ČLANCI I RASPRAVE

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THE EUROPEAN QUESTION IN SOUTHEST EUROPE AND ANSWER OF THE EU[*]

1. MEANING OF THE "EUROPEAN QUESTION"

The determination of the object subject of this work presupposes previous determination of the term "European question – Europafrage" and the term "Southeast Europe".

The meaning of the first syntagma "European question" has not been precisely determined,[1] neither in political, nor in legal theory, and different comprehensions can, basically, be subjected to two meanings.

According to the first, broader, meaning of the term "European question" a sense of belonging to Europe as a continent is understood, in the sense of

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[1] See: A. Pagden (ed.), *The Idea of Europe: From Antiquity to the European Union*, Cambridge: Cambridge UP, 2002; G. Delanty, C. Rumford, *Rethinking Europe*, Routledge, London and New York, 2005.

accepting and sharing its values, as are common history, same religious (Christian) beliefs, similar understanding of cultural values. Such devotion can exist both for individual or state level. Individuals have expressed their devotion in philosophical, scientific or literary works.[2] States, on the other hand, can express their connection or loyalty either by accepting and applying common values without institutional joining into special organizations or by joining organizations which represent Europe. The problem, however, is that Europe represents, before all, a cultural[3] and geographical term, so that the devotion or loyalty of states to European values can formally be verified only by membership in the Council of Europe.[4] In other words, Europe as sovereign power does not exist, it has to be created, and European Union is not yet synonimous with Europe.[5] This way of realization of the European question, which does not lead to the creation of special integration organisations, can   be marked as the passive form of Europeanization.[6] In that sense, there may be varying degrees of

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[2] See T. Oppermann, *Europarecht*, 3rd ed., München 2005, pp. 1-19; Booker/North, *The Great Deception Can the European Union Survive?*, London 2005, besides approved "Europeans", like Richard Coudenhove-Kalergy, Aristide Briand, Gustav Stresemann, Jean Monnet, on page 11 are quoting, among others, Albert Einstein, Pablo Picaso, Sigmund Freud, Thomas Mann, Paul Valery, Guillaume Apollinaire and St. John Perse. Authors quotes less known fact that Italian industrialist, Giovanni Agnelli, founder of the Fiat Empire, had published a book entitled European Federation or League of Nations, even before the FWW had ended. See also: D. Siđanski, *Federalistička budućnost Evrope* (Federal Future of Europe), Belgrade 1996, pp. 27-49

[3] T. Heikkilä, Europe takes shape, in: *Europe 2050*, (ed.T.Heikkilä), Edita, Helsinki, 2006, p. 37.

[4] Since it's founding in 1949, the Council of Europe, which currently comprises 47 member states, has been working to promote human rights, pluralist democracy and the rule of law. Through its activities, it has set the course for a democratic Europe.

Coleman, *The Conscience of Europe*, Council of Europe Publishing, 1999 (in translation on Serbian version: *Savest Evrope*, Vega Media 2003, on page 26, quotes that European Council was degenerate from "Mother of European Institutions" to anteroom for central and eastern European countries, where they are waiting until theirs economy becomes solid and reach the level which will allow them to join the European Union. Hereupon Coleman asks: For God sake, they are European countries, and we are all European family. Whether members of a family ask brothers and sisters about the level of their economy in order to consider them member of a family?"

[5] *Delartty/Rumford, op. cit.*, p. 69.

[6] See K. Featherstone, "Introduction: In the Name of Europe," in: Feathertsone/Radealli (eds.), *The Politics of Europeanization*, Oxford 2003, pp. 3-24; According *Vink*, What is

Europeanisation,[7] as well as subjective and objective measures. "Subjective measures include self-identity and value system. Objective elements include behaviors and policies. A country can adopt European values or European policies without having primarily European self-identity, or vice versa."[8]

According to the second, more narrow, meaning, in the term "European question" the political designation or orientation of the states of Southeast Europe is contained to realize their geographical belonging to the determined joint space through membership in the EC or EU, as the active form of Europeanization. Observed in this manner, the "European question" appears as the legal and political readiness towards taking over concrete rights and obligations from the membership in these organizations. Compared to the previous, this form can be marked as the active form of resolving of the European question or as the Europeanization through creation of institutional forms of legal, political and economic integrations. The scope of this work is limited to the analysis of this manner of expressing and realizing the European question. Also in this form of Europeanization the participants take over the obligation of respecting achieved common values, although by entering institutional communities they also gain the possibility and take over responsibility for their further shaping and development. In the first formative period to the year 1992, in the EEC most of all economic values, shown in the common market and four basic freedoms, were cherished. However, with changes to the Rome Foundation Treaty , and especially after Maastricht Treaty (1992) and the transforming of the European Economic Community, as economic integration, into European community as social community and after the forming of the European Union, as political

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Europeanization? And Other Questions on a New Research Agenda, Paper for the Second YEN Research Meeting on Europeanisation, University of Bocconi, Milan, 22-23 November 2002, Milan 2002. http://www.essex.ac.uk/ECPR/standinggroups/yen/paper_archive/2nd_yen_rm_papers /vink2002.pdf, the concept of "Europeanization" can be briefly understand as "domestic change caused by European integration" or as "a process of change in national institutional and policy practices that can be attributed to European integration.".

[7] K *Featherstone, op. cit.*, p. 5*; DeBardeleben* (ed.), *Soft or Hard Borders? Managing the Divide in an Enlarged Europe*, Ashgate 2005, p. 3, quotes that "Europeanising its (EU) neighbours be an unstated, but implicit goal in these relationships as well". See also: Goetz/Hix (eds.), Europeanised Politics? European Integration and National Political Systems, *Special issue of West European Politics*, Vol. 23 (2000), No. 4, p. 27

[8] J. DeBardeleben, *op. cit.*, p. 3.

community, these values were expanded and enriched. Nowadays they are usually expressed with the term of community achievements or ***acquis communautaire.*** In that sense the European question could also be understood as the relation of individuals and third states towards the acceptance of the ***acquis communautaire.***

In terms of time the creation and development of the accordingly understood "European question" can be observed through two periods: before World War II and after the end of World War II, and after the World War II until the fall and after the fall of the Berlin wall.

Before the Second World War the "European question" existed only as an idea or a "European dream" about the creation of a united Europe or a European alliance, in the minds of philosophers, writers and some politicians both from the area, which was later marked as Western Europe, as well as from the area of Southeast Europe. Observed in this manner the today's? "European question" can not be considered as an original and new term, neither for the states of Western,[9] nor for the states of Eastern and Southeastern Europe,[10] because a particular interconnection of certain ideas and values between European states has also existed earlier. However, this process in that time took place through the process of looking up (or imitation) to "European models", as well in arts, as in science, which resulted in the acceptance of

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[9] The many attempts to revive united Europe existed between the two wears as for example: ***Richhard Coudenhove-Kalergi's*** Pan Europe of 1923 and the proposal for United States of Europe made to the League of Nations by A. Briand. See: Pagden (ed.), ***The Idea of Europe: From Antiquity to the European Union,*** Cambridge 2002, especially Passerini, ***From the Ironies of Identity,*** p. 191, and more: Siđanski, ***op. cit.,*** pp. 27-49.

[10] I. Ilchev, Hlopaneto na vratata na Evropa kato balkanski sindrom [Knocking on Europe's Door as a Balkan Syndrome], in: ***Sega Daily,*** 18 November 2000, quotes that during the 1912 Balkan War, the Bulgarian Ministry of Foreign and Religious Affairs instructed its representatives abroad to propagate the claim that the Balkan peoples, the Bulgarians in particular, were fighting for the cause of 'European culture'. The Serbs emphasized that without their culture the European one would not be the same. The Romanians were especially keen to persuade the Westerners that Romanian culture purportedly stood much closer to the West than to the East "Romania is neither Turkey nor Bulgaria (...) She is, more clearly, a sentinel of the Western civilization." In a similar vein, Athens tried to equate the Ancient Greek culture, which formed contemporary European's civilization, with modern Hellenic and European culture. Quoted according ***Bechev,*** Constructing South East Europe: The Politics of Regional Identity in the Balkans, ***European Studies Centre in the University of Oxford, RAMSES WP*** 1/06, March 2006, p. 9, footnote 23.

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certain solutions as common, in creation of certain ways of thought, without national prefixes. In that sense, Europe was and it is a clear point of reference for intellegentsia as well as for political authorities in fashioning progressive policies, "although certainly the western model is not accepted without contest."[11] These processes, which preceded the creation of the "European idea", can be marked as the process of standardization. Although it did not aim at creating special institutional alliances between European countries, it is certain that the process of Europeanization created a suitable climate for the latter creation of different movements which as a goal have set the establishing of the alliance of European states. However, the realization of the idea on creating special European alliances happens only after the end of the Second World War, by forming of the European Community for Coal and Steel and the European Economic Community.[12] In the beginning the main actors and members of these communities were only states of Western Europe, while the states of Central and Southeastern Europe were to join them significantly later. That does not, however, mean that in the states of Eastern Europe at that time the "European question" did not exist, at least on the individual level.[13] However, at that time no institutional presumptions existed for their realization. Institutional preconditions (presumptions?) for the inclusion of states of Eastern Europe into the integration process within EEC/EU are created only after the mutual recognition between the EEC and COMECON and after the EU has explicitly stated that the process of expanding of EU is not finished and that it will include the region of Southeast Europe and West Balkans. Such an unambiguous position of the EU is important to be pointed out due to existing different perceptions of the borders of EU enlargement.[14] While some advocate for a European Union

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[11] J. DeBardeleben, *op. cit.,* p. 5. quotes that this concerns to Russia. The same beliefe there were in other south east countries.

[12] European Coal and Steel Community (ECSC) was founded with same-named contract signed 1951. in Rome, and EEC was founded in 1957 by the Treaty of Rome.

[13] D. Bechev, *op. cit.*, p. 16. quotes that no sooner than the post - Cold War period, enlightened Europe merged again as model and benchmark for South East European societies' development.

[14] G. Falkner, M. Nentwich, Enlarging the European Union: The Short-Term Success of Incrementalism and De-Politicisation, *MPIfG Working Paper* 00/4, July 2000, http://www.mpi-fg-koeln.mpg.de/pu/workpap/wp00-4/wp00-4.html

"from the Atlantic to the Urals"[15], others consider "(...) that the enlargement of the Union be restricted to the 'cultural circle' of Western countries. Enlargement of the Union should be restricted to Protestant and Catholic circle of European countries,"[16] because "Countries of Southeast Europe belong in the cultural sense to collapsed Byzantine empire, and do not have democratic tradition of respect for minorities."

2. MEANING OF TERMS EASTERN AND SOUTHEAST EUROPE

The second element which determines the scope of this work is the notion of "Southeast Europe" which is directly linked to the term of "Eastern Europe". Also in the defining of this term differences exist, which derive from the fact that the syntagma "Eastern Europe" can be observed either as geographical term or as geopolitical term.[17] In the first case of decisive meaning is the geographical belonging of a state to a certain region, while, according to the other criteria, elements of social, economic and political system are taken into account, as well as the relation to cultural, religious and general social values of Europe. On the other hand, mentioned differences can be considered as consequence of indetermination of the higher genus term "Europe".[18] Namely, even if one goes out from the fact that the geographic term Europe as a continent is undisputable, there are differences on what in geographic sense distinguishes this area from others and whether it is really unique. As

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[15] See A. Pagden (ed.), *op. cit.,* p. 201.

[16] Statement Willy Claes, foreign minister of Belgium, and then chairman-in-office of the Council of Ministers of the European Union in 1993, in *Katimerini*, 16 October, p. 9. Quoted under P. Simic, Do the Balkans Existed? in: *EU, NATO and Southeastern Europe* (ed. P. Simic et alia), Belgrade, 2002, p. 25, footnote 33.

[17] See: A Subdivision of Europe into Larger Regions by Cultural Criteria Prepared by Peter Jordan, the framework of the Permanent Committee on Geographical Names (*StAGN*), Vienna, Austria, WP No. 48, UN Group of experts on Geographical Names, Item 18. For an overview of other possible definitions of SEE focused on history and culture, W. Bracewell and A. Drace-Francis, South-Eastern Europe: History, Concept, Boundaries, in: *South-Eastern Europe: History, Concept, Boundaries*, (ed.W.Bracewell, Drace, Francis, Alex), Paris: Homo Balkanicus, 1999, a special issue of *Balkanologie* containing papers from a conference held at the School of Slavonic and Eastern European Studies, London.

[18] See. See: Pagden*, op. cit.*, pp. 33-54; *Spohn,* Continuities and Changes of Europe, in: Malmborg (ed.), *The Meaning of Europe*, Oxford 2002, p. 287.

common characteristics, which mark this area, usually are named the already mentioned European common values: common history, language, culture and believes. However, as the mentioned elements are not unique for all Europeans, but they *perceive* them as common and treat them in the same way, then they can serve also as criteria for division into west and east parts of Europe. Although present since roman times, it seems, however, that the division into the east and west parts of Europe has not significantly influenced the creation and development of the "European question" nor has the "European question" been differently qualified according to its deriving from the eastern Byzantine orthodox or western catholic part of Europe. But that does not mean that different prejudices have not followed this division for centuries, and have revived again after the end of WWII and the division of Europe into the west and east blocks, as an unfortunate result of negotiations of winning forces, in Yalta and Teheran. After this division the states of West Europe will begin realizing their European dream by signing the Paris and Rome Treaties on establishing the European Coal and Steel Community and the European Economic Community, while the states of the east block were forced to suppress the "European question" and substitute it with the creation of COMECON and the Warsaw pact. Due to different circumstances the borders between the east and west blocks were, in large parts, identical to the division of the Roman Empire into the west Roman Empire and the east Byzantine Empire.

From the geopolitical term of East Europe, determined in this manner, and which was assembled by states which were under the military, political and ideological influence of the USSR and were members of the COMECON, as an economic alliance, and of the Warsaw pact, as military alliance, after the fall of the Berlin wall 1989, the term of Southeast Europe was deducted.[19] That is to say, after the fall of the Berlin wall, which in a physical manner was

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[19] However, Todorova understands "Central Europe" as a political phrase invented by certain intellectuals seeking a counterweight to the term Eastern Europe (*op. cit.*, p. 140). The latter designation is pejorative because "eastern" refers to Russia and the Soviet Union, which they claimed had its own, unique historical trajectory that had little to do with their past. Todorova's objection to the term is that whereas it may have been emancipatory for certain countries from Russia, it was not emancipatory for the Balkans, which was left entirely out of the discussion. For the Yugoslav aspects of the Balkans-Central Europe dichotomy see: Hoyden/Hoyden, Orientalist Variations on the Theme "Balkans": Symbolic Geography in Recent Yugoslav Cultural Politics, in: *Slavic Review* 51, No. 1 (1992).

dividing the eastern from the western block, and the breakup of the USSR, the term East Europe looses its political sense of existence, and instead two new geopolitical terms were instituted: Central Europe and Southeast Europe. These terms, in the beginning, were used without a clear territorial division, so that with the geographic term of Central and Southeast Europe states of the former East Europe, except Russia,[20] were included: Estonia, Lithuania, Latvia, Poland, Czech, Slovakia, Hungary, Romania, Moldova, Bulgaria, Slovenia,[21] Croatia, Bosnia and Herzegovina, Serbia and Montenegro, Albania, Macedonia, Greece and Turkey.[22] However, after some of the states, which in the geographical sense have belonged to the region of Central and Southeast Europe, became members of the EC or it was obvious that they will, after gaining the status of candidates, whereby they have "consumed" their European question, the term of Southeast Europe, as an imagined advanced space and area whose European future was determined by it, looses that sense, and the term of Southeast Europe became actual. With the term of Southeast Europe it was supposed to, next to the geographical determination to the region of the south half of the landmass of Europe, mark, in a political sense, that also these states, based on their geographical belonging to Europe, *can have* European future in European integrations. For the states of Southeast Europe such a future was indicated for the first time with the Stability Pact for Southeast Europe, and was later developed within the process of stabilization and association.

The "Stability Pact for South-East Europe" has grown out of a number of previous regional initiatives. Some of these have been concerned with South-East Europe and some with the so-called Western Balkans. The regional initiatives that already existed before the 'Stability Pact' include the so-called

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[20] Region consisted from Russia and states originated with USSR disintegration, in foreign affairs of EU, was point out as a region of Eastern Europe and Middle Asia.

[21] After violent disintegration SFR of Yugoslavia, Slovenia was consisted and uses every opportunity to disaffirm connections with Balkan Peninsula and try to find place in Central Europe.

[22] Vachudova, The Leverage of International Institutions on Democratizing States: the Eastern Europe and the European Union, *EUI Working Papers*, *RSC* No 2001/33, European Univesity Institute, 2001, p. 4, footnote No. 1. use term eastern European countries in order to mark those states, members of Soviet Union Block, which are unquestionable candidates for EU membership.

Royaumont Process, the South-East European Co-operation Initiative (SECI), and in a more inclusive way the Central European Initiative (CEI) did not have the integration of these states into the EU as a goal. All these and a number of other initiatives have aimed at securing stability in the region through promoting co-operation of one kind or another (e.g., in areas of culture, economy, politics and security).[23] Only after the big expectations, which the states of South-East Europe had from? the Stability Pact, as in respect of the effects of a new imagined Marshall's plan, so in respect of a speedier accession into the EU, were let down[24], the EU has attributed its view of the European perspective for new states which this time were in the term of West Balkans[25], launching it as the process of stabilization and association. The Western Balkans emerged as a distinct group only after 1999 when Bulgaria and Romania were allowed to open membership talks with the EU. With the geopolitical term of Western Balkans are included: Croatia, Bosnia and Herzegovina, Serbia, Montenegro, Macedonia and Albania. The name of Western Balkans is used by the European Union (EU) to designate this set of countries as the ones that are subject to the regional approach of the EU. Historically, the Balkan region developed in an area of tension and state competition between Christian-Occidental, Orthodox- Byzantine, and Islamic Ottoman powers and cultures.[26] Today, the region is characterized by numerous cultural, religious, and linguistic traditions and influences that are the legacy of these earlier periods. When referring to the Western Balkans together with Bulgaria and Romania, the EU routinely speaks of South East Europe.[27] South-East Europe, on the other hand, consists of all the Balkan countries (i.e., all the countries that have territories or parts of territories in what geographically belongs to the Balkans, e.g., Bulgaria, Greece, Albania,

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[23] V. Gligorov, The Stability Pact for South-East Europe, http://www. southeasteurope.org/ documents/StabilityPact.pdf

[24] The Stability Pact for South-East Europe is a political declaration of commitment and a framework agreement on international cooperation to develop a shared strategy among all partners for stability and growth in the Western Balkans.

[25] The term 'Western Balkans' in the terminology of EU was introduced by the Austrian Presidency of the EU in the 1998.

[26] See J. Rothschild, *East Central Europe between the Two World Wars*, Seattle: University of Washington Press, 1989, pp. 3-24;

[27] D. Bechev, *op. cit.*, p. 22.

Macedonia, but also Slovenia, Romania and Turkey) plus Hungary (and in some cases Moldova).

The return into use of the already suppressed term "Western Balkans" can be interpreted, in political sense, in different ways. Namely, the term "Balkans", due to the negative associations which were attributed to the process of "balkanization" in the late nineteenth century, was exchanged by a neutral political term South-East Europe,[28] and during the Cold War era, Balkanism moderated as the terms "Eastern Europe" and "Southeastern Europe" came into vogue. However, after the fall of the Berlin wall the term Central Europe reemerged as a discursive competitor as a political phrase invented by certain intellectuals seeking a counterweight to the term Eastern Europe. "Central Europe" becomes an insidious concept propagated by "secular zealots" who "have excellently internalized the cultural code of politically correct liberalism"[29] but in the process have positioned the Balkans yet again as a peripheral other. Therefore its reintroduction, of the term West Balkans, can be understood either as a reminding about the differences between Southeast Europe and the Balkans,[30] or about a *sui generis* position of the Balkans in respect of the processes of Europeanization and westernization.

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[28] Todorova, Imagining the Balkans, Oxford 1997, p. 28, indicates in 1893, and again in 1909, the German geographer Theobald Fischer proposed that Balkan Peninsula should be named Südosteuropa. Later this substitution was justified with need that compromised term Balkan Peninsula should be changed with politically neutral term Southeastern Europe and clear away usage of term "Balkanization". According to words of Bechev, Building Southeastern Europe: the Politics of International Co-operation in the Region, http://www.hks.harvard.edu/kokkalis/GSW4/ Bechev_PAPER.PDF, p. 14, the substitution of 'Balkans' with 'Southeastern Europe' is quite symptomatic. On the one hand, it serves as a means that can bring in the resolved opponents of the Balkan label - Slovenia, Croatia, Romania. Moreover, the principle of inclusiveness is underlined by using the term 'countries of the region and their neighbours', which helps to assemble a motley group stretching from Hungary to Turkey. On the other hand, the reference to Europe and European integration makes it clear that the SP is intended to be something of a springboard towards the ultimate goal of European integration of the region. Regionalization is a first step towards accession.

[29] Todorova, *op. cit.*, p. 152.

[30] Abusive (pejorative) term "Balkanization" was considered as a process of violent disintegrations and creations of small independent states on Balkan Peninsula. This process, without any explanation, is connected with this (Balkans) region. See *Šijaković,* Kritika balkanističkog diskursa, prilog feneomenologiji "dragosti" Balkana [Criticism of Balkans discourse,

3. THE RESPONSE OF THE EUROPEAN UNION TO THE EUROPEAN QUESTION

The response of the European Union to the "European question" which was present in Southeast Europe should be looked for within the context of its external relations[31], by which external economic and external political relations are meant.[32] Until the Maastricht Treaty, from the year 1992, the content of external economic relations was mostly made up of commercial relations of the Community towards third countries and international organizations, which are established within the frames of common commercial policy, policy of cooperation and assistance to third countries and the policy of assotiation.[33] These relations were realized by the EEC by concluding appropriate trade agreements and agreements on cooperation and association (*ius tractatus).*[34]

When it comes to political relations, it is necessary to distinct two phases: the phase before the Maastricht Treaty, from 1992, and the phase after the coming into force of this Treaty.

Until 1992 the content of political relations which the EEC led towards third countries in the frame of external relations was mostly made up of diplomatic relations, respectively *ius missionis.* After the coming into force of the Maastricht Treaty and the establishment of the European Union, the

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contribution to "Otherness" phenomelogy of Balkan], Nikšić 2000, on: http://www.rastko.org.yu/filosofija/bsijakovic-balkanistika.html. Nevertheless, there are other opinions; according to Balkan Peninsula is a millennia-old cultural space, as 'the first Europe' of the classical antiquity. Slojanovich*, A Study in Balkan Civilisation*, New York 1967; Cvijić*, La Peninsule Balkanique: Geographie Humaine*, Paris 1918, even went a step further elaborating the notion *of homo balcanicus* defined by a particular Balkan *mentalite*

[31] See: Macleod/Hendry/Hyett, *The External Relations of the European Communities*, Oxford, 1996, p. 45.

[32] See: I. See: Macleod/Hendry/Hyett, *The External Relations of the European Communities*, Oxford 1996; Dijck/Faber (eds.), *The External Economic Dimension of the European Union*, The Hague 2000; Weidel, Regulation or Common Position? The Impact of the Pillar Construction on the European Union's External Policy, in: Klauser (ed.), *External Economic Relations and Foreign Policy in the European Union*, Wien 2002.

[33] N. Moussis, *Acces to European Union Law, economics, policies*, European Study Service, 1999, p. 532.

[34] In general, see: T. Oppermann, *Europearecht*, 3 Auflage, Muenchen, 2005, pp. 637-716..

conditions were created for a special and much more content rich foreign policy, while the European community kept the right of establishing foreign relations.[35]

4. CHARACTERISTICS OF THE POLICY OF FOREIGN RALATIONES OF EEC

The foreign policy, which until 1992 the EEC has set up with third states, and afterwards the European community, are in general terms characterized by gradualism, differentiation and flexibility.[36] The relations to the countries of West Balkans are characterized by an especially prominent principle of setting conditions, so that the map of the road for the countries of Western Balkans is marked with "three c's": consolidations, conditionality and communication.[37] This "road map" divides the process leading to the opening of accession negotiations into six steps, and a country can only reach the next step after fulfilling all the obligations of the previous step.

4.1. Gradualism

The gradualism is reflected in different kinds and a different content of foreign relations, which the European community sets up with a third country in different periods of time. In that sense this characteristics expresses the time dimension of the readiness of the European community to enter more loose or firm institutional relations, starting with trade relations towards association and   membership.

4.2. Differentiation

The differentiation of foreign economic and political relations is reflected in different kinds of autonomous or conventional measures, with which the

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[35] J.V. Louis, The European Union: from External Realtions to Foreign Policy?, *EU Diplomacy Papers* 2/2007, College of Europe, p. 6.

[36] See: M. Cremona, Flexible Models: External Policy and European Economic Constitution, in: *Constitutional Change in the EU From Uniformity to Flexibility*? (ed. G. De Burca and J. Scott), Hart Publishing, 2001, pp. 59-94.

[37] Commission of the EC, *Communication to the EP and the Coucil, Enlargment Strategy and Main Challanges, 2006–2007,* COM (2006) 649, Brussels, 8.11.2006, http://www. parliament.uk/commons/lib/research/rp2007/rp07-027.pdf, pp. 17-21.

European community and the European Union have undertaken towards third countries, nonmembers, or in relations to international organizations. Using different instruments towards different states the Community actually led a different or differentiated policy towards them. Although these differences were conditioned by various factors, they can be placed in three groups[38]: regional or geopolitical, economic or developing and those marked as "conditioned differentiation". In concrete foreign relations the differentiation has been expressed through the "offer" of different kinds of agreements to third countries or groups of countries: from the agreements on free trade to the association agreements or through the possibility of using different autonomous measures – from incentive measures to sanctions.

4.2.1 Regional or geopolitical differentiation

Being established as a regional integration, the European Community has, in its foreign policy, since the establishment taken care about the regional dimension in the sense of orienting to setting up special relations with European countries, and then also with groups of states from different regions. The European countries are, according to geographical and/or geopolitical criteria, grouped into countries of the so-called north geographical zone, countries of Central and Southeast Europe and countries of West Balkans.

Towards the countries of Central Europe, the European Union has already enforced the policy of association by concluding so-called European agreements with these states, based on whose implementation in 2004 Poland, Czech, Slovakia, Slovenia and Hungary became members, and in 2007 also Bulgaria and Romania.

Towards the countries from the area of East Europe and middle Asia, which includes Russia, Ukraine, Belarus, Azerbaijan, Moldova, Tajikistan, Georgia, Kazakhstan, Armenia, Kyrgyzstan and Uzbekistan, the European community leads a general policy of cooperation and partnership. However, also within these states a further division into European countries (Russia, Ukraine, Moldova and Belarus) and "non - European" (Kyrgyzstan, Kazakhstan, Armenia, Georgia, Azerbaijan, Uzbekistan and Turkmenistan) has been made. Towards all of these countries the EU leads the European

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[38] M. Cremona, *op. cit.*, *pp.* 60-61.

Neighborhood Policy, while towards Russia it leads the policy of strategic partnership based on the agreement on four common spaces. The developing and promotion of special relations with the states of East Europe, on which some member states have specially insisted, witnesses the continuation of old/new "east policy or Ostpolitik".[39]

Toward geopolitical region marked as a Western Balkans EU administers policy of stabilization and association, which led, unlike previous policy, to membership in EU.

4.2.2. Differentiation based on economic development

According to these criteria with establishing foreign relations, the Community differentiates two groups of states: industrially developed states and developing states. Contractual relations with industrially developed out-of-Europe states, such as USA, Japan, Canada, and Australia, of the Community are based on sector agreements, which are established on the clause of the most-favored nation. Towards the developing states the Community leads the policy of "cooperation for development."

5. THE EUROPEAN QUESTION IN FOREIGN RELATIONES OF EEC BEFORE THE FALL OF BERLIN WALL

The relations of the EEC and the states of East Europe till the fall of the Berlin wall are characterized by the climate of mutual political distrust and implementation of exception policy[40]. The reasons for this should be sought on both sides. The states of East Europe have opposed the establishing of the European Economic Community, especially as an "political and military

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[39] See Transcript of a lecture: "Towards a new EU Ostpolitik? – Russia, Eastern Europe and Central Asia" given by Minister of State Gernot Erler February 07 2007 Georgetwon University, Washington DC. Germany was especially insisting on this, during their presidency of EU, in first half of 2007. http://www.fesdc.org/documents/ TowardsanewEU-Ostpolitik_000.pdf

[40] For the history of EEC-CMEA relations, see P. Marsh, The Development of Relations Between the EEC and the CMEA, in: *The EEC and Eastern Europe* (ed.A. Shlaim and G. N. Yannopoulos), Cambridge: Cambridge University Press, 1978; also see M. Baumer, H-D. Jacobsen, CMEA's Economic "Westpolitik" Between Global Limitations and All-European Potentials, in: *East European Economic Assessment, Part 2*, Washington, DC: US Congress Joint Economic Committee, 1981, pp. 872-886.

integration", due to the fear that its existence will endanger the ideological cohesion of the socialist block and their doctrine, which was later formed as the doctrine on "limited sovereignty". The result of such tense relations was the prolongation of the policy of "cold war" and mutual non-recognition between the COMECON and EEC, which resulted in the nonexistence of bilateral contractual relations.

A hint on loosening up of tensions comes in the seventies with the policy of the détente, from the sides of some EEC members, as a new "east policy" which, with some delays, has been accepted with the policy of "perestroika and glasnost", from the east block, which resulted in mutual recognition of the COMECON and the EEC in 1988.[41] Therefore, from the perception of East Europe states, in this period it can hardly be spoken of the "European question", as a general question.

A similar situation existed in the member states of the EEC, in which also a sense of political rivalry to the COMECON and the Warsaw pact existed, which was explained with the necessity to preserve the established or achieved balance. Therefore for these, as well as for mentioned formal-legal, reasons, in this period neither from the sides of the EEC can one speak of mutual or special policy of the EEC towards East Europe, but only of positions of single member states in respect of concrete questions. Some of them even have engaged for a more comprehensive cooperation in the sense of developing economic relations with all states of the east block, because that would lead to the democratization in these states, while others advocated for maintaining a distance to these countries, out of the fear that the economic relations might be used e.g., for military purposes. Therefore the period from 1965 till 1975 is characterized by asymmetric bilateral economic relations, which are realized through single contracts on exports of investment equipment, technology and consumer goods from member states of the EEC and contracts on imports of raw materials and energy products from the states of EE.

The situation has not significantly changed even after, in the late 1969, the competence for leading foreign trade policy was conferred from member

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[41]See: Pentland, Eastern Approaches: The EU Encounters the Former Soviet Union, in: DeBardeleben (ed.), *Soft or Hard Borders? Managing the Divide in an Enlarged Europe*, Ashgate 2005, pp. 45-68

states to the EEC, because the states of EE were not able? to directly conclude contracts with the EEC, before an general trade agreement between the COMECON and the EEC was concluded. Such an agreement, however, was not possible to be concluded before the mutual recognition between the EEC and COMECON.

6. THE EUROPEAN QUESTION IN FOREIGN RELATIONES OF EEC AFTER TH EFALL OF THE BERLIN WALL

The political convergence of positions and mutual tolerance between the EEC and COMECON began with the policy of détente, and especially after the launching of the policy of "perestroika and glasnost" in which also the message was contained that the USSR is also not ready to lead a policy of isolation towards the EEC, whereby the space for creation and development of the European question in the states of East Europe was open. The confirmation on existence of the "European question" came already in June 1988 with the signing of the joint declaration on mutual recognition between the COMECON and EEC. Shortly after, already in 1989, after the fall of the Berlin wall, unexpectedly, even uncontrollably fast, the COMECON, as economic integration, fell apart, while the USSR began the process of disintegration and transformation. Although the EEC, at that time, was neither institutionally prepared nor enabled for the leading of foreign policy, nor even for the instrumentalization of a joint position towards the states of EE which came out of COMECON and the USSR, the first reaction in political sense came as recognition of new Baltic states, created by the breaking up of the USSR (September 1991, while in January 1993 Czech and Slovakia were recognized). The positive political response of states of Southeast Europe to the open possibility of establishing firmer relations with European integrations in one part of territory was marked as the "renaissance of the European idea". The political turn in states of southeast Europe, in the years of 1989/90, has led to a real renaissance of the Europe-idea.[42]

However, even after the fall of the Berlin wall the European Union has built its policy towards European states, non-members, differentiated, towards

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[42] H-C. Maner, Multiple Identitäten – Der Blick des orthodoxen Südosteuropa auf "Europa" = Multiple Identities: The View Orthodox Southern Europe has about what is "Europe", *ZEI Discussion Paper: 2003, C 125* http://aei.pitt.edu/ 1663/01/dp_c125_maner.pdf., p. 3.

target groups, by assigning certain states to interest regions of different significance.[43] In the first interest (priority) group were the countries of Central Europe, emerging from the breakup of COMECON, and Baltic states. The first, due to the fact of being immediate neighbors and the whish of the European Union to lastingly excerpt them from Russia's influence by binding them to itself, and the others, as "strategically in priority in relations to Russia".[44] Although with all these states the agreements on association were concluded, their accession was individual and depended on to what extent they have fulfilled political and economic criteria. The process of association of Central European states was followed by other initiatives of the European Union for mutual cooperation of states, such as the central European initiative (CEI) and the initiative on creation of a central European zone of free trade (CEFTA), which was preceded by the initiative on establishing the Visegrad group.

Unlike many initiatives for cooperation of states of Central Europe, until the mid-nineties the European Union did not have a clear policy towards states of Southeast Europe. In the hierarchy of interests of the European Union, the states of this part of Europe, as peripheral, found themselves at the last position. Until the tearing down of the Berlin wall, the European Union had, towards the Balkan region, unlike the policy towards other sub regions, such as the Baltic or central European, a policy of individual approach. This has been justified by lack of joint institutions, meaning multilateral cooperation in the Balkans, what prevented this region, "which was treated as a geopolitical entirety … from being recognized as an organized regional entity".[45] The differences in the policy of the European Union towards single regions and concrete states of the region remained even after the end of the cold war. After the end of the cold war the strategic significance of the Balkan region

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[43] M. Maresceau, On Association, Partnership, Pre-accession and Accession., in: *Enlarging the European Union - Relations between the EU and Central and Eastern Europe*, Longman, London 1997, pp. 3-22.

[44] See J. Minić, Reconstruction and development program for southeastern Europe, in: *Southeastern Europe 2000, View from Serbia*, Belgrade 1999, p. 8.

[45] Foucher, The Geopolitics of Southeastern Europe, *15 Eurobalkans*, 1994, p. 18.

deteriorated, and with that also the significance that former Yugoslavia had,[46] so that the question of the West Balkans came on the agenda only in the mid-nineties through the Royaumont Process, south east cooperation initiative and regional approach. All listed initiatives, to a smaller or greater extent, were characterized by the policy of conditioning or the "stick and carrot".

7. POLICY OFCONDITIONALITY

This kind of foreign policy of the European Union is characterized by the position of the Union to gradually promote its foreign relations to single third countries, depending on to which extent those states meet the set political and economic conditions.[47] Also this form of foreign policy is implemented differentiated and within single regions, so that it is combined with regional differentiation. The policy of conditionality or conditioned differentiation was especially used in practice by the European Union in the frame of the so-called "regional approach", towards the states of post-communist Europe and towards the states of West Balkans.[48] So the level of institutional relations to countries of West Balkans depended on the fulfillment, on one side, of general conditions, which were valid for all countries of the region, but on the other side, also on special conditions, such as taking part in war actions, which referred only to certain countries of the region. In accordance with these principles, five states of Southeast Europe were divided into two groups: states that did not take part in war actions in the time from 1991 to

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[46] R. Vukadinović, Commercial relations Development between the Countries of Central and Southeast Europe and the European Union, Lessons for the FR Yugoslavia, *Adriatico 6/7*, 1997-1998, p. 74.

[47] For a general overview on political conditionality as a foreign policy instrument and its legal implications, see O. Stokke, Aid and Political Conditio nality: Core Issues and State of the Art, in: *Aid and Political Conditionality* (ed. O. Stokke), Frank Cass, London 1995, pp. 1–87.

[48] See: O. Anastasakis, D. Bechev, *EU Conditionality in South East Europe: Bringing Commitment to the Process*, South East European Studies Programme European Studies Centre St Antony's College University of Oxford, 2003, p. 3. F. L. Altmann, Die Balkanpolitik der EU – Re gionalansatz und Prinzip der Konditionalität, in: *Südosteuropa*, 47/1998, pp. 503–515, at 504. See also O. Kovač, Regional Approach of the European Union to Co operation among Countries of the Former Yugoslavia, 47 Review of International Affairs 1996, pp. 1–5., C. Pippan, The Rocky Road to Europe: The EU's Stabilisation and Association Process for the Western Balkans and the Principle of Conditionality, European Foreign Affairs Review 9, 2004, p. 219–245.

1995 (Macedonia and Albania) and those that did: Bosnia and Herzegovina, Croatia and the former FRY. Therefore from the latter it was requested to, next to the general conditions, accordingly implement peace agreements, in order to regain political and economic trust between the formally war waging states.

The conditioning, according to guides, which from 1995 onwards were adopted, together with the regional approach, refers to the kind and amount of support for reconstruction and regional development. Later, in 1996, these guides became part of common principles for future contractual relations with certain states of Southeast Europe.[49] Depending on the degree of fulfillment of the set conditions, the third state is, in economic sense, offered with benefits, which stretch from trade preferential, financial aid and economic cooperation, e.g. within the PHARE and CARDS programs to conclusion of concrete bilateral agreement of certain type. However, the manner in which conditionality was applied in the case of the Western Balkans clarified the contours of a distinctly different mode of relations that the EU would maintain with the region: there was no prospect for rapid membership, but the countries meeting the conditions were to be rewarded with trade concessions, financial assistance, and economic cooperation on the part of the EU.[50] To the states of West Balkans the potential membership to the EU was put in perspective only after, in 1999, the process of stabilization and association was launched.[51]

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[49] COM (896) 476 final.

[50] M. Türkes, G. Gökgöz, The European Union's Strategy towards the Western Balkans: Exclusion or Integration?, *East European Politics and Societies, Vol. 20, No. 4*, 2006, p. 676, http://eep.sagepub.com/cgi/content/abstract/20/4/659

[51] Since the Feira European Council (June 2000) all Western Balkan countries (Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Serbia and Montenegro, including Kosovo) have held the status of "potential accession candidates" (confirmed in Thessalonica in June 2003). During the EU-Western Balkans Summit in June 2003 the EU underlined once again the membership prospects of the above-mentioned countries and reminded them of the need to undertake their own efforts and fulfill all obligations into which they had entered. The Thessalonica European Council on 20 June 2003 adopted a catalogue of measures ("The Thessalonica Agenda for the Western Balkans") aimed specifically at strengthening the SAP. It also created the "European Partnerships", which identify tasks/priorities for these countries so as to support their

The result of such a policy is also seen in the fact that after 8 years from launching the process of stabilization and association, finally in 2008, all states of the West Balkans concluded agreements on stabilization and association with the European Union and with it stepped into particular "waiting rooms" for membership. The conclusion of the stabilization and association agreement can also be treated as a definite confirmation of the orientation of all states of West Balkans to accept the acquis communautaire in an institutional manner and further contribute to its development, what would definitely close the European question.

Summary

"European question" is analysed through the content and nature of institutional relations EEC/EU toward southeastern Europe countries in period before and after collapse of Berlin wall. Before collapse of Berlin wall, relations between EEC and southeastern European countries were featured with mistrust and mutual disclaim. After collapse of Berlin wall, EU formulated policy toward those countries, within the frame so called regional approach. Conduction of this policy allowed for Central and Southeastern European countries, with diversified help from EU, to adopt *acquis communautaire* relatively briefly, and to realize their own European question in 2004, while Romania and Bulgaria in 2007.

After launching process of stabilization and association (SAP) in 1999, EU puts in prospective realization of European question through potential membership, for the western Balkans countries. SAP is featured with significant usage of principles conditionality and flexibility and graduated approach within which each country is judged on its own merits. The so-called 'own merits' (or 'catch up') approach allows each SAP country to move ahead towards the prospect of accession on its own pace - depending on its ability and willingness to implement the necessary political, legal and economic reforms.

Regarding relations between Serbia and EU, their institutialization is characterized by very slow pace, uncertainty and significant usage of principle of conditionality by EU side. This leaded to situation that Serbia signed Stabilisation and association Agreement no sooner than mid 2008, under very strange circumstances and with very unusual delaying request in terms of implementation.

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efforts to draw closer to the EU. The countries are then supposed to develop their own national action programmes to implement these tasks/priorities.

It seems that this conjuncture doesn't reflect real aspect Serbia had in the past, and has today, in compliance with "European issue". According to Serbian political and legal theory, previous apprehension of "European issue" indicates that the idea of creating independent European countries alliance was supported back in 1883,[52] as well as necessity for creation of European alliance commonwealth as an equilibrium, was written in Serbian legal history in 1939.[53] About Pan-Europe as United States of Europe was written in the same way, not only in Belgrade but also in Zagreb, after First World War (WWI).[54] While after Second World War (WWII)[54] and especially from beginning of 1980's, not just individuals[55] but NGO's and academic pro-European organizations taking very active role in development of European idea in Serbia.[56]

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[52] *G. Geršić*, Male države u današnjem međunarodnom sklopu [Small countries in nowadays international framework], Glasnik Srpskog učenog društva, Knj. 52, Beograd 1883, pp. 215-264.

[53] Ž. Perić, Ravnoteža sila ili evropska savezna država (ekvilibristi ili federalisti), *Pravna misao*, No XI-XII, Beograd 1939, str. 425-447.

[54] J. Vesel. O sjedinjenim državama Evrope (Paneuropa), *Mjesečnik, glasilo pravničkoga društva*, broj 8, God. LII, Zagreb 1926, str. 346-353

[55] For example see: Siđanski, *Federal istička budućnost Evrope* [Federal Future of Europe], Beograd 1996; Vukadinovic, *Evropska ekonomska zajednica* [European Economic Community], Beograd 1989; *Pravo Evropske unije* [EU Law], Beograd 1995/1996, 2001/2006; *Stvaranje i ostvarivanje komunitarnih prava u Evropskoj uniji* [Creation and enforcement of the subjective rights in the EU], Beograd 1998; *Kako usklađivati domaće propise sa pravom EU* [How harmonize domestic laws with EU Law], Beograd 2004; Lopandić (ed.), *Regional Cooperation in South Eastern Europe*, Belgrade 2002. From 1999 in Serbia exists special journal: *Revija za evropsko pravo* [Review for European law], ed. Vukadinovic

[56] For example: European Movement in Serbia, http://www.emins.org/english/.