 1244, Kosovo became an international protectorate (United Nations Mission in Kosovo, 1999), while on February 17, 2008 Kosovo declared its independence. In 13 years of its independence, the Republic of Kosovo has been recognized by 117 countries (Ministry of Foreign Affairs and Diaspora, n.d.). One of the key priorities of the foreign policy of the Republic of Kosovo is the membership in international organizations and international agreements, especially in those that present the basis of international humanitarian law. The Kosovo Declaration of Independence states: The Republic of Kosovo will assume its international obligations, including those achieved on its behalf by the United Nations Interim Administration Mission in Kosovo (UNMIK), as well as the obligations of the treaties and other obligations of the former Socialist Federal Re-

public of Yugoslavia to which it owes as a former constituent part, including the Vienna Conventions on Diplomatic and Consular Relations (The Prime Minister's Office, 2008).

THE MEMBERSHIP OF KOSOVO IN THE 1949 GENEVA CONVENTIONS AND THE GENOCIDE CONVENTION THROUGH SUCCESSION

The 1949 Geneva Conventions have 196 contracting parties, and the Republic of Kosovo is not recognized by 81 of these states. The countries of the former SFRY, Slovenia (March 26, 1992), Croatia (May 11, 1992), Bosnia and Herzegovina (December 31, 1992), North Macedonia² (September 1, 1993), Serbia (October 16, 2001) and Montenegro (August 2, 2006) became parties to the Geneva Conventions through succession because the SFRY had ratified these conventions on April 21, 1950. Kosovo was also part of the SFRY when these conventions were ratified by the latter and can become part of them through succession, but first must be sent to the Government of Switzerland that has the role of depositary, a declaration of success on the conventions in question together with a statement recognizing the powers of the International Humanitarian Fact-Finding Mission³. Then, of the 196 parties to these conventions, Palestine, the Vatican and the Cook Islands are not UN member states.

Of the 174 contracting parties to the First Additional Protocol, 76 states have not recognized Kosovo's independence. Of the 169 contracting parties to the Second Additional Protocol, 70 states do not recognize the state of Kosovo. The same applies to these two protocols as above; Kosovo could become a party by succession because the SFRY had ratified these two protocols on June 11, 1979. Again, non-membership in the UN has not posed a problem for Palestine, the Vatican and the Cook Islands to be parties to these protocols⁴. Whereas out of 78 contracting

2 The name "Republic of North Macedonia" resulted from the Prespa Agreement signed on June 17, 2018 between Greece and Macedonia, as a solution to a long-standing dispute over the name of the latter. The agreement was ratified in the parliaments of the two states on January 25, 2019 and entered into force on February 12, 2019.

3 The International Humanitarian Fact-Finding Mission is a permanent body available to the international community to investigate violations of international humanitarian law. Based in Bern, the Commission consists of fifteen experts. Switzerland, as depositary of the Geneva Conventions, manages its secretariat.

4 The Holy See, known as Vatican City, is the only independent nation to choose not to be a member of the UN. The Cook Islands are not within the UN is because they do not meet the criteria of carrying out foreign relations independently without consultation with New Zealand. Palestine has the required 2/3 of the votes in the General Assembly, but in 2014 Palestine was granted observer status, while the US veto in the Security Council prevents its full membership in the UN. It should be mentioned that three Security Council member states, such as France, the UK and the US have not recognized its independence. In the case of Kosovo, this state does not have 2/3 of the votes in the General Assembly, but also needs the final approval of the Security Council. Unlike Palestine, it is Russia and China that have not recognized Kosovo's independence; Russia has even warned that it would use its veto against Kosovo's accession to the UN.

parties to the Third Additional Protocol, 26 states have not recognized the Republic of Kosovo. Kosovo could become a party to the Protocol in question only through accession, because the deadlines for its signing have expired. Palestine and the Cook Islands are also part of this Protocol.

The states created by the dissolution of Yugoslavia became parties to the Genocide Convention through succession. The SFRY had signed the Genocide Convention on December 11, 1948 and ratified it on August 29, 1950. Slovenia became a party to the Genocide Convention on July 6, 1992, Croatia on October 12, 1992, Bosnia and Herzegovina on December 29, 1992, North Macedonia on January 18, 1994, Serbia on March 12, 2001 and Montenegro on October 23, 2006 (United Nations Treaty Collection, n.d.). From 152 states that are parties to the Genocide Convention, the Republic of Kosovo has not been recognized by 66 states. Unlike the countries of the former Yugoslavia that are members of the UN, the Republic of Kosovo is not a member of the latter yet. However, membership in the UN is not a primary condition for becoming a party to this convention that is better demonstrated with the case of Palestine which is not a member state of the UN. If the Republic of Kosovo would have sent a notice of succession to the Genocide Convention to the Secretary-General of the UN, which as a depositor has a technical and administrative role, but has no political role, he would have notified the other parties of this convention. Being a contracting party to the Genocide Convention is very important for Kosovo, especially Article IX, which states: Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in Article III , shall be submitted to the International Court of Justice at the request of any of the parties to the dispute (Office of the United Nations High Commissioner for Human Rights, n.d.).

CONCLUSION

The Republic of Kosovo is a new state entity, which has been faced with many challenges in exercising its foreign policy during the thirteen years from its declaration of independence. Due to the fact that genocide took place on its territory, being a party to international agreements with a key role in international humanitarian law should be among the top priorities of the foreign policy of Kosovo. Because the former SFRY was a contracting state to many international human rights agreements, which it signed and ratified, should be used by Kosovo, so as to become their party by succession, which was used by the former Yugoslav republics after the declarations of their independence.

Being a contracting party to important international conventions and protocols, such as Geneva Conventions and their Additional Protocols, as well as the Genocide Convention, would have made it easier for Kosovo to uncover the truth about war crimes in 1998-1999 and for demanding accountability from the responsible state for the committed genocide. Former Yugoslav states became part of the aforementioned conventions and protocols by succession, but unlike them, Kosovo is not a member of the UN. However, the contracting party of these conventions and protocols is Palestine which is not a member of the UN, and this proves that not being a member of the UN is not an essential condition of being a party to the Geneva Conventions and their Additional Protocols, as well as the Genocide Convention. Then, the Swiss Government and the UN Secretary-General as depositors of the notifications of states that want to be part of these conventions and protocols do not have political influence in such issues. Therefore, without a further delay, the Republic of Kosovo should send a letter the Swiss Government and also to the UN Secretary-General, through which it confirms its decision to succeed in the conventions and protocols in question. Such step would contribute to a firmer legal background of its foreign policy and would not harm any of states with which Kosovo is engaged in settling their mutual interest and affairs.

REFERENCES

- Dörr, O., Schmalenbach, K., eds. *Vienna Convention on the Law of Treaties: A Commentary*. 2nd ed. Berlin: Springer, 2018.
- Duxbury, A., 2011. *The Participation of States in International Organizations: The Role of Human Rights and Democracy*. UK: Cambridge University.
- Gruda, Z., 2013. *E Drejta Ndërkombëtare Publike*. Bot. i 5-të. Prishtinë: CIP.
- Gruda, Z., 2007. *Mbrojtja Ndërkombëtare e të Drejtave të Njeriut*. Prishtinë: Universiteti Fama.
- International Committee of the Red Cross. Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. Geneva, 12 August 1949. [website] Available at: <<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/365>>[Accessed 29 June 2021].
- International Committee of the Red Cross. Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea. Geneva, 12 August 1949. [website] Available at: <<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/370>>[Accessed 29 June 2021].
- International Committee of the Red Cross. Convention (III) relative to the Treatment of Prisoners of War. Geneva, 12 August 1949. [website] Available at: <<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/375>>[Accessed 29 June 2021].
- International Committee of the Red Cross. Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949. [website] Available at: <<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/380>>[Accessed 29 June 2021].
- International Committee of the Red Cross. How “grave breaches” are defined in the Geneva Conventions and Additional Protocols. [website] (June 4, 2004) Available at: <<https://www.icrc.org/en/doc/resources/documents/faq/5zmgf9.htm>>[Accessed 29 June 2021].
- Human Rights Watch. UNDER ORDERS: War Crimes in Kosovo. [website] Available at: <<https://www.hrw.org/reports/2001/kosovo/>>[Accessed 28 June 2021].
- International Committee of the Red Cross. Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III), 8 December 2005. [website] Available at: <<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/615>>[Accessed 29 June 2021].
- International Committee of the Red Cross. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977. [website] Available at: <<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/470>>[Accessed 29 June 2021].

International Committee of the Red Cross. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977. [website] Available at: <<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/475>> [Accessed 29 June 2021].

International Committee of the Red Cross. The Geneva Conventions of 1949 and their Additional Protocols. [website] (January 1, 2014) Available at: <<https://www.icrc.org/en/document/geneva-conventions-1949-additional-protocols>> [Accessed 29 June 2021].

International Criminal Tribunal for the former Yugoslavia. Press - President Milosevic and Four other Senior Fry Officials Indicted for Murder, Persecution and Deportation in Kosovo. [website] Available at: <<http://www.icty.org/sid/7765>> [Accessed 10 May 2021].

Malcolm, N., 2011. *Kosova: Një histori e shkurtër*. Prishtinë: Koha.

Ministry of Foreign Affairs and Diaspora. Foreign policy: International recognitions of the Republic of Kosovo. [website] Available at: <<https://www.mfa-ks.net/en/politika/483/njohjet-ndrkombtare-t-republik-s-kosovs/483>> [Accessed 10 May 2021].

Office of the United Nations High Commissioner for Human Rights. Convention on the Prevention and Punishment of the Crime of Genocide: Article IX. [website] Available at: <<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CrimeOfGenocide.aspx>> [Accessed 11 May 2021].

Quigley, J., 2006. *The Genocide Convention: An International Law Analysis*. USA: Ashgate.

Radan, P., 2002. *The Break-up of Yugoslavia and International Law*. London: Routledge.

Shaw, N., M., 2008. *International Law*. UK: Cambridge University Press.

The Prime Minister of Kosovo. Kosovo Declaration of Independence. [website] (17 February 2008) Available at: <<https://kryeministri-ks.net/en/kosovo-declaration-of-independence-2/>> [Accessed 10 May 2021].

United Nations Treaty Collection. Convention on the Prevention and Punishment of the Crime of Genocide. [website] Available at: <https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-1&chapter=4&clang=_en> [Accessed 8 May 2021].

United Nations Office on Genocide Prevention and the Responsibility to Protect. Genocide: Background. [website] Available at: <<https://www.un.org/en/genocideprevention/genocide.shtml>> [Accessed 8 May 2021].

United Nations Treaty Collection. Multilateral Treaties Deposited with the Secretary-General: Bosnia and Herzegovina. [website] Available at: <https://treaties.un.org/Pages/HistoricalInfo.aspx?clang=_en#Croatia> [Accessed 9 May 2021].

United Nations Treaty Collection. Multilateral Treaties Deposited with the Secretary-General:
Croatia. [website] Available at: <https://treaties.un.org/Pages/HistoricalInfo.aspx?clang=_en#Croatia>[Accessed 9 May 2021].

United Nations Treaty Collection. Multilateral Treaties Deposited with the Secretary-General:
Montenegro. [website] Available at: <https://treaties.un.org/Pages/HistoricalInfo.aspx?clang=_en#Montenegro>[Accessed 9 May 2021].

United Nations Treaty Collection. Multilateral Treaties Deposited with the Secretary-General:
North Macedonia. [website] Available at: <https://treaties.un.org/Pages/HistoricalInfo.aspx?clang=_en#NorthMacedonia>[Accessed 9 May 2021].

United Nations Treaty Collection. Multilateral Treaties Deposited with the Secretary-General:
Serbia. [website] Available at: <https://treaties.un.org/Pages/HistoricalInfo.aspx?clang=_en#SerbiaandMontenegro>[Accessed 9 May 2021].

United Nations Treaty Collection. Multilateral Treaties Deposited with the Secretary-General:
Slovenia. [website] Available at: <https://treaties.un.org/Pages/HistoricalInfo.aspx?clang=_en#Slovenia>[Accessed 9 May 2021].

Ursula K. Le Guin's The Left Hand of Darkness: A *Bilateral Envoy on the Posting*

Milan Jazbec¹

ABSTRACT

This paper focuses on the analysis of diplomatic aspects of the groundbreaking classical science fiction novel *The Left Hand of Darkness* by Ursula K. Le Guin. Its main diplomatic characteristic is the role of bilateral diplomacy and the ad hoc envoy, its promoter as the focal point. Bilateral diplomacy has marked diplomacy ever since, during the periods of modern and postmodern, also in pursue of multilateral activities. Le Guin discusses the Earth's envoy on an alien world trying to persuade the receiving authority to join the cosmic multilateral arrangement of worlds for known benefits. Her protagonist is a typical ad hoc envoy, who's assignment precedes opening of the residential diplomatic mission provided his endeavour is accomplished. Le Guin presents the envoy's diplomatic report in a form of a story. The highly unconventional fictional narrative is full of clear diplomatic lines in spite of the fact that the envoy finds himself in a totally different environment, incomparable with his own experiences. Diplomatic functions of presentation and observation, including reporting, stand out.

KEYWORDS: bilateral diplomacy, science fiction, Ursula Le Guin, the Left Hand of Darkness, envoy, protocol, observing and reporting

POVZETEK

Prispevek se osredotoča na analizo diplomatskih vidikov enega od prelomnih klasičnih romanov znanstvene fantastike Leva roka teme Ursule K. Le Guin. Osrednja diplomatska značilnost romana je vloga bilateralne diplomacije in ad hoc odpolsanca kot njenega izvajalca v središču. Bilateralna diplomacija karakterizira diplomacijo vse od njenih začetkov, v obdobju moderne in postmoderne diplomacije pa podpira tudi multilateralne aktivnosti. Le Guinova predstavlja zemeljskega odpolsanca na tujem svetu, ki poskuša prepričati sprejemne oblasti, da se pridružijo kozmični multilateralni združbi svetov zaradi znanih koristi. Njen protagonist je tipičen ad hoc odpolsanec, ki mu bo sledilo odprtje rezidenčnega diplomatskega predstavnštva, če bo njegova misija uspešna. Roman predstavlja diplomatsko poročilo v obliki zgodbe. Izrazito nekonvencionalna fiktivna naracija je polna jasnih diplomatskih značilnosti, čeprav se odpolsanec znajde v popolnoma drugačnem okolju, neprimerljivem z njegovimi izkušnjami. Izstopata diplomatski funkciji predstavljanja in opazovanja, vključno s poročanjem.

KLJUČNE BESEDE: bilateralna diplomacija, znanstvena fantastika, Le Guin, Leva roke teme, odpolsanec, protokol, opazovanje in poročanje

¹ ABOUT THE AUTHOR: Milan Jazbec, PhD, Professor of Diplomacy, poet and writer. Former Ambassador of Slovenia to North Macedonia (2016 – 2020) as well as to Turkey (2010 – 2015), accredited also to Azerbaijan, Iraq, Iran, Lebanon and Syria, and State Secretary at the Slovene Ministry of Defence (2000 – 2004). Employed at the Ministry of Foreign Affairs of Slovenia. Email: milan.jazbec@gmail.com

INTRODUCTION

Diplomacy has in its essence always been political and bilateral. Being an instrument of peaceful communication between, originally, states and along with this of the international intercourse as well, it reflects intentions and interests of political entities in the international arena. Hence, its activities are above all political, although progressively stretching to other areas of social activities, too. Bilateral diplomacy dominated the diplomatic arena till the emergence of modern era and multilateral diplomacy (Anderson, 1993). This all means there many faces and appearances of bilateral diplomacy in practice, that serve different purposes and meanings. However, they always remain in service of one primary goal, advancing cooperation by peaceful means; as the Vienna Convention on Diplomatic Relations puts forward, to establish and deepen friendly relations among states and nations.²

We dwell significantly on these aspects of bilateral diplomacy later on when we focus our research interest on one of the groundbreaking science fiction novels, namely *The Left Hand of Darkness* by Ursula K. Le Guin. The role of bilateral diplomacy and its envoy mark the whole novel, situated in an alien world, absolutely different from the envoy's formal preparations, intuitive perception and expectations. This makes the implementation of the envoy's task by no means easier, but successful anyway. Le Guin published this outstanding novel of her in 1968 and won in an unprecedented manner both Nebula and Hugo awards, as well as opened a new chapter of the science fiction creativity. Our approach is that works like the one discussed here help us understand and comprehend diplomacy better and more thoughtfully. At the same time they also enrich diplomatic studies and the study of diplomacy. This paper primarily focuses on diplomacy as an activity and method. Such works also offer a more comprehensive view in complying with the literature works as well.

The tendency if this paper is to answer two research questions in this paper. Firstly, how does the distinguished author present and perceive bilateral diplomacy and the role of an ad hoc envoy, preceding a possible later opening of a residential diplomatic mission, in his monumental work; and secondly, what is her contribution to diplomatic studies and their expertise on the phenomena of diplomacy as exercised in

² Comp. functions of a diplomatic mission, Vienna Convention on Diplomatic Relations, Article 3.

this text. The following methods are used in this research: analysis, comment, comparison, synthesis, interpretation, generalization, and – since the author is a career diplomat – also the method of observing through one's own participation.³ Last but not least, with our research endeavour we try to further add to the innovative study of diplomacy in literature, in particular in science fiction.

BILATERAL DIPLOMACY

Diplomacy has been since its beginning a bilateral endeavour.⁴ It was pursued firstly, during the period of early diplomacy, by ad hoc envoys, and became from the outset of the residential diplomacy in the period of the Italian city states, as well as later with the establishment of the first Foreign Ministry in France in the period of classical diplomacy, towards the end of the 18th century, the business of career diplomats. This institutional change in the pursuit of diplomacy did not influence the exercise of ad hoc diplomacy significantly, since the latter became part of the bilateral diplomatic business as a whole.

When foreign ministries, i.e. permanent diplomatic apparatus, started to offer diplomats at disposal for all relevant activities, there still remained place for ad hoc diplomatic envoys and for special tasks to be exercised by them. One such example is the opening of the diplomatic mission (embassy in particular) by a career diplomat in a function of an ad hoc envoy (common term in such cases is charge d'affaires a.i.) or pursuing negotiation with the receiving authority to enter a given multilateral arrangement, or any other similar task. We could note that originally ad hoc envoys were only persons being close to the ruler, but later on also career diplomats started to perform this business, which is today usual practice. Envoys hold different diplomatic ranks, usually the one they already have in the hierarchy. But an envoy could also be promoted to a higher rank when tasked with the new mission. Diplomatic mode always adapts to a given situation with a variety of tools that make the profession stronger, useful and adaptive.

Multilateral diplomacy emerged with the major structural changes in the international community after the end of the World War I, with a series of Paris Peace Conferences and with the establishment of the League of Nations soon afterwards. It blossomed with the forming of

³ For more on the latter method see Burnham, 2004, and Mason, 2002.

⁴ For more on this see for example Janković, 1988, pp.34-40, and Rozental and Buenrostro, 2013.

the United Nations Organization after the end of the World War II and continued to progressively develop during the following decades.⁵

This produced an impression that multilateral diplomacy will dominate diplomatic practice and approaches, pushing the bilateral one aside. With the growing complexity of international phenomena and processes, this impression was only gaining on importance. However, as diplomatic practice after the end of the Cold War is showing, both aspects of diplomatic practice are getting on complementarity, offering each other a variety of opportunities to be an irreplaceable part of the whole diplomatic intercourse, serving jointly to the common goal. Global multilateral gatherings and summits show, that at the end of the day, success is reachable only with bilateral discussions among key players persuading them to join the mainstream of the discussed issue. Another such example is conferences, a typical form of multilateral diplomacy.⁶ Relation between bilateral and multilateral diplomacy is as complementary and as synergetic as it ever could be.

To illustrate the above presented view on diplomacy, one could find the Barston's (2006, p.1) definition very useful for its broad and comprehensive overview and understanding. The respected author claims that "[D]iplomacy is concerned with the management of relations between states and between states and other actors." The former is bilateral diplomacy and the latter multilateral one. For the last hundred years they coexist, while their synergy and complementary is continuously growing. No doubt that globalization is only accelerating this trend.

Diplomacy in this sense "is the means by which states through their formal and other representatives, as well as other actors, articulate, coordinate and secure particular or wider interests [...]" (*ibid.*). So it is interests of each state that make the backbone of a state's performance in the international arena. This could be the microcosmos of the Greek city states⁷ or the Mediterranean system of states in the renaissance period or a purely fictional system of planets and worlds in the *Left Hand of Darkness*. And how do diplomats perform these duties? As Barston comments, by "using correspondence, private talks, exchanges of view, lobbying, visits, threats and other related activities"

⁵ For more on this see for example Mahbubani 2013, and Groom 2013.

⁶ Comp. Berridge and James, 2003, p. 21, as well as *ibid.* pp.176-177.

⁷ We borrow this phrase from Benko (1997, pp.23-26).

(ibid.). There is a variety of approaches at hand for a diplomat, tasked with an instruction. Usually, the sending authority does not advise its representative on the spot how to do it, which way to choose, since each of these approaches has its own and known mode, depending on a concrete situation as well as on the diplomat's evaluation of that situation.⁸ However, threats and similar approaches are very seldom in diplomatic business.

Another rule has been of the utmost importance for the diplomatic conduct, namely the mutual agreement of both states. Mutual consent and mutual understanding form the basis for diplomatic relations and their pursuit (Feltham, 1993, p.3). It has always been like this and it will remain so. Without this, nothing is achievable in the profession. States establish diplomatic relations by mutual agreement.⁹ They open diplomatic missions by the same approach.¹⁰ Also when deciding about the Head of the Mission of the sending state in the receiving state, the latter has its say, in a form of a consent, an agreement, explicitly issuing for the nominated person (or not, of course).¹¹

But when an ad hoc envoy is coming to the receiving state, there is no formal agreement procedure prescribed that would enable the receiving state to decide whether to receive him/her or not. It is just a matter of diplomatic courtesy, meaning to accept in practice by the rule the sent diplomat. If the latter is not just welcome, though, as the informal rule says, he/she will have to wait for a certain period of time to be received by the high authority; such a meeting could be very brief or at an unusual place or omitting common protocol rules etc. There are numerous, basically unlimited ways to show restraint to an envoy. The protagonist of the Le Guin's novel faces those challenges practically throughout his stay on the alien world.

The utmost guide to diplomacy and its practical implementation, to say so, is the set of diplomatic functions, presented in The Vienna Convention on Diplomatic Relations, in Article 3. Summing up the five functions of a diplomatic mission, one could say that diplomats observe and report, negotiate and represent as well as exercise pro-

⁸ Of course a diplomat receives a clear instruction when the given state of relations between two states is so sensitive that the exact approach must be coined at the sending authority (usually in consultation with the diplomat on the spot).

⁹ The Vienna Convention on Diplomatic Relations, Article No 2.

¹⁰ Ibid.

¹¹ Ibid., Article 4.

tection of interests, all of these within bilateral and multilateral mode of diplomacy, including their numerous practical examples and cases.

THE LEFT HAND OF DARKNESS

Immediately after its appearance in 1969, the novel *The Left Hand of Darkness* raised huge attention of readers of the genre but also broadly. It has become a model groundbreaking piece so far and one of the genre's classics. And the author was the first one, who won both Nebula and Hugo Awards, for this masterpiece, while altogether seven Nebula and six Hugo Awards.¹²

In its very essence, the novel is as science fiction novels are: continuous imagination of numerous nuances of aspects, elements and dimensions of space and time with dwelling (direct, preferably indirect) on destiny of humanity at its core. This very imagination is in a dialectic, dynamic and mutual relation with truth, as the author quotes her main protagonist ("...Truth is a matter of the imagination", Le Guin, 2016.a, p.1) and what we take as a backbone string of this paper as well. Such approach – of our author – offers unlimited, infinite creativeness for its writers. It means that each of them is in a position to bring something new to the genre, to contribute to its vibrations and add to the overall expression. This further means that science fiction is a part of *la grande* mission of uncovering human beings, i.e. ourselves: where we are, what we are, what we stand for and what is our purpose. This genre is specific since it uses (and invents) all possible imaginable means, methods and frames to go further and deeper, in the infinitive variations of existence-able and coming back, showing that we are only a part of a huge orchestra of nature, beyond our current capability of comprehension, having our own place, together with others. In what form, in what sense and meaning this is presentable; each exercise of a given pen shows in its own way.

For Clarke this is his all-encompassing enthusiasm with technology and its advancement, for Asimov his proficiency of plots that seem, when resolved, obvious as they could be, and for Le Guin it is the mastery of imagination. Their unprecedented ethics is at Asimov packed in his three laws of robotics¹³, at Clarke in his laws of technology¹⁴

12 <https://www.ursulaklequin.com/about-ursula> (Accessed 07 December 2021)

13 https://en.wikipedia.org/wiki/Three_Laws_of_Robotics (Accessed 07 December 2021)

14 <https://www.newscientist.com/definition/clarke's-three-laws/> (Accessed 07 December 2021)

and at Le Guin in the power of deep, subtle lyrical persuasion of her approach and the ability of forming protagonists and the context of that style. Her bravura stands out for “its radical investigation of gender roles and its moral and literary complexity”¹⁵, for being “a beautifully written mind expanding” (Vinge, 1992, p.vii), having a clear “poet’s touch and an anthropologist’s eye” (Gaiman, 2016, p.xix). Much of her power of expression is also placed in the fact that she is a child of an anthropologic background.¹⁶ When asked about this noticeable aspect of her novel, she said that “she had not intentionally approached the novel that way” (Vinge, *ibid.*, p.viii). However, this dimension is clearly obvious in the novel, since anthropology gives the “sense of sudden parallax – a view from a height of human behavior” (*ibid.*) as well as “the ability to glimpse the forest through the trees” (*ibid.*).

When researching and discussing *The Left Hand of Darkness*, it is important, therefore, to keep in mind that this text has been a significant contribution to “worldbuilding science fiction” (*ibid.*, p.vii). Such works (comp. also Herbert’s *Dune*) “create cultures, human and otherwise, that are as “alien” and rich in detail as the psychical settings of the distant planets on which they are set” (*ibid.*). Thus, with such approach, Le Guin and others, “have broadened and enriched the entire field, by adding the social sciences to the “science” in “science fiction” (*ibid.*). For this same reason, one could at least speculate, if not also prove, that this novelty has also enabled works from the discussed field to become a research interest of diplomatic studies; to broaden understanding of works from this genre through the eyes of diplomatic studies and the broader context of social sciences, since diplomacy has been studied by them from its origin.¹⁷

Le Guin says that science fiction is descriptive (2016.b, p. xxiv). Claiming this, she denies that it would be either predictive (*ibid.*) or extrapolative (*ibid.*, p. xxiii). The former is the business of prophets and the latter becomes, in its very end and carried to its logical extreme, depressing, if not carcinogenic (*ibid.*). So her book discussed here is not extrapolative. “If you like you can read it, and a lot of other science fiction, as a thought-experiment” (*ibid.*). With this, she continues, one

¹⁵ <https://www.ursulakleguin.com/about-ursula> (Accessed 07 December 2021)

¹⁶ Her father was the noted anthropologist A. L. Kroeber, her mother was the writer Theodora Kroeber, the author of *ISHI* (Vinge, 1992, p. viii).

¹⁷ For more on social sciences’ research of diplomacy comp. Jazbec, 2021, b.

intends “to describe reality, the present world” (*ibid.*, p. xxiv). All in all, “[S]cience fiction is metaphor” (*ibid.*, p. xxvii).

Hence, her protagonist Genly Ai is a metaphor for a diplomat, an envoy on a mission to an alien world. He carries his task through, upon reports and expertise of his predecessors (First Investigators), backed up by his previous, similar diplomatic experience. His environment, the international community in which he operates, is an inter-galactic one. His own world Ekumen is a hundred light-years away from his host place (*ibid.*, p.13). And, as we learn at the very beginning of this Le Guin’s descriptive metaphor, he presents his diplomatic mission in a form of a story, not as a pure, professional diplomatic report. The story is based both on the previous findings of that alien world, where he temporary resides, as well as on his personal diplomatic experience.

The story of *The Left Hand of Darkness*, in one sentence, could be summed up as “the story of a lone human emissary’s mission to Winter, an unknown alien world (...) to facilitate Winter’s inclusion in a growing intergalactic civilization”.¹⁸ One would hardly find a more promising beginning of a science fiction novel for an indepth diplomatic analysis. And a highly challenging one for its interdisciplinary character: apart from pure fictionnary narrative, it includes psychology, anthropology, sociology, international law and relations, to name but a few.

In addition to all these, the discussed novel stands out also as a predecessor of gender studies: “It is a novel of what would now be thought of as a gender politics” (Gaiman, 2016, p. xix). Briefly: “The inhabitants of the world called Winter have only one gender. Once a month, for a couple of days, they come into a state known as kemmer, in which they develop either male or female primary sexual characteristics” (*ibid.*, p. x). This means that each of them could be during that time a male or a female, as it comes. As Genly Ai cannot comprehend this phenomenon, also they cannot cope with the fact that each human has one permanent gender only. Le Guin derives a variety of social, psychological and other consequences from that fact throughout the text.¹⁹ The novel as such belongs to the so called Hainish Cycle with it in the focal point of importance.

¹⁸ Le Guin, 2016.a, first inner page of the book.

¹⁹ For details see Vinge, 1992.

But as stated at the beginning, it is diplomacy that lays in our focus, though with an eye from all these scientific points of view. Additionally, it is the form of a postmodern diplomacy that fully enables us with a possibility of such research effort.²⁰

THE PERCEPTION OF DIPLOMACY IN THE LEFT HAND OF DARKNESS

GENERAL OBSERVATIONS

On a general level we could point out at least three important characteristics of this novel for the purpose of its diplomatic understanding. They are observation, reporting and protocol, which one should also understand as the fourth diplomatic function (to ascertain and to report), as well as the first one (to present the sending state in the receiving state with an impact on protocol). They form three diplomatic clusters and each of them uncovers a variety of diplomatic meaning, nuances, specifics and messages that vibrate from the novel. We discuss them throughout the course of this paper.

From this researcher's point of view, Le Guin goes immediately at the very beginning into the diplomatic medias res: the title of the first Chapter says "A Parade in Erhenrang" (Le Guin, 2016.a, p. 1), which is the "capital city of Karhide" (*ibid.*, p.2).

Her main protagonist Genly Ai, the envoy, finds himself in the opening Chapter of the novel in the parade in the capital of the receiving authority.²¹ The parade is organized at the occasion of the king's speech, related to the completion "of the unfinished Arch of the River Gate (...), which completes the new Road and River Port of Erhenrang" (*ibid.*, p. 3). So it is protocol at a state event as the context with which everything begins. It is the first and direct encounter of the reader with diplomacy in this text, what, as a matter of fact, is rare for a science fiction, but also for other kinds of novels. It makes this research effort from one point of view easier, since this fact is so obvious, but from another one also more demanding and complex, since the scenery is direct, full of diplomatic aspects and gradations, hence more to dwell about, comment and uncover.

But before digging into this, we have to point out one aspect that is

20 For postmodern diplomacy see Jazbec, 2021.a.

21 However, as we learn at a later stage of the story, Winter is not the only state entity on this planet. Orgoreyn, with which Winter has a border dispute, is another one (*ibid.*, p.12).

of a defining importance for the way this novel is styled, written and placed into the diplomatic finery as well as for its general and diplomatic understanding. It is determining and also specific in the way of introducing and presenting novels that touch upon diplomacy as an approach, method, tool of messaging, narrative or its context.

Immediately after the title and before the first sentence, there is an entry, in an Aesopian language as if we are going to read a diplomatic sum up report from the Policy Planning Department²² of any given Ministry of Foreign Affairs:

“From the Archives of Hain. Transcriptor of Ansible Document
01-01101-934-2-Gethen: To the Stabile on Ollul: Report
from Genly Ai, First Mobile on Gethen/Winter, Hainish Cycle
93, Ekumenical Year 1490-97.” (*ibid.*)

The report of Genly Ai or the story that he produced (and we read) as the respected author claims with a nice metaphor (“...and Genly Ai would never have sat down at my desk and used up my ink and typewriter ribbon in informing me...” – Le Guin, 2016.b, p. xxvii) was written upon material in the Hain Archives. It origins from reports of Genly Ai, the Ekumenical envoy on the world called Winter (or Gethen in the terminology of the receiving authority). There is the number of the archive classification of the document, although the reader is not provided with a possibility to understand, i.e. de-code the numbering. The envoy’s rank is “the First Mobile”, meaning the first diplomatic envoy, one could also say ambassador in our terminology. We also learn the number of the Hainish Cycle in which the report was received and the years during which he was sending reports. But it would have been very difficult to translate the time data to the Winter’s calendar with an aim to have a clear and straightforward understanding of the time difference, since “[I]t is always the Year One here. Only the dating of every past and future year changes each New Year’s Day, as one counts backwards or forwards from the unitary Now” (*ibid*, pp.1-2).²³

While discussing those entries, it should be pointed out that, for example, Asimov (1988) uses the same approach in his Foundation Trilogy,

²² The author of this paper served four years in a capacity of the Policy Planning and Research Department Director in the Ministry of Foreign Affairs.

²³ The purpose of this quotation is to illustrate how complex the world of Le Guin’s imagination is and what is the mastery of this achievement – but also to show challenges to which diplomats are exposed to, although here only in a fictional reality.

at the beginning of each chapter – placing entries, which are de facto quotes from the Encyclopedia Galactica, explaining various terms, that the text deals with in the related part.²⁴ Le Guin also uses entries at various, but not all chapters. The quoted beginning informs the reader what the text is, how it was composed (style, composition, time), where to find it and to which field it belongs (diplomacy). From other entries we learn similar data for the referring chapters, informing us about authors, time and place, all together telling us how those parts / chapters structurally fit in the whole story / report. It is also worth to notice that the story of Genly Ai is in a few chapters told or written by other authors (we are informed about this from those entries). Additionally, if while reading the Foundation Trilogy we get an impression that we read excerpts from the real, existing Encyclopedia Galactica (there really might be one once), in the Le Guin's text there is an impression, when starting reading it, as if we were reading a diplomatic report in a diplomatic library or archive, crafted out in a form of a story.

Generally, studying archives to be able to get material for the novel, its narration and course, is a usual approach in literature, also in the diplomatic one. The first Slovene diplomat, Sigismund Herberstein, wrote his Notes upon Russia (1851-1852), stemming from his two reports from his two ad hoc missions to Russia.²⁵ And Ivo Andrić, the Yugoslav Nobel laureate for literature (1961), also diplomat by profession, did the same while writing his diplomatic novel Bosnian Chronicle (1963).

PROTOCOL, CONNECTIONS AND RELATIONS

After this short discourse, let us continue with diplomatic protocol and the way it is presented in the discussed novel. We point out and discuss hitherto a few cases where Genly AI is meeting top officials of the Winter authorities, including the already discussed parade, private dinner with the prime minister and two meetings with the king.

Diplomatic protocol and its implementation from the envoy's, ambassador's point of view in the receiving state, is a matter, as said already, of the first diplomatic function, representing the sending state in the receiving one. Diplomats attend ceremonial and other social events

²⁴ The fictional Encyclopedia Galactica (at least in our parallel world, to use the approach of this genre) is another example of the Asimov's brilliance and proficiency.

²⁵ Comp. Jazbec, 2009, pp.263-265, as well as <https://www.ucd.ie/readingeast/essay7.html> (Accessed 07 December 2021)

and with this they already present their (sending) states. When speaking about high protocol ceremonial events in the receiving states, diplomats have a special place in the order of appearance with a relation towards home representatives.²⁶ According to the precedence list of each state, they are usually placed immediately after the top state officials. Details at such opportunities may vary from case to case, since they are defined by the home authorities, but also depend on the size, structure complexity of the state etc.²⁷ Protocol events are important because they show, in nuances though, respect, prestige, importance, but also hidden influence with its higher or lower level of politeness towards the high guest. Apart from obliged and codified precedence and equal treatment, the rest lies in a variety of distinctions and in between the lines messaging. Practically everything comes good for such expressing.

As we learn from the first sentences, Genly Ai was well positioned in the parade, as it goes with diplomats: "I walked just behind the gossi-wors and just before the king" (*ibid.*), while "[N]ext come the lords and mayors and representatives (...) a vast ornate procession..." (*ibid.*). The first few pages are astonishingly full of vibrant and multivectorial diplomatic messaging and telling, all stemming from the protocol as its fundament. The envoy continues his careful and full of details presentation of the parade, like this one: "Next, the royal parts, guards and functionaries and dignitaries of the city and the court, deputies, senators, chancellors, ambassadors, lords of the Kingdom, none of them keeping step or rank yet walking with great dignity: and among them is King Argaven XV. in white tunic and shirt and breeches, with leggings of saffron leather and a peaked yellow cap" (*ibid.*, pp.2-3). Being a top diplomatic envoy, his place was there: "The royal party, myself among them..." (*ibid.*, p.3). His – as it could be noticed – thorough examination produces a full context for the later understanding and elaboration of relations and circumstance on Winter.

Standing "on a platform of new timbers" (*ibid.*), he does what each diplomat on his place would do: to get involved in a chat with their immediate neighbour. To use the opportunity to establish contacts and relations with dignitaries, since it's dignitaries that group the roy-

²⁶ This goes also for the precedence among foreign diplomats, but that is not the case of our interest in this paper. For precedence among diplomats, in particular heads of mission see the Vienna Convention on Diplomatic Relations, articles 13, 14, 16 and 17.

²⁷ For protocol issues in general and details comp. Berridge and James, 2003, Feltham, 1993, Mikolić, 1995, Trajkovski, 1990 etc.

al party. The man on his left is “wearing a heavy overtunic of green leather worked with gold, and a heavy white shirt, and heavy breeches, and a neck-chain of heavy silver links a hand broad” (*ibid.*). H. E. Ai tells the reader that his neighbour “is one of the most powerful men in the country; I am not sure of the proper historical equivalent of his position, vizier or prime minister or councilor; the Karhidish word for it means the King’s Ear.” (*ibid.*, p.4).²⁸ The person is a top ranking one: “He is a lord of a Domain and lord of the Kingdom, a mover of great events. His name is Therem Harth rem ir Estraven” (*ibid.*). From this we learn how high and well is the discussed envoy placed in the receiving state, and he knows how careful his neighbour is: “So he often speaks, frank yet cautious, ironic, as if always aware that I see and judge as an alien; a singular awareness in one of so isolated a race and so high a rank” (*ibid.*).

This is the destiny of diplomats: no matter how close you are to the host country’s dignitaries, no matter how frank they are with you, you are an alien, not one of them. You may establish close personal relations, they trust you, but at the end of the day – apart from respecting you as the emissary of the sending state – they treat you the way they want and expect your authorities would treat their representative. There is always a thin line in between, if only a small one, that marks the relationship. Hence, diplomats have to work on the long run with everything they are occupied with and therefore much of the fruits of their work often fall in the successor’s hand: “It doesn’t do to be impatient in Karhlide” (*ibid.*, p.5). Or in any other places, diplomatic experience demonstrates.

The parade ends with an unexpected move from his interlocutor: “Estraven turned to me again and said, “Will you have supper with me tonight, Mr. Ai?” I accepted, with more surprise than pleasure” (*ibid.*, p.6). Also the wording of the invitation was rather informal, almost personal: the envoy was addressed as Mr. Ai, not by his official title. This pretty much displeased him than the other way around: “Estraven had done a great deal for me in the last six or eight months, but I did not expect or desire such a show of personal favor as an invitation to his house” (*ibid.*).²⁹ We learn a lot from these sentences about the formal and informal positioning of the envoy, relations he established as well as about his inner feelings. He both heard and felt the crowd whis-

²⁸ We learn later on that he is the Prime Minister.

²⁹ We learn later on that Genly Ai has been nearly two years on Winter (*ibid.*, p.9).

pering when the parade was off: “*That’s him, look, there’s the Envoy.* Of course that was part of my job, but it was a part that got harder not easier as time went on: more and more often I longed for anonymity, for sameness” (*ibid.*).

Le Guin is a master of pen. Psychology, including the capability of being emphatic, plays an increasingly important role in life of diplomats, in particular when being on the posting. This even more when posting, i.e. the receiving society is remote, far away not only in the geographical sense. Any envoy stands out, that’s part of this job, as also Mr. Ai is well aware of. As also any envoy by definition is “lone [human] emissary”³⁰, Barder presents (2014) this feeling on a diplomat’s first posting (“Adam is suddenly aware of a sharp feeling of loneliness. There isn’t a soul whom he knows within hundreds of miles.” - p.39), but also as being an ambassador (...being a head of mission is in some ways a lonely job, especially if you don’t have the kind of relationship with your number two that enables you to discuss sensitive matters frankly with him.” - p.184).³¹

On his way from the parade, the envoy encounters Mr. Tibe, a fierce political rival of Estraven and the king’s cousin as well. An opportunity for him to exercise a diplomat’s and diplomatic tactfulness, cautiousness with words and the utmost politeness. Yet in a place so alien as Winter is, this is a demanding task (and in diplomatic life by the rule even more): “I was trying to speak insipidly, yet everything I said to Tibe seemed to take on a double meaning” (*ibid.*, p.7).

When the latter remarks “Indeed Lord Estraven is famous for his kindness to foreigners” (*ibid.*), the former replies “Few foreigners are so foreign as I, Lord Tibe. I am very grateful for kindnesses” (*ibid.*). To this interlocutor’s next remark (“This is a hard age we live in, an ungrateful age” – *ibid.*), he replies bluntly, “I’ve heard the same lament on other worlds” (*ibid.*). From this we learn that H. E. Ai is an experienced diplomat. His lordship reacts immediately: “Ah yes! Yes indeed! I keep forgetting that you come from another planet” (*ibid.*). The receiving elite, as we can notice, is not always (i.e. hardly ever) a unisono social group, not also for foreign ambassadors. The latter could easily become part

³⁰ Comp. Footnote No. 18.

³¹ When this author was the first Slovene Consul in Klagenfurt, Austria, since the international recognition of Slovenia on January 15, 1992, he was for a couple of months all alone at the consulate. On the other side, when he served as the ambassador to Turkey and later to North Macedonia he had best possible deputy heads of mission with whom he was able to discuss everything that one encounters on the mission.

of the elite rivalry, their bargain, which is an additional aspect of diplomatic business they have to be very careful about.

THE KING AND THE PRIME MINISTER

The Palace of Erhenrang with the Royal House, where only the king inhabited, was an inner city by itself and to much of an extent the product of centuries of paranoia on a grand scale, goes through the envoy's mind when approaching the host's part (*ibid.*, pp. 8-9).

During the supper event we get to know how strong supporter of the Envoy Lord Estraven was. He "introduced me to people I needed to know and gradually elevated me from my first year's status as a highly imaginative monster to my present recognition as the mysterious Envoy, about to be received by the king" (*ibid.*, p.10). And additionally, "the audience he had arranged for me with the king tomorrow" (*ibid.*). From one point of view we recognize the importance of the Envoy's connection with the Prime Minister for his mission and from another one how mistrustful the Head of the State is and people around him (like Lord Tibe). The Envoy will be received by the king two years after his arrival and even this upon careful recommendation by the Prime Minister. Diplomats always have to be patient and work restlessly. It is their mission.

The discussion and the whole atmosphere was somewhat stressed, although the Envoy did not intend to make it happen. From the whole intercourse one can notice a high degree of the diplomat's incapability to understand his host, the country and manners on a whole. The Winter was indeed strange to him in spite of studying previous fact finding reports.³² At a sudden moment he recognizes how huge task it is to "understand the foundations of power and the workings of government in that kingdom" (*ibid.*). This task is even more demanding since his hosts are hardly capable of speaking directly. His expression of that wish comes almost as an outcry.

The explanation follows: "He looked at me curiously. "Well, then, put it this way. There are some persons in court who are, in your phrase, in favor with the king, but who do not favor your presence or your

32 They were prepared by the First Investigators, who also gave Winter as the name for Gethen, for its severe season (*ibid.*, p.16). One would hardly find a more suitable name as far as Genly Ai was concerned: "I've been cold ever since I came to this world" (*ibid.*, p.16).

mission here" (ibid., p.11). It was direct, open and frank statement, but also cautious and friendly. Hence also this remark from the Prime Minister: "You came to my country," he said at last, "at a strange time. (...) I thought that your presence, your mission, might prevent our going wrong, give us a new option entirely" (ibid.).

Much of the discussion related to the forthcoming audience with the king, who "does not see things rationally, but as a king" (ibid., p.14). Additionally, "I am afraid that Argaven also believes you. But he doesn't trust you" (ibid., p.15). That only added confusion to the Ai's understanding of Gethen. When he left dinner at midnight, he "was cold, unconfident, obsessed by perfidy, and solitude, and fear" (ibid., p.16). One would hardly find a more suitable name as far as Genly Ai was concerned: "I've been cold ever since I came to this world" (ibid.); he was "ceaselessly and more or less thoroughly cold" (ibid., p.22).

In the morning, the Envoy, although full of mixed feelings, "arrived at the Palace for [my] audience with the king at Second Hour full of calm and resolution" (ibid., p.23). He was, after all, the First Mobile, one man, and a professional diplomat, enough for the ad hoc mission. Self-assured, aware of his mission, well dressed. We learn about the dress code for the audience from the way he was arranged: "everything new, very heavy and well-made as clothing is in Karhide – a white knifur, gray breeches, the long tabardlike overtunic, *hieb*, of blugreen leather; new cap; new gloves tucked of the proper angle under the loose belt of the *hieb*; new boots..." (ibid., p.22). Hence "[T]he assurance of being well dressed augmented my feeling of calm and resolution" (ibid.). While waiting for the king, he kept himself busy with observing the anteroom: "Like all the King's House this room was high, red, old, bare, with a musty chill on the air as if the drafts blew in not from other rooms but from other centuries" (ibid.).

Comparing with how we understand diplomacy nowadays, this must have been perfect scenery from the period of classical diplomacy: a picturesque dress code, furnishing and outlook somehow between baroque and rococo style; to impress the visitor and to frame him. It might be that Herberstein felt the same while waiting to be received by the Russian Tsar or Marco Polo by the Chinese Emperor. Such discrepancies are normal in diplomacy, since, according to the Preamble of the Vienna Convention on Diplomatic Relations, it is "the development of friendly relations among nations, irrespective of their differ-

ing constitutional and social systems”,³³ what they strive for. Anyhow, the Envoy is obviously well proficient in observing and remembering; as a career diplomat he must indeed be.

Just before entering to face the supreme authority he heard on the radio, when the Palace Bulletin was broadcasting, Lord Estraven was taken off all his positions for state treason and sentenced to death if he did not leave the country in three days. The explanation was even more horrifying for H. E., waiting to be received at any moment by the king: Estraven was lobbying “that the National-Dominion of Karhide cast away its sovereignty and surrender up its power in order to become an inferior and subject nation in a certain Union of Peoples, concerning which let all men know and say that no such Union does exist, being a device and baseless fiction of certain conspiring traitors who seek to weaken the Authority of Karhide in the king, to the profit of the real and present enemies of the land” (*ibid.*, p.23). In other words, it was the Ai’s diplomatic mission and his effort that was used as a pretext to get away with Lord Estraven. And the king was receiving him in the next room. Diplomacy is always at test.

His first reactions were mixed: to get away, to use the “Ansible and Advise/Urgent! Through to Hain” (*ibid.*), his sending authority; he “was no longer calm or resolute” (*ibid.*). One can be pretty sure that the timing was well thought over, first to settle with the Prime Minister (whose premises for sure have been taped), and next to minimize as much as possible the Envoy’s position prior to the audience. However, there wasn’t any time (fortunately for him, he states instantly - *ibid.*, p.24), since the “double door at the far end of the anteroom was opened and the aide stood aside for me to pass, announcing me, “Genry Ai” – my name is Genly, but Karhiders can’t say *l-* and let me in in the Red Hall with King Argaven XV” (*ibid.*). And the aide omitted H. E.’s full official title as well. Again, there was an unprecedented breach of diplomatic protocol for well thought over reasons, when the Envoy was officially received by the Head of the Receiving authority, the highest possible formal event in a diplomat’s business. Protocol is all about respect, equal treatment and – prestige. A diplomat is constantly sending symbolic gestures to the representatives of the receiving state and is also exposed to their gestures (Morgenthau, 1993, pp.660-667).

Anyway, he remains, though, a top observer: “My new boots go *eck*,

33 https://legal.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf (Accessed 12 December 2021)

eck, eck, eck as I walk down the hall towards the king, a six months' journey" (*ibid.*).³⁴ Here one, being also a careful career diplomatic observer, has to add how Le Guin provided extremely proficient scenery of the event.

Prior to such event, the ambassador is always advised by the Protocol Department about details: "I stopped at the edge of the dais and, as I had been instructed, did and said nothing" (*ibid.*). This is the way to behave. And the king did his part: "Come up, Mr. Ai. Sit down" (*ibid.*), also omitting all signs of the guest's position and rank. When one goes consistently through the discussion (*ibid.*, pp.24-33), it is possible to get an indepth and teachable view in the discussion by itself, the body language, phrases, turning of words around, hidden, but also clear, open messages. We pick up some of the most educative pieces.

And the king continues: "Tell me what you have to tell me, Mr. Ai. You bear a message, they say" (*ibid.*). Mr. Ai's first impression was that the king, as he writes, was different then in public: "Argaven was less kingly, less manly, than he looked at a distance among his courtiers. His voice was thin, and he held his fierce lunatic head at an angle of bizarre arrogance" (*ibid.*, p.24). The Envoy couldn't resist to touch upon Estraven ("I only just now learned of Lord Estraven's disgrace" - *ibid.*), be it a mistake or not. A diplomat has to use each opportunity for his sake, but do not necessarily show it. Argaven, with "a stretched, staring grin" (*ibid.*) informs Ai what the former Prime Minister kept advising him about the Envoy: "He's been advising me to refuse you audience, keep you hanging about waiting, maybe pack you off to Orgoreyn or the Islands" (*ibid.*, p.25). And continued: "Let me give you some advice (...). Let no one else use you, Mr. Ai," the king said. "Keep clear of factions. Tell your own lies, do your own deeds. And trust no one. D' you know that? Trust no one" (*ibid.*). The mode of the discussion and its mood could be clear from this few quotations.

The king came to the point later on:

"They can't all be liars, and they all say you're not human. What then?"

And the reply:

"Then, sir, there are others like me. That is. I'm a representative..."

"Of this union, this Authority, yes, very well. What did they send you here for, is that what you want me to ask?" (*ibid.*)

The king was progressively suspicious, did not believe anybody and Ai

³⁴ Obviously, he asked for the meeting that much time ago.

found himself in a certain moment prior to this part anxious ("I was a good deal more afraid of him than I had expected to be." – *ibid.*, p.25). Still, he continued, he knew his job all too well.

"I've made no secret of it, sir. The Ekumen wants an alliance with the nations of Gethen."

"What for?"

"Material profit. Increase of knowledge. The augmentation of the complexity and intensity of the field of intelligent life. The enrichment of harmony and the greater glory of God. Curiosity. Adventure. Delight." (*ibid.*, p.26).

None of these explanations and the rest was of any use. The king remained as he was: "Now tell me why we, one against three thousand, should have anything to do with all these nations of monsters living out in the Void" (*ibid.*, p.27). Genly was aware of this: "He was – as Estraven had warned me – uneasy, alarmed" (*ibid.*).

The discussion remained basically like this. The king, although a bit touched by the quasi immortality of the time-jumps and the technical ability of Ekumen's system of diplomatic communication, did not change his position: "You want me to believe you, your tales and messages. But why need I believe or listen? If there are eighty thousands worlds full of monsters out there among the stars? We want nothing from them" (*ibid.*, p.31). And the Envoy, after departing from the King's Palace, was free: "The king had given me the freedom of the country; I would avail myself of it" (*ibid.*, p.33). But he knew that he would have to try again and again to complete his mission.

THE POWER OF DIPLOMACY

H.E. met the king for the second time at the end of the novel (*ibid.*, pp.244-247). As we get to know from the first hand, "It had taken Estraven six months to arrange my first audience. It had taken the rest of his life to arrange this second one" (*ibid.*, p.244). We leave to the interested readers to discover this (again or for the first time) by themselves. As already pointed out, the story is a top craftsmanship, touchy, lyrical and persuasive, with some closings and much more of openings. Le Guin produced a groundbreaking science fiction novel. But we analyze it and not retell.

That second time, the king was in favour of concluding the agreement. But first, the Envoy prepared the terrain. He did as advised by Estraven: "...you must act fast, and bring the Ship down soon" (*ibid.*, p.217). "Bring your people to Karhide and accomplish your mission, at once, before Argaven has had time to see the possible enemy in you, before Tibe or some other councilor frightens him once more, playing on his madness" (*ibid.*). The starship was orbiting around the planet and waiting for Ai's message that the agreement is concluded; upon that it will land. The former Prime Minister finally persuaded the Envoy to do the other way around: the ship's landing will persuade the king and make him earn prestige. That was the risk the diplomat had to take; what he did. It payed off, as we learn from the final pages of the novel (*ibid.*, pp.241-248), with its envoy's diplomatic peak.

The king's behaviour was all different: "Once Argaven was fully informed, he sent me a summons, a request to come at once to Erhenrang, and along with it a liberal allowance for expenses" (*ibid.*, p.242). And in addition: "Ambassadors from friendly powers were usually lodged there" (*ibid.*). He learned well the customs, habits and protocol rules of the host place.

It began with the same level of courtesy as at the first time: "Sit down, Mr. Ai" (*ibid.*). He assured the high host that the ship will not miss the landing place: "Not enough to be afraid, my lord" (*ibid.*). And the king showed his other side this time: "I am no longer afraid of you, Mr. Ai" (*ibid.*). Things went on smooth and as they should. Hence, the Envoy's transition was soon to be materialized, as he informed the king: "... when the ship comes down it will have an ansible aboard. I will have thenceforth, if acceptable to you, the position of Envoy Plenipotentiary of the Ekumen and will be empowered to discuss, and sign, a treaty of alliance with Karhide" (*ibid.*, p.245). H.E. was to be advanced from the ad hoc First Mobile envoy to the permanent, residing Ambassador with full powers, what the king ("Very well." - *ibid.*) immediately accepted. Also the agreement could be issued in various, practical ways, as circumstances provide for.³⁵ Most normally, the final diplomatic point followed within the context: "I'll meet your ... countrymen in audience tomorrow afternoon at Second Hour" (*ibid.*, p.247).

When the ship came down and the door opened, "[T]he first off was Lang Heo Hew" (*ibid.*, p.248), who "said solemnly in Karhidish, "I have come in friendship" (*ibid.*). It was the first ever occasion for the top

³⁵ Comp. The Vienna Convention on Diplomatic Relations, Article No 4.

Karhidish officials to meet a female human.

Two, for the purpose of this paper, last comments should be added referring to the ad hoc envoy, in this case Genly Ai and (his) diplomatic destiny.

Firstly, it was all too strange for him to see humans, people, his country/wo/men, the same as he was, after such a long time among unisex Karhiders: "But they all looked strange to me, men and women, well as I knew them" (*ibid.*). The receiving state's environment influences diplomats and if they stay to long, they get acquainted to it. They got diplomatic blindness and became part of the receiving society that they shall not. They don't perceive it well as foreigners anymore, what they are and have to be at the end of the day, but as almost natives. This means they know it well, what they should, but it affects also the other way around. A diplomat is a stranger in the receiving state and remains one, whatever close he gets. But he must, though, take care not to become stranger in his own country, although circumstances and rules of his occupation drive him slowly that way all the time.

Secondly, a diplomat remains a diplomat, wherever he goes or finds himself. This also means keeping with himself a certain dose of respect, solitude and humbleness that should be exercised to others. Since this is part of the eternal human value cycle, and, last but not least, since others show this to you as well: "You are the Envoy, Gentry Ai?" "I am." He looked at me, and I at him" (*ibid.*, p.251). He visited the late Estraven's home town and the family, when everything was over: "I should like to hear that tale, my Lord Envoy," said old Esvans, very calm" (*ibid.*, p.252).

CONCLUSION

This exceptional science fiction novel – The Left Hand of Darkness – is as rich with diplomacy as it can be. The very fact offers a thrilling research exercise to dwell upon, but also a huge amount of pure reading joy, fulfilled with astonishment and admiration. It is like this thanks to two reasons; first, the stylish mastery of the respected author, and second, her interdisciplinary approach to composition and substance of her telling. As she says – or merely repeats after the main promotor – truth is always a matter of imagination. Both aspects, truth and imagination are also harbored in the diplomatic profession. The diplomatic job is an endless repetition of numerous variations of same old rules and approaches. Therefore, diplomats need the command of the truth (professional habitat) and imagination (capability to adapt to the ever changing circumstances).

Diplomatic aspects of the groundbreaking classical science fiction novel offer a big amount of all these. We follow the role, mission and its applicability within the frame of bilateral diplomacy, pursued by an ad hoc diplomatic envoy, who knows that after succeeding on his task, he will become the residential ambassador (extraordinary and plenipotentiary) as well.

He builds his success on the long run approach, patience and knowledge of the host place, collected by his predecessors and by himself. He exercises basic diplomatic methods, with skilled observation and reporting. The whole novel is full of protocol aspects and elements that sometimes seem impossible to understand since the host world is so alien to his own one. This offers the respected author more food for thought and dwelling and to readers more opportunities to learn diplomacy in one of its best variations.

Genly Ai is patient in his endless effort to achieve his goal. He pursues it in spite of several protocol gaps and gaffes from the host authorities that he is facing. With this, the author tells us that in the diplomatic world basically nothing should take a diplomat away from achieving his goal. This could be very demanding, but people from this profession know how to do it: “We adapt solution to the problem” (Jazbec, 2006, p.92). Next, we learn, through the eyes of the author, how careful, consistent and continuous observer Genly Ai is. He learns about the conditions in the receiving state with persistent exercise of obser-

vation and is reporting to his authority hence forth. However, we learn the latter only from the entries to various chapters and not directly.

We learn – or the author teaches us – how words are immensely important in diplomacy, they are everywhere and practically everything.³⁶ The reader is taught that time speaks in favour of diplomacy, hence there's no need to hurry. The way the Ekumen's diplomacy is broadening the alliance of nations is demonstrated: first come the First Investigators, who research, gather information and present an all-encompassing report, then the First Mobile (ad hoc envoy) is sent, and follows the opening of the residential mission with the ambassador as its head.

Finally, there is a lecture about the power of diplomacy. It lays in the fact – as the discussed novel shows – that a single diplomat, armed with diplomatic status, immunities and privileges, being the top representative of the sending authority, and his voice, speaking truth, counts more than armies, hard power and all what comes along. But diplomats, to be able to achieve their goal, i.e. friendship and peace, have to have time. Circumstances show and allow when and how the completion of the mission is possible.

Taking into consideration afore mentioned centerpieces, the highly innovative author produced useful, rich and suitable definition of diplomacy. With all here discussed issues and aspects she brought a special touch of anthropology and psychology into diplomatic business and its understanding through her science fiction masterpiece.

REFERENCES

- Anderson, M. S., 1993. *The Rise of Modern Diplomacy: 1450–1919*. London: Longman.
- Andrić, I., 1963. *Travniška kronika*. Ljubljana: DZS.
- Barder, B., 2014. *What Diplomats Do: The Life and Work of Diplomats*. London: Rowman & Littlefield.
- Barston, R. P., 2006. *Modern Diplomacy*. London: Pearson.
- Benko, V., 1997. *Zgodovina mednarodnih odnosov*. Ljubljana: Sophia.
- Berridge, G. R., 2015. *Diplomacy: Theory and Practice*. Hampshire: Palgrave.
- Berridge, G. R., James, A., 2003. *A Dictionary of Diplomacy*. Hampshire: Palgrave.
- Burnham, P., 2004. *Research Methods in Politics*. New York: Palgrave Macmillan.
- Feltham, R. G., 1994. *Diplomatic Handbook*. Longman: London.
- Gaiman, N., 2016. Series Introduction: What we talk about when we talk about science fiction. In: Le Guin, U. K., 2016.a. *The Left Hand of Darkness*. New York: Penguin, pp. ix-xxii.
- Greenhill, R. *Rerum Moscoviticarum Commentarii*. Stanford University. (online) Available at: <https://www.ucd.ie/readingeast/essay7.html> (Accessed 07 December 2021)
- Groom, A.J.R., 2013. Conference Diplomacy. In: Cooper, A.F., Heine, J., and Thakur, R. (Eds.). *The Oxford Handbook of Modern Diplomacy*. Oxford: Oxford University Press, pp. 263-277.
- Herberstein, S., 1851-1852. *Notes Upon Russia*. London: Hakluyt Society.
- Herbert, F., 1987. *Dune*. Norwalk: The Easton Press.
- Janković, B., 1988. *Diplomatija*. Beograd: Naučna knjiga.
- Jazbec, M., 2006. *Ein Slovène in Belgrade: 1987–1991*. Klagenfurt: Mohorjeva založba.
- Jazbec, M., 2009. *Osnove diplomacije*. Ljubljana: Fakulteta za družbene vede.
- Jazbec, M., 2019. *The Rainbow beyond the Soul (A Novel about Diplomacy)*. Skopje: Pagoma Press.
- Jazbec, M., 2021.a. Diplomatic Functions in the 21st Century Diplomacy. In: *Journal of Law and Politics*, Vol. 2, No. 1, pp.1-12.
- Jazbec, M., 2021.b. The Vienna Conventions on Diplomatic and on Consular Relations: A Philosophy of the Preambles. In: *European Perspectives*, Vol. 11, No. 1 (19), pp.115-139.
- Le Guin, U. K., 1992. *The Left Hand of Darkness*. Norwalk: The Easton Press.

- Le Guin, U. K., 2016.a. *The Left Hand of Darkness*. New York: Penguin.
- Le Guin, U. K., 2016.b. Introduction. In: Le Guin, U. K., 2016.a. *The Left Hand of Darkness*. New York: Penguin, pp.xxiii-xxvii.
- Mahbubani, K., 2013. Multilateral Diplomacy. In: Cooper, A.F., Heine, J., and Thakur, R. (Eds.). *The Oxford Handbook of Modern Diplomacy*. Oxford: Oxford University Press, pp.248-262.
- Mason, J., 2002. *Qualitative Researching*. London: SAGE.
- Mikolič, M., 1995. *Diplomatski protokol*. Zagreb: MATE.
- Morgenthau, H., 1993. *Politika med narodi*. Ljubljana: DZS.
- Nicolson, H., 1988. *Diplomacy*. Washington: Georgetown University.
- Rozental, A., and Buenrostro, A., 2013. Bilateral Diplomacy. In: Cooper, A.F., Heine, J., and Thakur, R. (Eds.). *The Oxford Handbook of Modern Diplomacy*. Oxford: Oxford University Press, pp.229-247.
- Satow's Guide to Diplomatic Practice. 1994. London: Longman.
- Trajkovski, G., 1990. *Diplomatski protokol*. Beograd: Nova.
- Vinge, J. D., 1992. Preface. In: Le Guin, U.K., 1992. *The Left Hand of Darkness*. Norwalk: The Easton Press, pp. vii-xiii.

INTERNATIONAL TREATIES

Vienna Convention on Diplomatic Relations

https://legal.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf
(Accessed 12 December 2021)

INTERNET SOURCES

<https://www.newscientist.com/definition/clarkes-three-laws/>
(Accessed 07 December 2021)

<https://www.ursulakleguin.com/about-ursula> (Accessed 07 December 2021)

https://en.wikipedia.org/wiki/Three_Laws_of_Robotics (Accessed 07 December 2021)

**Media Relations and the Modern First Lady
from Jacqueline Kennedy to Melania Trump**

Lisa M. Burns (Ed.)
Sanja Rokvić

**Democracy, Peace and the UN:
Bringing Kant to the East River**

Bekim Sejdiu
Tadej Uršič

Lisa M. Burns (Ed.)

MEDIA RELATIONS AND THE MODERN FIRST LADY FROM JACQUELINE KENNEDY TO MELANIA TRUMP

Lexington books, Lanham 2020, 340 pages, ISBN 978-1-7936-1124-6 and ISBN 978-1-7936-1125-3 (e-book)

The ability to communicate successfully and effectively was always one of the most desirable competencies of humankind. Successful and effective communication is much more than just talking and listening. A quality dialogue between two or more equal individuals who openly exchange their thoughts, views, emotions, feelings correlates differences or similarities into a different whole. We experience the world in a different light when we capture another opinion. Communication is not possible without mutual respect, honesty, patience, and tolerance.

Throughout American history, the Institution of the First Lady was ever-changing, contributed by various social conditions such as wars, famine, fighting for human rights, press and radio-TV development, technological boom, and digitalization. Every First Lady brought a new way of performing her role. Throughout history, the First Lady was always under the media microscope followed in every step she took and often felt safe inside the White House as that



EDITED BY LISA M. BURNS

MEDIA RELATIONS AND THE MODERN FIRST LADY

From Jacqueline Kennedy to Melania Trump



was the only place where she felt non-prosecuted. Many of them refused to communicate with the media, yet others enjoyed being in the spotlight.

A historical journey that would take a more detailed strategy of the First Lady's communication with media

throughout American history was described by Lisa M. Burns and 15 other authors in Media Relations and The Modern First Lady, from Jackie Kennedy to Melania Trump. The strategies varied how the First Lady performed in front of the media and provided information. Some organized tea parties, others invited journalists on yacht sailing, organized trips, others press conferences, and some just withdrew from media life.

With the development of the industry, women began to secure a better position in society. They became more educated and maintained permanent jobs. Their mass involvement in the community provided some turbulent changes, and the role of the First Lady was no exception.

From a static iconic figure, a faithful companion, an implementer of ideas to active political participation. These activities intensified throughout the development of the Institution of the First Lady and general society itself. Each of the First Ladies had their specific characteristics that shaped her unique form and became a role model to women across the globe. However, how the media portrays her uniqueness in public does not depend entirely on herself, but a group of her employees who shape her qualifications and interests into institutional needs. Each of them chose their strategy for public appearance.

Jackie Kennedy was the first who expanded her staff and hired a press

secretary whose field of expertise became the media. Her job was to prepare the First Lady in learning strategies of communication in public to information between the First Lady and journalists. Despite Kennedy's controversial lifestyle, Jackie remained a well-liked media star, radiating Hollywood fame. A historical tragedy that ended her husband's life pushed the role of the First Lady in the hands of Lady Bird Johnson, officially known as Claudia Alta Taylor Johnson.

Lady Bird Johnson set a milestone in the work of the press secretary. She hired journalist Elisabeth Carpenter, a professional person in this position. By the time she served as a second Lady of the United States, she had experience in media exposure. Together with Elizabeth, they developed excellent planning strategies establishing friendly relations with journalists and were very successful in the most turbulent time of her husband's presidency. She put her ideas into environmental projects and restored many parks across America besides fighting against poverty and civil rights programs.

Pat Nixon assumed the position of Lady Bird Johnson. She hired three women responsible for media relations and the development of communication strategies. At the beginning, the media defined Mrs. Nixon as Lady of handshakes and hugs. During her time, she made documentaries from her solo trips and visited the wounded in Vietnam

nourishing the awareness of the importance of volunteering. Granted that she assumed this role during the sexual revolution, the media described her as too passive because she didn't interfere in her husband's political agenda and received the ungrateful nickname the "Plastic Lady".

After the Watergate affair, Betty Ford replaced Pat Nixon, who had no pre-planned agenda, no staff, and without a roll-out of a White House initiative. Betty Ford employed Helen Smith, the former First Lady's secretary. Betty soon went to the hospital and publicly spoke about her breast cancer. Betty Ford was known for her direct, reckless, but honest answers. She advocated for the Equal Rights Amendment but was not successful in lobbying for its ratification. Betty gained a great deal of respect from the media as they have never reported her alcohol issues. She earned that by acting sincerely and honestly, even if it was against her husband's political agenda.

Rosalyn Carter inherited the position of First Lady and was named "Steel Magnolia", and was a close confidante advisor of her husband. Before hiring Marry Finch Hoyt as her press secretary, she performed in front of the reporters in her cold presence without a sense of humor and was far away from the traditional role. She would bring a list of questions to the reporters and provide answers if they considered interviewing her. The media didn't know where to find a place for her in the news.

They portrayed Rosalyn as torn by the ambiguity of politics. After hiring Hoyt, things changed. Together they developed a strategy showing the media her gentle side, feminine warmth, and affection and continued advising her husband on political agendas. Her projects focused on mental care issues that weren't popular enough for the media to report. She and her husband didn't receive enough media attention to win the next election.

Nancy Reagan replaced Rosalyn as the First Lady and assumed the role of First Lady during the recession, in which she endured a difficult time as the country was struggling. The first time around, she was nicknamed "Queen Nancy", in her second mandate, she was known as the "Bosses Wife". Nancy Reagan had no previous media experience connected to Washington. The media described Nancy as a shallow, money-spending First Lady. Over time, her relationship with the reporters vastly improved. However, she got criticized for over influencing the establishment. Her press secretary helped Nancy to show her sense of humor, thus allowing the media to humanize her. Nancy showed great passion in her project of involving grandparents in fostering children with special needs. She also fought against drug consumption amongst children. However, she dramatically changed shortly after the suffering of her husband. Nancy brought an astrologer to the White House as an advisor and got in conflict with Ron-

ald's administration. She demanded Ronald fire them. However, the astrologer left the White House.

Barbara Bush replaced Nancy as the First Lady after the media brought to light the scandal in which the US government was involved and selling weapons to Iran in exchange for prisoner release. Barbara instilled a new, postmodern wind to the White House. She hired the first African American press secretary Ana Perez. Soon after, Barbara became a famous "super granny" with a great sense of humor. She fought for American literacy, supported her husband, but didn't interfere in his political agenda.

Hillary Clinton was the polar opposite, she got entangled in numerous scandals, and her press secretary Lisa Caputo had a tremendous amount of work. Hillary kept pushing the boundaries of the First Lady Institution and allowed successors to be involved in the political agenda.

After the 9/11 attack, Laura Bush placed herself in a position where she had to take the media role herself instead of her husband as she was more suitable for this role. Although she already had many literacy programs, she engaged in the literacy of Afghan women and enjoyed a great deal of success for her work, and received positive media attention.

Michelle Obama is a historical figure in the First Lady Institution. It was the first time that an African American woman was in this position. As the author stated, media praised and welcomed very educated Michelle. She named herself "Mom in Chief". In cooperation with her press secretary she popularizes the role of the first lady through the social network and other media and connects with the followers.

On the other hand, Melania Trump was the first migrant assuming this position. Melania was at war with journalists and the media itself. She was known by the nickname "Bullied Pulpit" and "The Eye of a Tiger". In the view of the author Melania was more concerned about her public appearance, rather than her communication skills and the message that she was supposed to communicate to the audience.

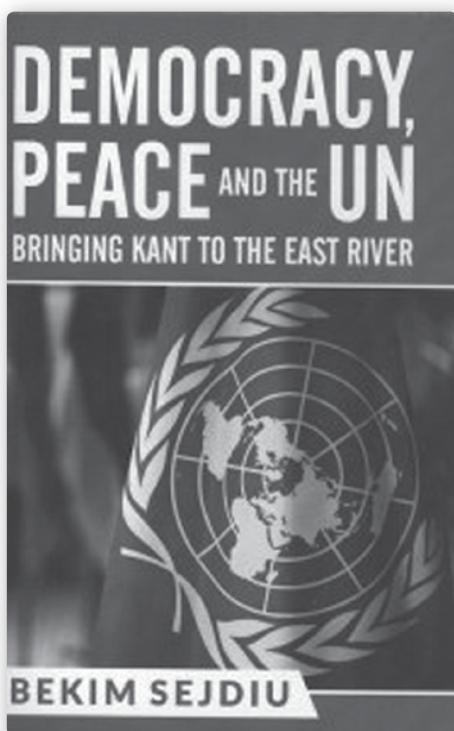
Each of the First Ladies had their strategies how to connect with the media. Some of them gained the attention they required and deserved, and some did not. This book describes the principles and strategies that developed their communication skills. I would recommend it to anyone involved in political and international diplomacy as it contains valuable examples and good practices.

Bekim Sejdiu

DEMOCRACY, PEACE AND THE UN: BRINGING KANT TO THE EAST RIVER

Botime Koliqi, Pristina, 2021, 219 pages, ISBN 978-9951-814-07-2

In his monography, Bekim Sejdiu, a judge of the Constitutional Court of Republic of Kosovo and a lecturer of international law at the University of Pristina, explores the historical, legal and political background of the UN's potential to support democratization in current, post-Cold War international setting. As both, a theoretician and a practitioner, Sejdiu is interested in the applicability of the ideas introduced by the democratic peace theory, a pioneering work of Immanuel Kant. His approach towards the potential linkage between Kant's underpinnings and the UN role in supporting democracy is gradual. In six chapters, he first introduces us to the reaction of the UN to the end of the Cold War and the transformations that followed. Then he acquaints us with the comprehensiveness of the term democracy and through two case studies, of Kosovo and Somalia, displays that the UN proved to be both, successful and unsuccessful in supporting democracy. He also presents us the possible "spillover effect" of democracy in areas of human rights, economic development



and good governance and finally, he connects the democratic peace theory and the functioning of the UN by differentiating between the UN's role in promoting and defending democracy.

The author clearly understands the importance of providing the reader

with the relevant historical developments and processes before diving into the core of the issue. This is why the first chapter presents us the “significance of the end of the Cold War for the UN and the ways in which it tried to adapt to the new context” (p.11). The events that lead to and followed the milestone year of 1989 changed the overall structure of the international arena and consequently the UN, however, not that much in the role of the most important platform for the multilateral diplomacy, but more importantly as a separate and independent actor in the international relations. More concretely, this meant the rise of numerous initiatives for the reform of the UN in terms of redefining its role in the areas of international security and peacekeeping, but also democratization. Transition from bipolarity to unipolarity with multipolar tendencies, with the United States, its ideas, values and interests, leading the way, also affected the UN. As Sejdiu points out by quoting the significant UN documents and Secretary-Generals from the post-Cold War era, the mindset of the UN has not only been infiltrated with liberal ideas such as human rights, economic development, good governance and democracy, but it also anticipated that these idea(l)s are fundamentally intertwined and co-dependent.

In the second chapter, the author continues with the historical approach and delves into the UN’s role in supporting democracy. The UN did not take upon the role of sup-

porting democracy only after the fall of the Berlin Wall, but its efforts date back to the decolonization era. However, democracy, “a hidden love of the UN”, Sejdiu emphasizes, has as a term very elastic boundaries and therefore when we talk about it, it is important to distinguish between concepts such as liberal vs. illiberal democracy, constitutional democracy, global democracy and also Western vs non-Western democracy. Nevertheless, the author reminds us that we cannot generalize and talk about the UN’s support for certain kind of democracy, nor is this something the UN ought to clarify. The UN, he says, does not support a particular model of democracy, but a “democracy that every country chooses to embrace” (p.70). While the legal framework for the UN support of democracy is still in its infancy and differs immensely whether the UN is invited to support state’s democratization or not, the practical, political reality shows that if the key members are not opposed to it, there is no legal obstacle for it - be it through supporting electoral processes or strengthening democratic institutions and mechanisms.

In the third chapter, Sejdiu uses the cases of Kosovo and Somalia to display the long-term and complex nature of democratization process. The UN, as he stresses, “cannot be a substitute for social cohesion, a vibrant middle class, industrialization, sufficient education of masses, and other socio-cultural ingredients of democracy”, however, for those exact reasons it is easier to measure and as-

sess its support for democracy when it is or was a part of peacekeeping operation (p. 93). While the UNMIK, the civil component of the Security Council Resolution 1244, was successful in transforming Kosovo from war-torn country to functioning as a transitional democracy comparable to its neighboring countries, full-blown democracy has not been achieved. Nevertheless, because of the socio-political conditions the UN was able to trigger the democratization process in Kosovo and ensure it is launched successfully. However, the simulative conditions were not the case in Somalia after the eruption of the civil war. UNOSOM efforts, which were, as Sejdiu points out, lacking clear and consistent vision and strategy resulted in a still very fragile state and while its security situation improved, Somalia still cannot be described as democratic.

In the next, fourth chapter, Sejdiu weighs in on the advantages and benefits of the UN support for democracy by contributing to the major debates about the correlation between democracy and human rights, economic development and good governance. While “the organic relation between democracy and human rights has been widely recognized”, the reasoning is far from being obvious. Are human rights a precondition for democracy or is it the other way around is just one of the fundamental questions author addresses (p.115). Even more uncertain is the relation between democracy and economic development, however,

Sejdiu argues that the UN and its agencies increasingly function on the basis of an assumption that democracy and development reinforce each other. Lastly, the connection between democracy and effective and quality governance is related to the emancipatory potential of democracy for the individual. While the effect democracy has on governance may not be necessary positive in developing countries, elements such as transparency, accountability, all-inclusiveness, and participation can only be present where democratic government is in place.

In the fifth chapter author gets us acquainted with the theoretical reasoning, criticism and the empirical testing of the democratic peace theory. The fundamental objective of the UN, as Sejdiu highlights, is to spread and preserve peace which, as democratic peace theory suggests, is intrinsically connected to democracy. This is most commonly illustrated with the fact that democracies are hesitant to engage in armed conflict with other democracies. Similar to the criticism of the UN functioning, the democratic peace theory criticism questions its unbiasedness, arguing it has very directly inspired western foreign policy-making, most notably the US foreign policy during the Woodrow Wilson era. The author also points out that the democratic peace theory does not correspond to the new security threats which are usually coming from non-state actors, however, in the same breath, he also rightfully acknowledges that

"Kant would reject empiricism, as a way for seeking the answer on the relation between democracy and non-traditional threats" (p.155).

In the last, sixth chapter Sejdiu attempts to outline a strategy for an implementation of the previously developed ideas and finalize his evaluation of the UN's potential in supporting democracy. The author approaches transforming his theoretical findings in concrete policy solution by firstly, clearly stating which mistakes and traps should the UN avoid and secondly, advising what the UN should actually do. In essence, he suggests a "twofold approach in its endeavor to support democracy", a distinction between defending and promoting democracy approach is reserved for countries where process of democratization has been established but is still at an early stage of development, while the promoting democracy approach talks about expansion of the territory where democracy is the model of governance. With this twofold approach, Sejdiu believes, the UN would gain a strategy for global support of democracy which

would consider the diverse nature of democracies around the globe. Even though, as the author admits, the UN is "handicapped" by not having an independent decision-making capacity, history has shown us that the UN can still engage in supporting democracy and such strategy can assist the UN and its member states to continue with its integration process.

Formation of strategic solutions and policy suggestions on the basis of abstract theory is always a difficult pursuit, however, I believe that dr. Bekim Sejdiu has achieved exactly that - he produced a set of strategic policy approaches for the UN to pursue its role of the global democracy supporter which take into the account the historical background, political reality and pragmatic cost-benefit analysis of the issue. Because of all of that, I truly believe it is fair to say that Kant has arrived to the East River embankment and now, if I allow myself a bit of naïve optimism, it is on the heads of states to read this monographic study thoroughly and consider implementation of its practical applications.

GENERAL SUBMISSION GUIDELINES

European Perspectives is an international scientific journal that publishes original, peer-reviewed manuscripts that provide scientific articles focusing on relevant political, sociological, social, security, economic and legal as well as ethnic, cross-cultural, minority and cross-ethnic issues related to European and Euro-Atlantic integrations and South-Eastern Europe. Before the submission please note:

- All texts submitted to the journal must be original works of the author(s). By submitting a manuscript, the author(s) warrant(s) to the journal that it does not infringe the copyright or any other rights of third parties.
- The journal reviews received manuscripts on the assumption of an exclusive submission: by submitting a manuscript for consideration, the author(s) warrant(s) that it is not simultaneously being considered by any other publication and that it shall not be sent to another publication until a response is received from the journal.
- All issues of the journal and all articles are published on the journal webpage www.europeanperspectives.org.
- Article should be submitted in electronic version in text format (doc., docx.) to email address: office@europeanperspectives.org.

PEER REVIEW

European Perspectives reserves the right to reject any manuscript as being unsuitable in topic, style or form without requesting an external review. All manuscripts are checked by referees by means of a double-blind peer review. Two external referees review each manuscript.

ARTICLES

While preparing the manuscript take in the account the following:

General	<ul style="list-style-type: none"> • English, U.S. language version. • Times New Roman, single line spacing, font 12. • Left and right margins. • Page numbering: at the bottom of the page in the middle, starting on the first page.
Length	<ul style="list-style-type: none"> • 6.000 – 9.000 words (including footnotes).
About the author	<ul style="list-style-type: none"> • A brief biographical note about the author including previous and current institutional affiliation, email address. • If co-authored- provide information about all the authors.
Structure of the article	<ul style="list-style-type: none"> • Title, Abstract, Keywords, Introduction, Theoretical Framework - Additional titles/subtitles (do not use numbers), Conclusion, References • Avoid the enumeration in more lines in the text. If you have to use it than use – not bullets.
Title of the article	<ul style="list-style-type: none"> • Times New Roman, font 16, bold. • Maximum length is 15 words. <p>Title</p>
Titles in the article	<ul style="list-style-type: none"> • Times New Roman, font 12, bold, caps lock, letters only. • Maximum length is up to 7 words. <p>TITLES</p>
Subtitles	<ul style="list-style-type: none"> • Times New Roman, font 12, bold, italics. • Maximum length is up to 7 words. <p>SUBTITLES</p>
Abstract	<ul style="list-style-type: none"> • 150-170 words, English. • It should be translated in Slovene.
Key words	<ul style="list-style-type: none"> • Maximum up to 6 words, English • Also Slovene translation.
Footnotes	<ul style="list-style-type: none"> • Times New Roman, font 10. • Left and right margins.
In text citations, notes and references	
<ul style="list-style-type: none"> • Below are some most commonly used in text citations and references. • For more details and examples please see the following guidelines System of referencing and Quick Harvard Guide. 	
An author whole work	This view has been expressed by Cormack (1994).
Particular part of the work	<ul style="list-style-type: none"> • Cormack (1994, p.32) – p. for single page, and for range of pages Cormack (1994, pp.32-34) – pp. • If you use the same work on the same page from the same author few times in a row: (ibid.) • If you use the same work of the same author on a different page few times in a row: (ibid., p.32) or different pages: (ibid., pp.23-32).

Work or piece of research without mentioning the author in the text	Making reference to publish work appears to be characteristic of writing for a professional audience (Cormack, 1994).
Table, diagrams	<ul style="list-style-type: none"> Titles should identify the tables as briefly as possible. In an article that contains more than one table, each title should be unique and the number should be placed before the title. (Table 1: Title, Table 2: Title, ...) The title of the table should be on the top of the table, below should be the source (if applicable) and finally add acknowledge where the table was found. For all the Font 12 should be used. Include the full details of the source in your reference list. Do not use a lot of text in the table. Font of the text in the table should be 12. <p>Table 1: Television ownership in England and Wales (Percentage of households) Source: National Statistics Office National Statistics Office, 1985 cited in Brown, 2005, p.267.</p>
References	
<ul style="list-style-type: none"> All items should be listed alphabetically by author or authorship, regardless of the format. For more books of the same author, list them chronologically, from the oldest to the newest. If there are more books from the same author from the same year, distinct them with a, b c, after the year of publishing. Below are some most commonly used references. 	
Book references	<ul style="list-style-type: none"> Baron, D. P., 2008. <i>Business and the organization</i>. Chester: Pearson. Baron, D. P., 2008.a <i>Business and the organization</i>. Chester: Pearson.
Chapters of the edited books	<ul style="list-style-type: none"> Samson, C., 1970. Problems of information studies in history. In: S. Stone, ed. 1980. <i>Humanities information research</i>. Sheffield: CRUS. pp.44-68.
Articles from web based magazines or journals	<ul style="list-style-type: none"> Kipper, D., 2008. Japan's new dawn. <i>Popular Science and Technology</i>, [online] Available at: <http://www.popsci.com/popsci37b-144110vgn/html> [Accessed 22 June 2009].

For more detailed guidelines please visit
<https://www.europeanperspectives.org/en/guidelines>

BOOK REVIEWS

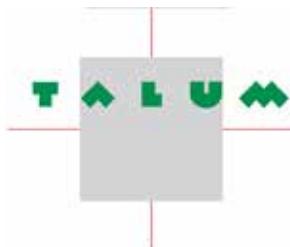
European Perspectives welcomes reviews of recently published books (i.e. those published in the year in which the current issue of European Perspectives was published or in the previous year). Authors should submit reviews of works relating to political science and other social sciences with the themes focused on (East) Central European issues. European Perspectives encourages authors to submit either of two types of reviews: a book review or a review essay. For submitting a book review, authors should follow the requirements:

- A book review should not exceed 1.500 words.
- State clearly the name of the author(s), the title of the book (the subtitle, if any, should also be included), the place of publication, the publishing house, the year of publication and the number of pages.
- If the reviewed book is the result of a particular event (a conference, workshop, etc.), then this should be mentioned in the introductory part of the review.
- Review authors should describe the topic of the book under consideration, but not at the expense of providing an evaluation of the book and its potential contribution to the relevant field of research. In other words, the review should provide a balance between description and critical evaluation. The potential audience of the reviewed work should also be identified.
- An exact page reference should be provided for all direct quotations used in reviewing the book.
- Book reviews should be submitted in electronic version in text format (doc., docx.) to email address: office@europeanperspectives.org.

Sponsors / Donators



Elektro
Ljubljana



MARE SANTO

+ TREASURE OF THE SEA +



www.abc-techgroup.com



articles

Drug Addiction and How to Counter It: Some Reflections and Experiences from Slovenia

Mirjana Delić

The Non-Aligned Movement and Serbian Foreign Policy

Duško Dimitrijević

Washington Agreement is (not) an Internationally Binding Bilateral Treaty

Ismet Hajdari

How can Kosovo become part of the Geneva Conventions and their Additional Protocols, including the Genocide Convention?

Viona Rashica

Ursula K. Le Guin's The Left Hand of Darkness: A Bilateral Envoy on the Posting

Milan Jazbec

IFIMES – Special Consultative Status with ECOSOC/UN since 2018

ISSN 1855-7694



9 771855 769008

15 eur