



CONFERENCE

# NEUTRALITY IN THE XXI CENTURY LESSONS FOR SERBIA

1<sup>st</sup> and 2<sup>nd</sup> December 2011

## INTRODUCTION

Since December 2007, Serbia declared itself a *(military) neutral state towards effective military alliances* through one article in the Resolution of the National Assembly on the protection of sovereignty, territorial integrity and constitutional order of the Republic of Serbia (2007)<sup>1</sup>. This orientation is widely accepted by the majority of the Serbian elite and mainstream media, although it is not elaborated by any official state document, giving room for the different interpretations of the concept. Politicians and the media that support this orientation justify it by calling upon the example of the neutral states in Europe. However, there is no real knowledge about the concept in its traditional sense or about the changes that occurred in the last 20 years. The concept of neutral state in fact represents one of the most challenging terms in international relations due to its dynamic nature and perpetual adjusting to the circumstances in the international system.

This paper aims to provide a brief overview of theoretical and practical approaches to the concept of neutral state, by following its dynamic changes throughout the XX and at the beginning of the XXI century. It will focus on the traditional concept of neutrality, its modifications during the Cold War as well as to the adaptations of the concepts of neutrality of the European neutral states to new security challenges and integration processes. Finally, it will examine the road to neutrality of Serbia and what such orientation actually represents.

This paper is written as *Food for Thought* for the speakers and participants at the conference *Neutrality in the XXI century – Lessons for Serbia*. Its aim is not to influence the content of the presentations, nor to give the final conclusions on Serbia's self proclaimed neutrality, but to offer one perspective on the subject and hopefully stir the debate at the conference.

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<sup>1</sup> The exact sentence in Serbian reads as follows – (...) *Narodna skupština donosi odluku o proglašavanju vojne neutralnosti Republike Srbije u odnosu na postojeće vojne saveze* (...) (whole text of the Resolution in Serbian - <http://www.mfa.rs/Srpski/Foreinframe.htm>). The direct translation would be – (...) *The National Assembly of the Republic of Serbia hereby declares the military neutrality of the Republic of Serbia towards existing military alliances* (...). However the official translation of the document on the website of the Serbian Ministry of Foreign Affairs reads as follows – (...) *the National Assembly hereby declares the neutral status of the Republic of Serbia towards effective military alliances* (...) (whole text of the Resolution in English) <http://www.mfa.rs/Foreinframe.htm>.

## TRADITIONAL CONCEPT OF NEUTRALITY

Although it is possible to trace practice of neutrality to the antiquity, the existence of the concept of permanent neutrality was officially recognized at the Congress of Vienna in 1815, when the participating states recognized this status to Switzerland. The Swiss example had a crucial influence on the codification of the rights and duties of states that proclaimed neutrality during the specific armed conflicts, but also on the practices of the permanent neutral states throughout 19<sup>th</sup> and 20<sup>th</sup> century.

The positivistic tendencies of the 19<sup>th</sup> century towards a more precise codification of international law led to the creation of probably the most influential document relating to the legal status of neutral states in the case of a specific armed conflict on land *Hague Convention (V) - The Rights and Duties of Neutral Powers and Persons in Case of War on Land* (1907). Although outdated, this document still represents the crucial reference point when it comes to fundamental characteristics of the status of neutral states during armed conflict, among which the most important are:

- the territory of neutral states is inviolable;
- the warring parties are prohibited from using the territory of neutral states to transport their troops and military equipment;
- it is prohibited to use the territory of neutral states to mobilize troops;
- neutral states must not help the warring parties and must treat all sides equally, etc.

Moreover, from the state which declared itself neutral in relation to a particular military conflict, it is expected that it will stay impartial in respect to all belligerence states, regardless of their predominant values and ideological orientation<sup>2</sup>.

This way, a system was established, at least in theory, which all signatory states were supposed to respect in the case of an armed conflict. Even though, the *Hague Convention V* evolved from the legal system of the permanently neutral Switzerland<sup>3</sup>, there is no legal document that defines the rights and obligations of the permanently neutral states. It is possible to derive some of the main characteristics of permanently neutral states from the Swiss example. Notable scholar Cyril E. Black summarised it into three main points: 1) Permanently neutral states should avoid being drawn into armed conflicts; 2) Neutral states should maintain their national defence resources; 3) Neutral states should conduct their policies and actions in such way that will prevent the possibility of some future involvement in hostilities.<sup>4</sup>

All permanently neutral states have the right of self-defence - to deter other states from potential aggression by its own military power, as well as the right to call on other states for help if their sovereignty and territorial integrity is threatened. Permanent neutrality could be recognized formally by other states through an international agreement (as it was in the case of Switzerland and Belgium) or through informal recognition.

Positivistic illusions that any international treaty would be sufficient to ensure security of the neutral states, were brutally shattered in the 20<sup>th</sup> century. It became clear that *realpolitik* is superior over any idealistic provisions of international law. The occupation of several neutral states during the two World Wars showed that the declared neutrality often had no significance in international relations. Nevertheless,

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<sup>2</sup> The *Hague Convention (XIII) concerning the Rights and Duties of Neutral Powers in Naval War*, covered the maritime neutrality, however it was never ratified by the United Kingdom, Italy, and some other states.

<sup>3</sup> Mark R. Rubin, Laurent Wehrli, „Switzerland“, in I. Papacosma, S. Victor (Eds.), *Europe's neutral and nonaligned states - Between NATO and the Warsaw Pact*, A Scholarly Resources Imprint, Delavare, 1989, p. 49.

<sup>4</sup> Cyril Black, *Neutralisation and World Politics*, Princeton University Press, Princeton, 1968, p. 22.

the *Hague Convention V from 1907* remained an important reference point for understanding the rights and obligations of states which aspire to remain neutral in case of an actual conflict.

## NEUTRALITY UNTIL THE END OF THE COLD WAR

Two World Wars have influenced the change in the concepts of the permanently neutral states. International relations after World War I became more “organized” through the establishment of the League of Nations. This posed a question whether a state can be permanently neutral if it participates in a global organisation and respects its rules. The problem was the existence of joint measures against the states which violate the established international order, considering that neutral states do not have the right to be biased. Here, the previously mentioned third feature of the permanently neutral states, as defined by Black, comes into the fore. During the 20<sup>th</sup> century, membership in global organisations in most of the cases was not seen as an obstacle to the proclaimed policy of neutrality. Yet, some states saw this as a threat. For example, Switzerland had initially become a member of the League of Nations, just to leave it in the second half of the 1930s. When the United Nations (UN) were founded, this state refused to join due to the Article 51, but also Articles 2, 41, 42 and 48 of the UN Charter.<sup>5</sup>

During World War II, with the introduction of the concept of *total war*, the idea of neutrality was undermined. The neutral status of some states was completely disregarded by the leadership of the warring parties. Nazi Germany invaded neutral Belgium and Netherlands in 1940, the Soviet Union (USSR) forced Lithuania and Latvia to become the USSR member states in 1939, while the British Navy took over the strategically important (and proclaimed neutral) Iceland in 1940. In order not to lose their independence and to maintain at least the illusion of neutrality, Switzerland and Sweden had to make significant concessions to the Third Reich (transport of troops across their territory, supply of materials essential for the conduct of war and for the production of weapons etc.).

The establishment of supranational organizations, such as the European Economic Community, influenced the discussions on different types of permanent neutrality in Europe, precisely because of the transfer of sovereignty in certain areas from the member states to supranational organizations.

The Cold War pushed some states to renounce their neutral status. On the other hand, some states remained within the neutrality framework, while the permanent neutrality was imposed to Austria and Finland by the great powers (neutralized states). In practice, the modality and the success of the policy of permanent neutrality of a certain state always depends on several factors. Therefore, it could be said that the European permanently neutral states retained or obtained their status due to the dominant political environment and the antagonism between the blocks. The North Atlantic Alliance (NATO) and the Warsaw Pact were directly connected only at the border between the two German states in Central Europe, where the tensions were, consequently, most severe. Furthermore, the process of decolonization had an additional impact on the new directions in foreign policies of those states which refused to join the conflicting antagonisms between the West and the Communist world. The neutral and non-aligned states helped prevent the outbreak of such tensions elsewhere in Europe.

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<sup>5</sup> Article 51 of the UN Charter prohibits the use of force in international relations, thus declaring war as an illegitimate means of action, therefore making permanent neutrality pointless. This can also be applied to Articles 2 (5), 41, 42 and 48, which stipulate the Security Council as the final instance with the right to implement or enforce certain measures against states that violate peace and security, and which all UN member states have to comply with.

New neutral states in Europe, in particular Austria, promoted a new approach deriving from the membership in the UN called *policy of active neutrality*. This assumed active engagement of the country in promotion of the goals and ideals embedded into the UN Charter, and resulted in participation in UN commissions and committees and UN peacekeeping missions.<sup>6</sup>

The traditional concept of permanent neutrality was no longer sufficient to define the differences between the models, similar to neutrality, that have emerged during the Cold War. However, all these models had some common characteristics. For the purpose of a closer theoretical determination of various forms of the "neutral status" of some states, this analysis will present the classification of Boleslaw Boczek, who defined the existence of three basic models: permanent neutrality, neutralism and nonalignment; and within them several variations.<sup>7</sup>

**Permanent Neutrality** - The concept was expanded in the period of the Cold War with the emergence of the new permanently neutral states. Different types of this status vary according to the manner in which neutrality has been established (e.g. through national legislation or acknowledged/imposed by international agreements) and the manner in which the status was recognized by other states (*de jure* by an international agreement or a treaty, or *de facto* through practice in international relations). However, for a state to be considered as permanently neutral, it is important that its foreign policy is recognized by the other states as such. One of the major characteristics is impartiality towards all other states regardless of their ideology, state system or membership in political or military alliances. It should also be mentioned that the neutral states usually required constant confirmation of their status through the promotion of peace and dialogue according to the principles of the UN Charter. Thus, they were often the initiators of peace initiatives and their troops have participated regularly in peacekeeping missions under the UN umbrella. These states also often have played the role of the mediator between warring parties.

**Neutralism** - The term was coined during World War I, during the internal debate in Italy over the decision whether to join the war and on which side.<sup>8</sup> However, the term gained its full meaning during the Cold War, when it was used to denote the states that were unwilling to join any of the blocs, yet did not adhere to any major characteristic of the permanently neutral states. Neutralism did not imply state's wish to stay out of all armed conflicts nor that it is necessarily committed to peace, but rather that it wished to remain outside of the conflict of the great powers. This term was generally applied to the foreign policies of the newly independent states - former colonies of the European powers. However, most of these states joined the Non-Aligned Movement.

**Non-Alignment (membership in the Non-Alignment Movement)** - This model is similar to the above mentioned neutralism, but it presumes the active participation in the mechanism established by the Non-Aligned Movement. Through the Movement, these states formally advocated the dismantling of the opposed political - military blocs, disarmament policy, as well as the conclusion of the decolonization process. On the other hand, membership did not prevent members to wage war themselves with the other states and even among them. One of the founding members, India, was involved in wars with China and Pakistan while being member of the Movement.

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<sup>6</sup> Look, J.L.Bayer, S.C. Hofmann, "Varieties of Neutrality: Norm Revision and Decline", in *Cooperation and Conflict*, Sage Journal 46(3), 2011, p. 296.

<sup>7</sup> See: Boleslaw A. Boczek, „The Conceptual and Legal Framework of Neutrality and Nonalignment in Europe“ in: I. Papacosma, S. Victor (Eds.), *opt.cit.*, p. 5-22.

<sup>8</sup> *Ibid.*, p. 16.

## CONCEPT OF NEUTRALITY IN THE POST COLD WAR PERIOD

### WHAT IS LEFT?

The end of the Cold War also meant the shift in security challenges and priorities, especially for the European states. With the collapse of the Warsaw Pact, large scale military conflict became less probable, bringing into question the existence of NATO, since there were no likely perils in sight for the possible use of its defence capacities. However, the outbreak of the crisis in the former Yugoslavia led European states to recognize new threats to their safety - the possibility of conflict spill-over from other states and other threats of asymmetric nature.

The 9/11 terrorist attacks in the USA strengthened even more the conviction that no borders are impregnable, and that literally everyone in every country could be a subject to a terrorist attack. The military power of one state does not guarantee the security of its territory and protection of its citizens anymore. The appearance of failed states, globalization, and the development of new communications clearly indicated a map of possible new security challenges, which could not be predicted twenty years ago. Certainly, these new challenges undermined the concepts of neutrality of European neutral states in the way they were during the Cold War. The value of the permanent neutrality, as a security concept, was brought into question, because it was clear that neutrality does not guarantee the security of citizens of neutral states anymore.

At the same time, the two powerful actors, NATO and the European Community (EC), underwent through a process of a radical change. NATO continued to exist by modifying its goals and purpose with three consecutive Strategic Concepts (1991, 1999 and 2010) that shifted the purpose of this political-military alliance from mutual defence to new spheres and new challenges. In such manner, NATO was redefined to become an initiator and a centre of much wider security cooperation network. In the first half of the 1990s, NATO offered a framework for cooperation through the Council of Euro-Atlantic Partnership (CEAP) and the Partnership for Peace (PfP) to both the new democracies in Eastern Europe and the European permanently neutral states. With this framework NATO offered a possibility for cooperation level of their choice without an obligation to become a member.

All of the neutral states showed interest to participate in the PfP (Ireland joined last in 1999). Their security and defence concepts, as well as the defence capabilities passed through the structural change, to adapt to the new challenges and to partner with NATO. A number of their military structures were significantly reduced, yet became more efficient. However this meant that neutral states shifted from the concept of armed neutrality to cooperation with the collective security system.

The structure of the EC was broadened and deepened with the Maastricht Treaty in 1992, to become the European Union (EU). One of the future goals was the deepening of the established Common Foreign and Security Policy (CFSP) and creating more integrated cooperation in the area of Security and Defence. The cooperation was set to be created according to the priorities listed in the Petersberg Declaration from 1992, which falls out of the traditional security conceptions based on mutual territorial defence. These priorities were incorporated into the Amsterdam Treaty and served as the basis for the formulation of the European Security and Defence Policy (ESDP) that was later incorporated into CFSP.

The reaction of the neutral states towards the prospects of European integration was positive, except for Switzerland which chose to remain out of the EU. However, the integration process seriously tackled their concepts of neutrality. That was evident even before the creation of the EU, when Austria sent the application for

membership. The Commission recommended Austria to reform its policy of *perpetual neutrality* because it might be in conflict with the future CFSP project<sup>9</sup>. All of the states showed that their wish for solidarity with other European partners prevailed over the desire to keep the state neutral in a traditional way. Basically, their concepts of neutrality have been reduced to the basics i.e. abstaining from the military-political alliances based on biding mutual defence. Furthermore, these states became some of the most fervent supporters of the ESDP. Sweden and Finland, for example, insisted on the incorporation of the *Petersberg Tasks* into the Amsterdam Treaty, immediately after they became the EU members in 1995<sup>10</sup>.

Essentially, the concepts of neutrality of all four EU neutral states were reduced to simple avoidance of membership in political-military alliances that presume mutual defence. All other aspects of permanent neutrality diminished, mostly because the EU was primarily seen as a peace project and a normative “soft” power, therefore “compatible” with the goals of the former concepts of neutrality of these states<sup>11</sup>. As Ursula Plassnik stated, it allowed neutral states to see the EU as a continuation of their own *good offices*.<sup>12</sup> These new concepts of neutrality, although quite similar, are called differently from state to state: Sweden calls it non-alignment, Ireland military neutrality, Finland military non-alignment. However, the statements of the politicians from the EU neutral states pushed the bar even higher. Former Austrian Minister of Foreign Affairs, Benita Ferrero-Waldner stated that there is *no neutrality, only solidarity*<sup>13</sup>. Swedish Minister of Defence, Sten Tolgfors, said that *NATO membership is a natural step for Sweden*<sup>14</sup>. During the meeting with the Russian Minister of Foreign Affairs Sergey Lavrov in 2008, Finnish Minister of Foreign Affairs, Alexander Stubb, said that *Finland is not neutral but has been politically aligned with the EU since January 1st, 1995, and works in close military cooperation with NATO, among others*<sup>15</sup>.

The only permanently neutral state which was already an EU member, Ireland, also reformed its concept of neutrality opting for more cooperation within the EU ranks. However, when ESDP was finally incorporated into the Treaty of Nice in 2001, Ireland demanded more guarantees for its “military neutrality”. In 2002 at the European Council in Seville, Ireland was confirmed (in a form of *ANNEX IV Declaration by the European Council*) the right to preserve its status of military neutrality, not bound to any mutual defence commitment. The EU Council guaranteed that any decision in that direction has to be taken by unanimity of all European member states. It also guaranteed that any potential engagement of the Irish troops in crisis management operations has to be under the UN, approved by the Irish Government and the Parliament (so-called the *Irish triple lock*). In this Declaration the famous ***Irish Clause*** was mentioned for the first time: (...) *the policy of the Union shall not prejudice the specific character of the security and defence policy of certain Member States, Ireland has drawn attention, in this regard, to its traditional policy of military neutrality*<sup>16</sup>.

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<sup>9</sup> European Communities –Commission, *The challenge of enlargement - Commission opinion on Austria s application for membership*, 1 August 1991, Bulletin of the European Communities, Supplement 4/92, 1991.

<sup>10</sup> Hanna Ojanen, *Participation and Influence: Finland, Sweden and the post-Amsterdam Treaty development of the CFSP*, Occasional Papers, The Institute for Security Studies-Western European Union, January 2000, p. 7.

<sup>11</sup> For the change of the concepts of neutrality of the EU neutral states, see Karen Divine, “Neutrality and CSDP: Compatible or Competing”, in *Cooperation and Conflict*, SAGE Journal 2011, p. 342 – 345.

<sup>12</sup> Christine Agius, “Transformed beyond recognition? The politics of post-neutrality”, in *Cooperation and Conflict*, opt cit., p. 380.

<sup>13</sup> Ibid, p. 381.

<sup>14</sup> Agence France-Presse, *Swedish Defence Min.: NATO Membership 'Natural'*, February 16<sup>th</sup> 2010.

<sup>15</sup> Keir Giles and Susanna Eskola, *Waking the Neighbour – Finland, NATO and Russia*, The Defence Academy of the United Kingdom - Research & Assessment Branch, 2009, 9/14, p 14.

<sup>16</sup> ANNEX IV Declaration by the European Council, Presidential Conclusions, Seville European Council 21 and 22 June 2002, accessed November 14<sup>th</sup>, 2011 <http://www.statewatch.org/cia/documents/seville-decl-nice-treaty-irish-neutrality.pdf>

The debate over the status of the neutral states was stirred again with the proposal of the EU Constitutional Treaty. In the early drafts, the Article I-40 paragraph 7 was formulated in such way that it contained mutual assistance (defence) clause which prescribed that in the case of armed aggression on any of the EU members, all the other states would be obliged to provide *aid and assist by all means in their power, including military ones*<sup>17</sup>. However, the foreign ministers of Finland, Sweden, Austria and Ireland opposed the proposal since it is was not in accordance with their *own security policy and with their security requirements*.<sup>18</sup> In this way, the *Irish Clause* was included into the integral text of the EU Constitutional Treaty and later transferred into the integral text of the Lisbon Treaty. The EU Constitutional Treaty also introduced the Solidarity Clause (also incorporated into the Lisbon Treaty) which guaranteed aid and engagement with all instruments at disposal of the member states (including the military resources) in the case of terrorist attack in the territory of one or more of them and in the case of natural or man-made disaster.

Although Article 42.7 of the Lisbon Treaty contained the so-called *Irish Clause*, precisely because of this Article, the citizens of Ireland turned down the Treaty on the first referendum. Only after the additional interpretation of Articles 42 and 222 and the official guarantees given by the decision of the EU Council in 2009, that were incorporated as an integral protocol of the Lisbon Treaty, did the citizens of Ireland accept the Lisbon Treaty in a repeated referendum.

According to everything said above, it is possible to conclude that permanent neutrality in a traditional sense does not exist anymore. All of the European neutral states have joined the PfP due to the new security challenges, thus modified their concepts of neutrality. The Solidarity Clause and mutual assistance (defence) clause further challenged the neutral statuses of Austria, Finland, Sweden and Ireland, and it would be hard to imagine that these states would stand aside if any of the EU member states would be a victim of a military threat. These states are often being called post-neutral to underline their still undefined status<sup>19</sup>.

Then again, the idea of neutrality did not yet lose its appeal, since all of these states still, more or less adhere on it, as a part of their identity. What is more, out of the EU, there are examples of states that have proclaimed permanent neutrality. In the case of Turkmenistan, the UN General Assembly recognized it as a permanently neutral state in 1995. However, in the case of Moldova, which also declared permanent neutrality during 1990s, the situation was quite different. No international actors recognized it to date. It seems that in these two cases, their neutrality has nothing to do with the principle and adherence to the ideas of peace and dialogue. Their neutral position is more of a political move aiming to fulfil certain goal which probably has a lot to do with the role of Russia in the region. According to the previously mentioned Boczek's definition of the types of neutrality during the Cold War, neutrality of these two states is more reminiscent of neutralism.

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<sup>17</sup> Conference of the Representatives of the Governments of the Member States, Addendum to the Presidency Note, Brussels, 25 November 2003, p. 23 <http://www.consilium.europa.eu/igcpdf/en/03/cg00/cg00052-ad01.en03.pdf>

<sup>18</sup> Thomas Hajnoczi, "Austria", in Emily Munro (Eds.) in *Challenges to Neutral and Non-Alligned States in Europe and Beyond*, Geneva Centre for Security Policy, Geneva, 2005, p.12

<sup>19</sup> See • Tapani Vaahoranta, Tuomas Forsberg, Post-Neutral or Pre-Allied. Finnish and Swedish Policies on the EU and NATO as Security Organisations, Working Papers 29, The Finnish Institute for International Affairs, 2000, [se2.isn.ch/serviceengine/Files/ESDP/19260/.../851CC2D2.../W/P29.pdf](http://se2.isn.ch/serviceengine/Files/ESDP/19260/.../851CC2D2.../W/P29.pdf)

## THE CASE OF SERBIA

### “(MILITARY) NEUTRALITY TOWARDS THE EFFECTIVE MILITARY ALLIANCES”<sup>20</sup>

The bitter feelings of the Serbian citizens towards NATO are connected to the NATO air campaign against Bosnian Serb positions in 1994-1995 and the bombing of the FR Yugoslavia in 1999. This negative sentiment persisted in the following years due to the unclear status of Kosovo. However, after the fall of Slobodan Milošević, the new authorities of Yugoslavia and Serbia declared their intention to cooperate with NATO, and even to join it. After the successful reintegration of the “Ground Safety Zone” in cooperation with NATO in 2001, these sentiments were somewhat reduced<sup>21</sup>.

At the same time, certain xenophobic and nationalist forces were using the presence of NATO in Kosovo to raise their popular support. Yet, the new Yugoslav and Serbian authorities opted for cooperation with the European and Euro Atlantic institutions, with the prospect of Serbia’s integration. However, the nationalist wing of the new ruling majority, led by then President Vojislav Koštunica, was not entirely devoted to cooperation with the West.

The issue of Euro Atlantic integrations was not perceived as a problem until the process of negotiations on the Status of Kosovo under the UN’s special envoy Marti Ahtisaari in 2006. After Serbia’s proposal for settlement was rejected by the Kosovo Albanians, Serbian representatives took a more *hard line* approach. When Marti Ahtisaari came out with his *Status Settlement Proposal* (so called *Ahtisaari Plan*), that foresaw Kosovo as independent state from Serbia, the ruling coalition started to directly accuse NATO to be a protector of Kosovo separatism. The effect was that the Government began the process of rapprochement with Russia and China, in order to prevent the recognition of Kosovo in the UN Security Council. Koštunica’s party rhetoric became increasingly anti-NATO, and even anti-EU, thus resulting in a few concrete moves that were supposed to petrify the current status of Serbia’s relations with NATO and the EU.

On November 27<sup>th</sup>, the National Parliament of Serbia issued the ***Resolution on Protection of Sovereignty and Territorial Integrity of the Republic of Serbia***. The **Article 6** of the Resolution reads as follows:

***Due to the overall role of NATO, from the illegal bombardment of Serbia without a Security Council decision to Annex 11 of the rejected Ahtisaari’s plan, which determines that NATO is “ultimate supervisory authority” in an “independent Kosovo”, the National Assembly hereby declares the neutral status of the Republic of Serbia towards effective military alliances until a referendum is called, at which the final decision on this issue will be made***<sup>22</sup>

However, this remains the only official document where the “(military) neutrality” is mentioned. The basic security documents of the Republic of Serbia, Strategy of Defence and Strategy of National Security from April 2009, do not contain any reference to it.

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<sup>20</sup> See footnote 1.

<sup>21</sup> By the end of the 2000, the rebel *Albanian Liberation Army of Preševo, Bujanovac and Medveđa* was formed in the *Ground Safety Zone*, a 10 km deep strip of territory of the Republic of Serbia encompassing Kosovo, established by the *Kumanovo Agreement* in 1999. After the Albanian rebels commenced with terrorist acts, and after negotiations with the Serbian authorities, NATO allowed the return of Serbian army and police forces to the Zone in mid-2001.

<sup>22</sup> See footnote 1.

Almost five years later, for the majority of the Serbian population it is completely unclear what this neutral or military neutral status actually entails, i.e. what are the rights, obligations and perspectives of Serbia in correlation with the chosen foreign policy course. Some politicians, policy analysts and the media refer to it as to full-fledged permanent neutrality similar to the status of European neutral states during the Cold War, claiming that there are both political and historical justifications for this status. They also claim that this status is possible due to a fact that there are permanently neutral EU member states in Europe. Impact in the wider public is immense, although practically there is no knowledge about the practices of the European permanently neutral states in traditional and/or Cold War sense, or about the changes of the concepts of neutrality that occurred in past two decades. However, the position of Serbia differs from both.

First, it is hard to claim that the policy of neutrality is a tradition of Serbia's foreign policy or that there is a historical justification<sup>23</sup> for it. In the period before World War I, Serbia led a rather expansionist foreign policy. In the interwar period, the Kingdom of SCS / the Kingdom of Yugoslavia was a member of the military-political alliance *Little Entente*, and a regional military-defence alliance called the (First) *Balkan Pact*. After World War II, Socialist Yugoslavia was initially a part of the Eastern camp, to almost become a NATO member state after 1950. Eventually, it had concluded the defensive Second Balkan Pact in 1954 with NATO member states Greece and Turkey. The only period one might refer to is from 1961 until 1991, when Yugoslavia was a founding member of the Non-Aligned Movement. However, the membership in this movement, beside all similarities, did not encompass all the features of the European permanently neutral states during the Cold War. Foreign policy of SFR Yugoslavia, for certain, was not impartial towards the opposing sides. For example, its rhetoric towards the West in this period was mostly in line with the Soviet rhetoric.

Nevertheless, the moral credo that Yugoslavian government acquired during the active promotion of the Non-Alignment Movement, was recklessly lost during the wars in the 1990s. Unfortunately, except for the NATO bombing campaign executed without the UN Security Council approval, Serbia simply does not have the credibility which could justify the neutral status.

A closer analysis of the above mentioned Resolution's Article 6, shows that the Serbian concept of neutrality is a far cry from the traditional concept of neutrality. Firstly, the definition of (*military*) *neutrality towards effective military alliances* does not contain any obligations regarding the government's future foreign policy. Serbia does not declare its commitment to peace and dialogue, but rather leaves open the possibility to enter some newly established military alliance, if the occasion arises. Also, Serbia did not restrict the presence of foreign troops and their military bases on its territory, which are the minimum requirements for a neutral state. Furthermore, the absence of the basic foreign policy strategic documents<sup>24</sup>, allows state officials and other politicians to interpret freely the meaning of this concept.

The essence of the neutral status is the intention of a state to avoid current or potential military conflicts. For this purpose, the neutral states take on certain obligations, as well as a set of norms and values that dictate the way of conducting the foreign policy in the future. This contributes to the legitimization and international recognition of the foreign policy direction of the state.

Furthermore, as it is mentioned above, the key security documents do not mention that Serbia is a neutral state. In fact, these documents identify as priorities the

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<sup>23</sup> Bečković: *Odluku o NATO ne donositi iza leđa građana*, 12.01.2010.

<http://www.blic.rs/Vesti/Politika/171951/Grupa-od-200-Intelektualaca-za-referendum-o-NATO->

<sup>24</sup> Serbian President, Boris Tadic, said in 2009 that Serbian foreign policy is defined by four pillars – EU, USA, Russia and China. This has been accepted as the official platform of the Serbia's foreign policy.

<http://www.rts.rs/page/stories/sr/story/9/Srbija/123751/%C4%8Cetiri+stuba+srspe+spoljne+politike.html>

asymmetric security challenges, automatically pointing to cooperative security, i.e. to cooperation within the PfP programme and with NATO. The PfP can be the right framework which Serbia can use to deal with these security challenges but only under the condition it becomes an advanced partner of the programme, like some of the EU neutral states.

Also, if we consider the “recent” development in the field of the EU’s Common Security and Defence Policy (CSDP), where neutrality as an option is slowly, but constantly diminishing, the question arises what the purpose of this Serbia’s political choice is, having in mind that Serbia’s ultimate goal is joining the EU.

Even if there is a valid basis for the neutral status of Serbia, the former and the current Serbian leadership did not do anything to convince other states to recognize it. Clearly, this has nothing to do with ideals, but with political opportunism.

Therefore, it is most likely that the “neutrality” of Serbia represents just a political move that has fulfilled (or still does) its purpose. And that purpose has its domestic and foreign function. Domestic function is to create a political cleavage based on negative sentiments towards NATO, thus to create a pool of support for parties that employ more-or less anti-Western discourse. Foreign function is to keep Serbia out of NATO as a sort of a revanchist move, due to the issue of Kosovo. And of course, in this way, the political elite tried to secure continuous support of Russia, which is opposing any further enlargement of NATO. Serbia’s neutrality is closer to the Moldovan example, without a clear concept, essential goals and a value-based orientation. It appears more (from the political perspective) like **military unilateralism**, than neutrality<sup>25</sup>. Again, according to the Boczek’s definition of the types of neutrality during the Cold War listed above, Serbia’s status would better be defined as neutralist state.

## CONCLUSION

New means of communications have changed the world into, what is popularly called, the *global village*, with tremendous opportunities but also great dangers which independent states may have difficulties to deal with on their own. The most powerful system of collective security in the world, NATO, has become the head of a wider network of states that is even spreading “out of area” as defined by the 1949 Washington Treaty. The neutral states of Europe have recognized the new challenges, and have accordingly made modifications of their concepts, stepping out from traditional and Cold War concepts of neutrality: all of these states are members of the PfP; the EU neutral states are participating in the CSDP security project; Switzerland became a member of the UN and PfP, etc. All this testifies that permanent neutrality is no longer considered as a strong guarantee of security of the territory and citizens. Therefore, for these states, their current security policies are based on **solidarity** with the other EU member states and **cooperation** with NATO. That defines them more as post-neutral non-aligned states.

On the basis of its foreign policy and its priorities, Serbia cannot classify itself as a neutral state. Since the adoption of the above mentioned Resolution, Serbia has not made a single serious attempt to create a conceptually clear model of its neutral status.

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<sup>25</sup> However, the Serbian Ministry of Defence showed some independent initiative – in the last two years it has increased the cooperation within the PfP. The Ministry of Defence is preparing to obtain an Individual Partnership Action Plan from NATO, Serbia’s units are already participating in a few crisis management missions in partnership with the EU member states and has declared its intention to obtain the PfP advanced member status.

Serbia is currently in a neutralist position, from which no positive or a positively proactive agenda has emerged. It seems that Serbia's aim is to use "neutrality" as a means of struggle with the West over the Kosovo issue. Therefore, the declaration of *(military) neutrality in relation to effective military alliances* makes sense only if it is followed by further isolationist policies even towards the EU and its security structures. However, such a stance would lead the state into a confrontation with the neighbouring states and deeper isolation from which it could hardly have any benefit. The neutralist position of Serbia makes no guarantees that Serbia is a secure state, which renounces the use of force in future international relations. On the contrary, it allows Serbia to be potentially exploited in the future, by another state or a new military alliance.

Neutral states often play the role of mediators between the warring sides. We can just wonder who would accept neutral Serbia as a mediator. For example, Turkey has had more success as a mediator in the region, although it is a part of NATO for more than 50 years.

Without defining its concept of neutrality, the political elite of Serbia prevents the creation of substantial consensus over foreign political course which enables further manipulation with the sentiments of the citizens and the blurring of the actual problems.

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