

#MUNLAWS18

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NATO

STUDY GUIDE 2018

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For almost seven decades the North Atlantic Treaty Organisation (hereinafter “NATO”) has safeguarded the freedom and security of all its members by political and military means. NATO strives to secure a lasting peace in Europe, based on common values of individual liberty, democracy, human rights and the rule of law.¹ Since the outbreak of crises and conflicts beyond the borders of NATO Member States can jeopardize this objective, the Alliance also contributes to peace and stability through crisis management operations and partnerships. Essentially, NATO not only helps to defend the territory of its members but also engages, where possible and when necessary to project its values further afield, prevent crises, manage crises, stabilize post-conflict situations and support reconstruction. Delegates in the NATO committee will simulate work in the North Atlantic Council (NAC), which is the Alliance main decision-making body. The council consists of permanent representatives of the 29-member States and passes its decisions in form of Communiqués, which are adopted by consensus and are legally binding for all Member States.

The international community, in recent decades, has focused on nuclear non-proliferation and eventual prohibition of nuclear weapons. These efforts resulted in the adoption of the Treaty on Prohibition of Nuclear Weapons in 2017,² which has an impact on NATO’s position on nuclear non-proliferation, especially considering current threats from the Russian Federation, Middle East and Asia. NATO currently maintains the full range of capabilities necessary to deter and defend against any threat to the safety and security of its populations.³

The Western Balkans is a vulnerable area, with a lot of potential, however, it is still affected by its history. The region has undergone many deadly conflicts, some of which had global consequences, and the situation remains uncertain. This is why the presence of an alliance, committed to peace, security and modern values such as democracy and rule of law, is so important for this area. In the second part, this study guide outlines the area of Balkans and West Balkans, provides necessary historic background, crucial for understanding of political situation in the region, describes the current situation and relations with NATO and the countries of this geographical area, and briefly provides some information about the current means of cooperation.

The purpose of this Study guide is to provide the delegates some background for their further research. It is important to note, that the document in front of you should not and cannot replace the preparation for a delegate’s position of their Member State. This guide aims to give a brief overview of the current NATO activities in the Western Balkans and the response of NATO to the recent developments in nuclear non-proliferation.

¹ The North Atlantic Treaty, signed on 4 April 1949, Washington D.C., preambular paragraph.

² UN: Treaty on the Prohibition of Nuclear Weapons, signed on 7 July 2017, CN.476.2017, TREATIES-XXVI-9 of 9 August 2017.

³ NATO: Warsaw Summit Communiqué, 9 July 2016, para. 54, available at: https://www.nato.int/cps/ua/natohq/official_texts_133169.htm, (accessed on 20 July 2018).

TOPIC ONE: NATO's Response to Recent Developments in Nuclear Non-Proliferation

Nuclear weapons are a core component of NATO's overall capabilities for deterrence and defence alongside conventional and missile defence capabilities.⁴ Since the end of the Cold War, NATO's Allies dramatically reduced the number of nuclear weapons stationed in Europe and its reliance on nuclear weapons in NATO strategy.⁵ The steps were taken in the accordance with the Nuclear Non-Proliferation Treaty (hereinafter "NPT")⁶ to which all of the Allies are Parties to. The aim of NPT pursuant to Article VI is the cessation of the nuclear arms race at an early date and complete nuclear disarmament under strict and effective international control.

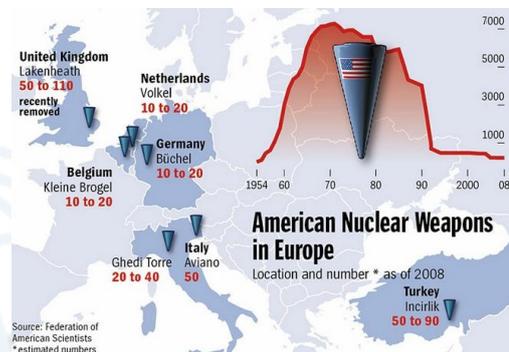


Figure 1: Diagram showing deployment of U.S. nuclear weapons to Europe since 1954.

NATO's Allies view the NPT as a cornerstone of global nuclear non-proliferation efforts and an essential basis for the pursuit of nuclear disarmament. Allies have repeatedly stated their full support of the NPT, including further strengthening the NPT review process, and their continued commitment to efforts aimed at reducing nuclear weapons. Allies agree on the importance of universal adherence to and compliance with the Treaty, and on the commitment of all States Parties to non-proliferation, disarmament, and peaceful nuclear cooperation under effective non-proliferation conditions and strengthened the International Atomic Energy Agency (IAEA) safeguards. They support early ratification and implementation of the IAEA Additional Protocol, that expands the right to information of the States. By enabling the IAEA to obtain a much fuller picture of such States' nuclear programmes, plans, nuclear material holdings and trade, the Additional Protocol increases the IAEA's ability to provide much greater assurance on the absence of undeclared nuclear material and activities in those States.⁷ Moreover, Allies have reaffirmed their determination to contribute to the implementation of the conclusions of the 2000 NPT Review Conference⁸ including the full and effective implementation of the NPT and the regime

⁴ NATO: Brussels Summit Communiqué, 11 July 2018, para. 34, available at:

https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2018_07/20180713_180711-summit-declaration-eng.pdf (accessed on 20 July 2018).

⁵ NATO: NATO and the Non-Proliferation Treaty, March 2017, p. 2, available at:

https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2017_03/20170323_170323-npt-factsheet.pdf, (accessed 20 July 2018).

⁶ Treaty on the Non-proliferation of Nuclear Weapons, signed on 1 July 1968, available at:

<https://www.un.org/disarmament/wmd/nuclear/npt/text> (accessed on 20 July 2018).

⁷ IAEA: Additional Protocol, available at: <https://www.iaea.org/topics/additional-protocol> (accessed on 20 July 2018).

⁸ NATO: NATO's Positions Regarding Nuclear Non-Proliferation, Arms Control and Disarmament and Related Issues, 22 October 2009, p. 2, available at:

https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_topics/20091022_NATO_Position_on_nuclear_nonproliferation-eng.pdf (accessed 20 July 2018).

of non-proliferation in all its aspects has a vital role in promoting international peace and security.

Allies agree that nuclear disarmament requires an incremental approach in which the other nuclear arms control treaties, such as the Comprehensive Test Ban Treaty (CTBT), the Fissile Material Cut-Off Treaty (FMCT), the Strategic Arms Reduction Treaties (START and 2002 U.S.-Russia Moscow Treaty on Strategic Offensive Reductions), the No-First-Use (NFU), or the Nuclear-Weapon-Free Zones (NWFZs), play a distinctive role. The fact that NATO has reduced the number of weapons available for its sub-strategic forces in Europe by over 85 percent since 1991 and almost 95 percent since the height of the Cold War, is evidence of the Allies' commitment to disarmament.⁹

NATO's nuclear policy is based on NATO's 2010 Strategic Concept¹⁰ and 2012 Deterrence and Defence Posture Review.¹¹ The Strategic Concept is an official document that outlines NATO's enduring purpose and nature, and its fundamental security tasks. It also identifies the central features of the new security environment, specifies the elements of the Alliance's approach to security and provides guidelines for the adaptation of its military forces. It states that "NATO seeks its security at the lowest possible level of forces. Arms control, disarmament and non-proliferation contribute to peace, security and stability, and should ensure undiminished security for all Alliance members."¹² NATO will continue to play its part in reinforcing arms control and in promoting disarmament of both conventional weapons and weapons of mass destruction, as well as non-proliferation efforts. Allies are resolved to seek a safer world for all and to create the conditions for a world without nuclear weapons in accordance with the goals of the NPT, in a way that promotes international stability, and is based on the principle of undiminished security for all.¹³

In any future reductions of the nuclear weapons, the aim should be to seek Russian agreement to increase transparency on its nuclear weapons in Europe and relocate these weapons away from the territory of NATO members. Any further steps must consider the disparity with the greater Russian stockpiles of short-range nuclear weapons. Further, Allies will explore ways for political means and military capabilities to contribute to international efforts to fight proliferation. National decisions regarding arms control and disarmament may have an impact on the security of all Alliance members. Allies are committed to maintain, and develop as necessary, appropriate

⁹ [Ibid.](#)

¹⁰ NATO: Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization, adopted at the NATO Summit in Lisbon, 19 – 20 November 2010, available at:

https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_publications/20120214_strategic-concept-2010-eng.pdf (accessed on 20 July 2018).

¹¹ NATO: Deterrence and Defence Posture Review, adopted at the NATO Summit in Chicago, 20 May 2012, available at: https://www.nato.int/cps/en/natohq/official_texts_87597.htm (accessed 20 July 2018).

¹² NATO: Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization, adopted at the NATO Summit in Lisbon, 19 – 20 November 2010, p. 23, available at:

https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_publications/20120214_strategic-concept-2010-eng.pdf (accessed on 20 July 2018).

¹³ NATO: Deterrence and Defence Posture Review, adopted at the NATO Summit in Chicago, 20 May 2012, para. 24, available at: https://www.nato.int/cps/en/natohq/official_texts_87597.htm (accessed 20 July 2018).

consultations among Allies on these issues.”¹⁴ The Strategic Concept commits NATO to the goal of creating the conditions for a world without nuclear weapons, but reconfirms that, as long as there are nuclear weapons in the world, NATO will remain a nuclear alliance. The key NATO body on nuclear matters in the Alliance and forum for discussion on specific policy issues associated with nuclear forces and wider issues such as nuclear arms control and nuclear proliferation is the Nuclear Planning Group (NPG). All Allies, with the exception of France, which has decided not to participate, are members of the NPG.

1.1. The adoption of the Treaty on the Prohibition of Nuclear Weapons

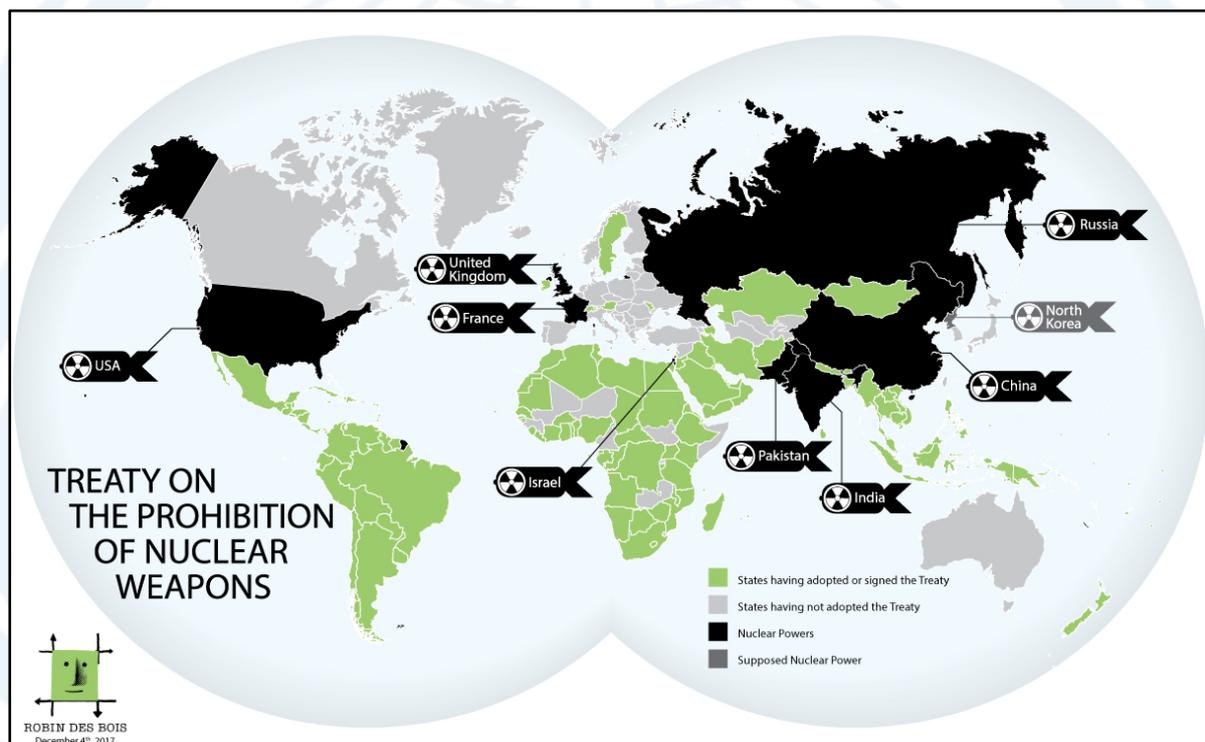


Figure 2: Map showing the current situation regarding the Treaty on the Prohibition of Nuclear Weapons

The recent developments in nuclear non-proliferation are linked to the adoption of the Treaty on the Prohibition of Nuclear Weapons (TPNW) on 7 July 2017 under the auspices of United Nations. It is the first legally binding international agreement comprehensively prohibiting nuclear weapons with the goal of leading to their total elimination. TPNW bans the use, possession, development, testing, deployment and transfer of nuclear weapons. Signatories are barred from transferring or receiving nuclear weapons and other nuclear explosive devices, control over such weapons, or any assistance with activities prohibited under the Treaty. States are also prohibited from using or threatening to use nuclear weapons and other nuclear explosive devices. Lastly, States Parties cannot allow the stationing, installation, or deployment of nuclear

¹⁴ NATO: Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization, 19-20 November 2010, para. 26, p. 23 - 25, available at: https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_publications/20120214_strategic-concept-2010-eng.pdf (accessed 20 July 2018).

weapons and other nuclear explosive devices in their territory. In addition to the Treaty's prohibitions, States Parties are obligated to provide victims assistance and help with environmental remediation efforts.

The Treaty was adopted after two rounds of negotiations at the UN General Assembly. Both rounds were boycotted by all nuclear weapons possessing states, most NATO countries, and many military allies of nuclear weapons States. Proponents of the Treaty have hailed it as an important step in delegitimizing nuclear weapons and reinforcing the norms against their use, while opponents have criticized the Treaty as political grandstanding which could undermine the NPT. The treaty was opened for signatures on 20th September 2017 at the 72nd session of the UN General Assembly. Up to date, the Treaty is not in force, due to a small number of ratifications.¹⁵

Since the beginning of the process of adoption of this treaty, allies of NATO were opposing the adoption of such an agreement. In the 2016 Warsaw Summit declaration, NATO leaders stated they remain committed to contribute to the creation of conditions for further reductions in the future on the basis of reciprocity, recognising that progress on arms control and disarmament must take into account the prevailing international security environment.¹⁶ Allies are deeply concerned by the proliferation of nuclear weapons and other weapons of mass destruction, as well as their means of delivery, by States and non-state actors, which continues to present a threat to its populations, territory, and forces.¹⁷

The TPNW is at odds with the existing non-proliferation and disarmament architecture. This risk is undermining the NPT, which has been at the heart of global non-proliferation and disarmament efforts for almost 50 years, and the IAEA Safeguards regime, which supports it. The TPNW, in the view of NATO, disregards the realities of the increasingly challenging international security environment. At a time when the world needs to remain united in the face of growing threats, in particular the grave threat posed by North Korea's nuclear programme, the treaty fails to consider these urgent security challenges. The fundamental purpose of NATO's nuclear capability is to preserve peace, prevent coercion, and deter aggression. Allies' goal is to bolster deterrence as a core element of collective defence and to contribute to the indivisible security of the Alliance.¹⁸

NATO has to reflect on the developments in the Russian Federation, Iran and the Democratic People's Republic of Korea nuclear policies, which are considered as a threat to the security of NATO Member States. Russia has been successful in pursuing a policy of "aggressive sanctuarization" with a significant nuclear component, under which it does not hesitate to use conventional force and nuclear rhetoric to deter external involvement countering its aggressive behaviour in its immediate

¹⁵ TPNW has 14 Parties. In accordance with article 15(1) this Treaty shall enter into force 90 days after the fiftieth instrument of ratification, acceptance, approval or accession has been deposited.

¹⁶ NATO: Warsaw Summit Communiqué, 9 July 2016, para. 65, available at: https://www.nato.int/cps/ua/natohq/official_texts_133169.htm (accessed on 20 July 2018).

¹⁷ Ibid., para. 63.

¹⁸ NATO: North Atlantic Council Statement on the Treaty on the Prohibition of Nuclear Weapons, 20 September 2017, available at: https://www.nato.int/cps/ua/natohq/news_146954.html (accessed on 20 July 2018).

neighbourhood or beyond. In practice, Russia has developed an integrated defence posture, combining nuclear and conventional capabilities in its doctrine, training and exercises. Beyond Russian nuclear policy, it is important for the Alliance to consider ongoing missile and nuclear proliferation risks in the Middle East, nuclear arms race phenomena in Asia, which could all alter the Alliance's security. All these developments suggest that the 21st century might prove more nuclear than expected. Furthermore, the policies of newcomers as well as those of some of the established nuclear weapon states demonstrate that the risk of use cannot be ruled out and that it is essential to preserve the logic of deterrence.¹⁹

1.2. Further Guidelines

Delegates are encouraged to research further on NATO's response to recent developments in nuclear non-proliferation. They should particularly focus on the latest developments and respond to them in the final Communiqué. Attention should be also given to the political developments in the allied countries, which can influence their positions on the topic. After assessing the current situation, delegates should focus on the future in correlation to nuclear non-proliferation. Relevant questions include the NATO's position on the adoption of the Treaty on the Prohibition of Nuclear Weapons and further application of the Nuclear Non-proliferation Treaty, considering the rising threats from the Russian Federation, Iran and the Democratic People's Republic of Korea.

1.3. Further Reading

- The North Atlantic Treaty, signed on 4 April 1949, Washington D.C.
- Treaty on the Non-Proliferation of Nuclear Weapons signed on 1 July 1968
- Treaty on the Prohibition of Nuclear Weapons signed on 7 July 2017
- Michael Rühle: The Nuclear Weapons Ban Treaty: reasons for scepticism, 19 May 2018, available at: <https://www.nato.int/docu/review/2017/also-in-2017/nuclear-weapons-ban-treaty-scepticism-abolition/en/index.htm>
- North Atlantic Council Statement on the Treaty on the Prohibition of Nuclear Weapons, 20 September 2017, available at: https://www.nato.int/cps/ua/natohq/news_146954.html
- Warsaw Summit Communiqué, 9 July 2016
- Brussels Summit Communiqué, 11 July 2018

¹⁹ GRAND C.: Nuclear deterrence and the Alliance in the 21st century, NATO Review Magazine, 2016, available at: <https://www.nato.int/docu/review/2016/Also-in-2016/nuclear-deterrence-alliance-21st-century-nato/EN/index.htm> (accessed on 20 July 2018).

TOPIC TWO: Increasing NATO's Presence in the Western Balkans

2.1. Outline of the Area

The Balkan Peninsula is a geographical term for a peninsula situated in South-eastern Europe with some disagreements regarding its components. There are several different interpretations among historians and geographers. Some believe that the border is at Danube-Sava- Soča rivers (marked with blue line), the others include all former communist/ socialist countries (marked dark orange). Due to the region's vivid history, ethnic tensions and political situation in



Figure 3: Map of the Balkan Peninsula

many countries, the term is usually freighted with negative connotations. The name Western Balkans was created in the 21st century by the European Union and includes the majority of countries of former Yugoslavia (Croatia, Bosnia and Herzegovina, Montenegro, Serbia, Kosovo, Former Yugoslav Republic of Macedonia) and Albania, that seek future in the Euro-Atlantic connections.

2.2. A Brief Outline of Regional History

Before Christ, Romans took control over the area and established a province, called Illyricum. The geographical position of the Balkans impacted its identity, since the area served as the crossroad of cultures and trade routes. It has been a juncture between Latin and Greek influences especially after the re-division of the Roman empire in 395 A.D. and a place where Islam and Christianity met. The difference between eastern and western part became even more significant after the Great Schism in 1054, which led to formation of Roman Catholicism and Eastern orthodox church. In the times of great movements, the Goths, Huns, Slavs and Bulgars passed this way, some of them settling and confronting settled civilizations.

The original home of the Slavic tribes was somewhere north from the Carpathian Mountains. Due to their desire for roman wealth, famine and overpopulation, the tribes began to migrate towards south-eastern Europe. An important event for history of the

Balkans was the Siege of Sirmium²⁰ between 580 and 582. The settlement was first inhabited by Illyrians and Celts and then conquered by the Romans, who declared it as the capital of one of their provinces. The city was later proclaimed as one of the four capitals of Roman Empire. The Siege was performed by Avars, which enabled their allies, Slavs, to conquer the eastern part of Balkan peninsula.

After the fall of Roman empire, the area underwent continuous shifting of alliances and minor wars. In 7th century, Serbian settlement occurred²¹. Ottoman invasion started in 1386, introducing a new element in the already ethnically mixed area: Islam. Most of the people who from then on formed Muslim population, were local converts to the religion and not Turks. It is important to note, that many ethnic Serbs, who rejected conversion fled the area and settled in the province called Military Frontier²², established to fight off the incursions of Ottoman Empire.

Further complication in Bosnia and Herzegovina occurred in 1910 when it was a part of Austro-Hungarian empire. The country was not willing to grant Bosnia autonomy, but rather decided to give them a new constitution which split the population on three electoral colleges, based on their religion, enabling further ethnic divisions.

On 28 June 1914, the assassination of archduke Ferdinand, performed by a member of a revolutionary group Mlada Bosna in Sarajevo, triggered the start of World War I. During the World War II, a part of Western Balkans found itself in Hitler's interest sphere.²³ This led to massive relocations of people to and from Germany. The region of Western Balkans was later divided among the Axis powers (Germany, Italy and Hungary). A special Nazi puppet state, called Independent State of Croatia (NDH) was established in 1941 and was led by so-called "Ustaše" movement, which was based on collaboration with the Nazi regime. Croatian concentration camp Jasenovac was soon established. It was a place primarily used to isolate and murder Serbs. Many Jews, Romas as well as some Croats and Slovenes also lost their lives there.

The partisan liberation movement under the command of Josip Broz Tito managed to fight off the Germans until the war ended. The successful resistance led to the establishment of Yugoslavia, a socialist federation of southern Slavic nations. The idea of strong Serbia, the largest of the republics, posed a threat to the idea of unity, which Tito, the country's leader from 1945 to 1980, was strongly committed to. Broz deliberately divided Serbia into two non-contiguous provinces – Vojvodina in the north and Kosovo in the south. Gerrymandering left one-third of the Serbian population outside their own province and an Albanian majority firmly in place. The idea of Fraternity and Unity managed to bring temporary peace to the region and connect people from various ethnic backgrounds under a common Yugoslav identity.

²⁰ Today Sremska Mitrovica, part of Republic of Serbia.

²¹ Serbs were vasals of the Avars and settled after the invitation of Byzantine emperor Heraclius.

²² It was situated on the southern border of Habsburg Monarchy and stretched over what today are Croatia, Serbia, Hungary and Romania.

²³ The policy was called "Drang nach östen" or Drive to the East; main purpose was to insure a living space for Germans in the land where Slavs lived.

The breakup of Yugoslavia began in 1991 when Slovenia and Croatia declared independence. This led to the 10-days war in Slovenia and Croatian War of Independence, which lasted 4 years (until 1995) and ended with Croatian victory in the operation Storm. On 3rd of March 1992, Bosnia and Herzegovina declared independence following a referendum, boycotted by Serbs. In the same year, Bosnian War emerged. The war was the deadliest in Europe after World War II, lasting until 1995 and leaving approximately 200 000 casualties. Genocide of Srebrenica (1995) is considered to be the largest mass killing in Europe after World War II.

NATO Alliance's involvement in Bosnia and Herzegovina began in 1992. In 1994 four Serbian aircrafts were violating a no-fly zone, imposed by United Nations Security Council Resolution 781, which led to NATO's first ever military engagement, forcing the Alliance to shoot them down. NATO also provided air support to the UNPROFOR (UN Protection Force). NATO's air operations against positions of Bosnian Serbs in 1995 helped to start negotiations in Dayton, Ohio which led to the signing of the Agreement for Peace in Paris. The Dayton Peace Agreement established Bosnia and Herzegovina as we know today.²⁴

Another conflict in which NATO's role was significant was the Kosovo Conflict in 1999, when ethnic Albanians opposed ethnic Serbs and the government of Yugoslavia due to Slobodan Milošević's (Serbian leader) altering the status of Kosovo, removing its autonomy and bringing it under direct control of Belgrade. The alternation of the status was an attempt to pursue the idea of Greater Serbia, which predicts unification of all Serbs across (former) Yugoslavia. Kosovo was the seat of the Serbian Orthodox Church as well as the site of the Turkish defeat of the Serbs in 1389 and the Serbian victory over the Turks in 1912. This is why the area is of such importance to Serbs, who mark it as the "Heart of Serbia". In 1996 KLA, Kosovo Liberation Army was formed. It performed attacks on Serbian officials and politicians. As the situation escalated and Milošević failed to implement demands by the UNSC P5 plus Germany, KLA regrouped and rearmed. Ruthless response and engaging a program of ethnic cleansing by Yugoslav forces, forced the UNSC to condemn the actions and impose arms embargo, but the violence continued. Negotiations began in 1999 but failed soon after. This led to 11 weeks of NATO bombing (Serbian military targets, the situation expanded to Belgrade, causing significant damage to Serbian infrastructure). Hundreds of thousands of people from Kosovo fled into Albania, Montenegro and Macedonia. In June 1999 NATO and Yugoslavia signed a peace accord. Kosovo came under the UN administration and peacekeeping forces were deployed there. NATO's KFOR mission was also established in 1999 and remains the leading peacekeeping force in the Country.

In 2003, Yugoslavia ceased to exist, the federation of Serbia and Montenegro was formed. In 2006 Montenegro voted for independence, which caused the federation to break into Republic of Serbia and Republic of Montenegro. In 2008, The Parliament of Kosovo declared independence from Serbia. In 2013, a peace agreement was signed in Brussels, however no significant progress has been made so far.

²⁴ See more in section 2.3.3., under Bosnia and Herzegovina.

ICTY, International Criminal Tribunal for the former Yugoslavia was established in 1993 by the Security Council resolution 827, to resolve and punish crimes committed during armed conflicts in Yugoslavia. After 24 years of working and 161 indictments, the tribunal's mandate expired in 2017.²⁵

2.3. Current Situation

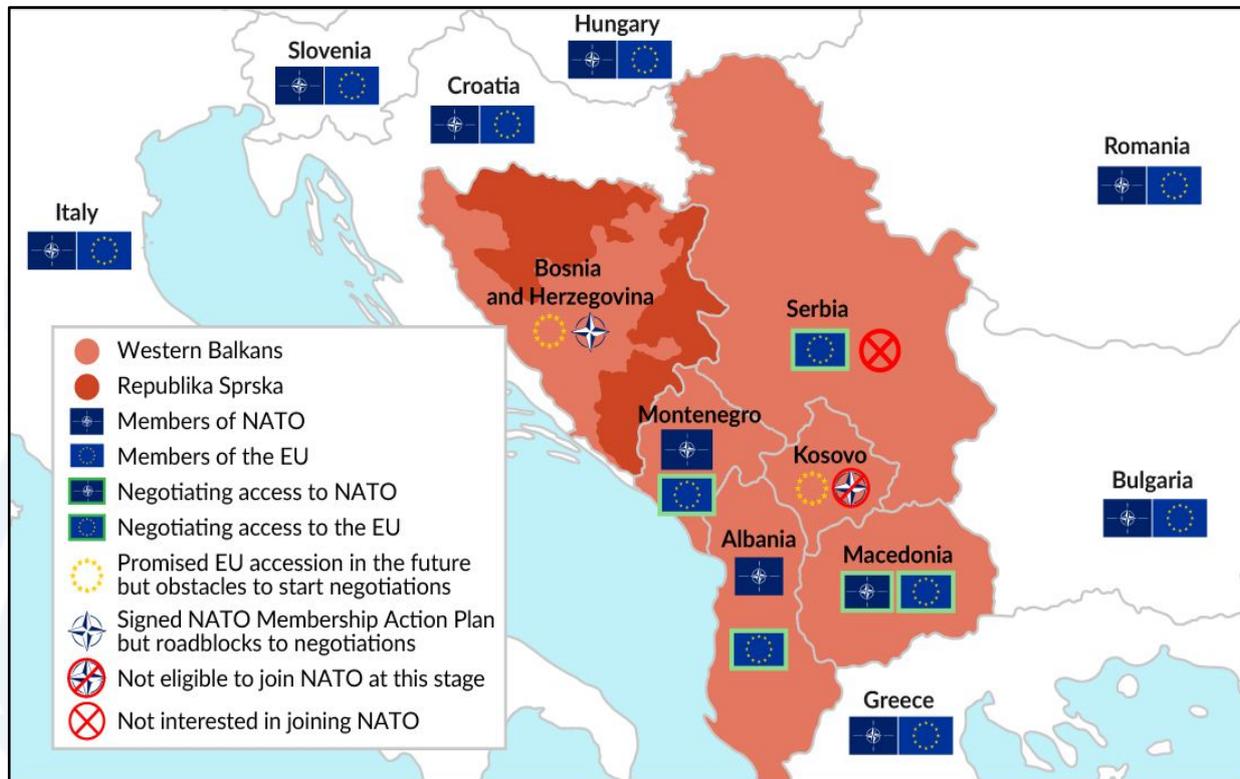


Figure 4: Current situation regarding NATO's presence in the Western Balkans

2.3.1. REPUBLIC OF CROATIA

Croatia has been a member of the Alliance since 2009. Its current military spending is at 1,38% of GDP. Croatian armed forces are currently considered to be the strongest in the region (Ranked 72 according to Global Firepower²⁶). The country's military modernization plan predicts a purchase of 12 second-hand Israeli F-16 Barrak fighter jets for air policing and five patrol boats, enabling the country to slowly climb towards the 2% of GDP.

2.3.2. REPUBLIC OF ALBANIA

The country joined NATO in 2009 together with Croatia. Their military expenditure is currently at 1,16%.

²⁵ Further reading: Yugoslavia tribunal closes, leaving a powerful legacy of war crimes justice, The Guardian, 20 December 2017, Available at: <https://www.theguardian.com/law/2017/dec/20/former-yugoslavia-war-crimes-tribunal-leaves-powerful-legacy-milosevic-karadzic-mladic> (accessed on 23 July 2018).

²⁶ The full list of military strength can be accessed here: <https://www.globalfirepower.com/countries-listing.asp>

2.3.3. BOSNIA AND HERZEGOVINA

The country is a federation that consists of three units: **Republika Srpska** (population of 1,44 M), **Federation of Bosnia and Hercegovina** (population of 2.22 M) and **District of Brčko**²⁷ (population of approximately 93 K). The country also consists of three ethnic groups or “constituent peoples”: Serbs (living predominantly in Republika Srpska), Croats and Bosniaks (living predominantly in Federation of Bosnia and Herzegovina). The country expressed its willingness to join NATO, however that is unlikely to happen because the opposition from Republika Srpska is too strong. The country is a member of NATO Partnership for Peace programme.

2.3.4. REPUBLIC OF SERBIA

The country of approximately 7 million inhabitants expressed its wish to join the European Union but maintain its military neutrality (by the example of Austria, Sweden and Finland). It is known that the country maintains friendly diplomatic relations with Russia and Belarus, who support Serbia regarding the secession of Kosovo. Serbia and the two countries share predominantly Eastern-Orthodox religion, which Russia has declared itself to be a protector of. They also cooperate through military donations: Belarusian president Lukashenko promised to donate 4 MIG-29 fighter jets by the end of 2018²⁸ and the Russian Federation promised to donate 6 MIG-29 fighter jets, two An-26 transport planes²⁹, 30 T-72 tanks and 30 BRDM-2 armoured vehicles³⁰. Serbia expressed its wish to become the regional military superpower (currently ranked no. 78 according to Global Firepower), with military modernization plan already in action; besides Russian and Belarussian donations, the country recently ordered 9 Airbus H145-M helicopters³¹. All the mentioned countries are partners to the NATO partnership for Peace.

2.3.5. REPUBLIC OF MONTENEGRO

Montenegro is the latest country to join NATO in 2017. Its military expenditure is close to 1,6% of national GDP. The country gained independence in 2006, with 55,5% of votes in favour (barely passing the 55% threshold, set by the EU). Despite the fact that the countries (Serbia and Montenegro) maintain solid diplomatic relations, Montenegrin recognition of Kosovo led to expulsion of Montenegrin ambassador to Serbia and caused violent protests, organized by pro-Serbian opposition.³² Following the 2015-2016 Montenegro crisis, a coup attempt happened on election day, 16 October 2016. The plotters planned to assassinate prime minister Milo Đukanović

²⁷ The district has its own institutions, bosnian, croatian and serbain languages are equal. It became a separate administrative unit by the arbitral award of 1999.

²⁸ Lukašenko dolazi u Srbiju i donosi 4 “MIGA 29”: Razvijanje saradnje sa Belorusijom!, Pravda, 17. July 2018, Available at: <http://www.pravda.rs/lat/2018/7/16/lukasenko-dolazi-u-srbiju-i-donosi-4-miga-29-razvijanje-saradnje-sa-belorusijom/> (accessed on 17 July 2018).

²⁹ Sputnik saznaje: Rusija poklanja Srbiji I dva “Antonova”, Sputnik, 1.11.2017, Available at: <https://rs-lat.sputniknews.com/politika/20171101113281009-Rusija-Srbija-Antonov-donacija/> (accessed on 17 July 2018).

³⁰ Rusko novoletno darilo Srbiji – lovci, tanki, oklepniki, Obramba, 23.12.2016, Available at: <http://www.obramba.com/novice/rusko-novoletno-darilo-srbiji-lovci-tanki-oklepniki/> (accessed on 17 July 2018).

³¹ Republic of Serbia orders nine H-145, Airbus, 28.12.2016, Available at: <https://www.airbus.com/newsroom/press-releases/en/2016/12/republic-of-serbia-orders-nine-h145m.html> (accessed on 17 July 2018).

³² Anti-Kosovo Protests turn Violent in Montenegro, DW, 14.10.2008, Available at: <https://www.dw.com/en/anti-kosovo-protests-turn-violent-in-montenegro/a-3709057> (accessed on 17 July 2018).

(now serving as the 2nd president of Montenegro), storm the national parliament and install a pro-Russian party. There were numerous accusations that Moscow was behind the coup attempt, followed by deportations of suspects³³. After the successful membership ratification (The Guardian marking it a historic shift to the West)³⁴, which was obstructed by the opposition, hundreds of protesters gathered to oppose the government's decision³⁵. It is important to note, that approximately 28% of Montenegrin population is of Serbian descent.³⁶ Montenegro's NATO membership provides the alliance with a strategic control over the Adriatic Sea, disabling Russia's long-lasting efforts to gain access to the Mediterranean.

2.3.6. REPUBLIC OF KOSOVO

The country is not eligible to join the alliance at the moment due to tense political and diplomatic situation. It is also very unlikely that Spain would be convinced not to use its veto power, since it strongly rejects recognition of Kosovo, because of their own agenda regarding Catalonia. Despite that, NATO has maintained a strong role in the country since 1999. Its mission, KFOR, aims to establish peace and stability there. It is based on a



Figure 5: KFOR troops in Kosovo

mandate from Security Council Resolution 1244 (1999). NATO is also a strong supporter of the normalization of relations between Belgrade and Pristina, based on the Brussels agreement of 2013.³⁷ Recently, the idea of territory swap as a potential solution of conflict between Kosovo and Serbia triggered vivid reactions in the countries, as well as among the diplomatic circles. The Preševo Valley in southern Serbia, where the population is mostly ethnic Albanian would join Kosovo, whereas Serbia would establish a full control over the majority ethnic-Serb area of Kosovo in return.³⁸ Leaders of Croatia and Germany expressed their concerns regarding the possible agreement, according to Serbian medium Telegraf.³⁹ German chancellor said that Germany would support agreement between Belgrade and Pristina, but territorial

³³ Serbia deports Russians suspected of plotting Montenegro coup, The Guardian, 11 November 2016, Available at: <https://www.theguardian.com/world/2016/nov/11/serbia-deports-russians-suspected-of-plotting-montenegro-coup> (accessed on 17 July 2018).

³⁴ Montenegro ratifies NATO membership in historic shift to western alliance, The Guardian, 28 April 2017, Available at: <https://www.theguardian.com/world/2017/apr/28/montenegro-ratifies-nato-membership-in-historic-shift-to-western-alliance> (accessed on 17 July 2018).

³⁵ Montenegro approves NATO membership amid protests, Balkan Insight, 28 April 2017, Available at: <http://www.balkaninsight.com/en/article/montenegro-approves-nato-membership-amid-protest-04-28-2017-4> (accessed on 17 July 2018).

³⁶ Montenegro, Britannica, Available at: <https://www.britannica.com/place/Montenegro> (accessed on 17 July 2018).

³⁷ Serbia and Kosovo sign historic agreement, The Guardian, 30.4.2013, Available at: <https://www.theguardian.com/world/2013/apr/30/serbia-kosovo-historic-agreement-brussels> (accessed on 17 July 2018).

³⁸ Kosovo-Serbia talks: Why land swap could bridge divide, BBC, 6.9.2018, Available at: <https://www.bbc.com/news/world-europe-45423835> (accessed on 8. September 2018).

³⁹ Nemci i Hrvati nam nabijaju na nos odluke Badinterove komisije: Da li u tački 3. leži naš odgovor na razgraničenje?, Telegraf, 5 September 2018 <http://www.telegraf.rs/vesti/politika/2989000-nemci-i-hrvati-nam-nabijaju-na-nos-odluke-badinterove-komisije-da-li-u-tacki-3-lezi-nas-odgovor-za-razgranicenje> (accessed on 8 September 2018).

integrity is important at the same time.⁴⁰ According to Telegraf, Croatian PM Plenković mentioned that Croatia strongly supports opinions of the Badinter Commission of the Peace Conference on Yugoslavia and its decision that borders of former Yugoslav republics become sovereign state borders and must be respected when problems in the Balkans are being solved. This caused vivid reactions in Serbian media, who believe that Opinion nr. 3 of the Badinter Commission (hereinafter the Commission) could be the legal basis for Territory swap.⁴¹ Serbian Foreign Minister Dačić even argues, that status of Kosovo was not addressed in any of the Commission's opinions, therefore any position of "unchangeable" borders is hypocritical.⁴²



Figure 6: Ethnic situation in Kosovo and Southern Serbia

Bellow attached is an extract of count 2. of the Opinion No. 3⁴³:

First- All external frontiers must be respected in line with the principles stated in the United Nations Charter, in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (General Assembly Resolution 2625 (XXV)) and in the Helsinki Final Act, a principle which also underlies Article 11 of the Vienna Convention of 23 August 1978 on the Succession of States in Respect of Treaties.

Second - The boundaries between Croatia and Serbia, between Bosnia-Herzegovina and Serbia, and possibly other adjacent independent states **may not be altered except by agreement freely arrived at.**

Third- Except where otherwise agreed, the former boundaries become frontiers protected by international law. This conclusion follows from the principle of respect for the territorial *status quo* and, in particular, from the principle of *uti possidetis*. *Uti possidetis*, though initially applied in settling decolonization issues in America and Africa, is today recognized as a general principle, as stated by the International Court of Justice in its Judgment of 22 December 1986 in the case between Burkina Faso and Mali (*Frontier Dispute*, (1986) Law Reports 554 at 565)/...

⁴⁰ Merkel: We support dialogue, but territorial integrity is important, European Western Balkans, 28. August 2018, Available at: <https://europeanwesternbalkans.com/2018/08/28/merkel-support-dialogue-territorial-integrity-important/> (accessed on 8 September 2018).

⁴¹ Telegraf, 5 September 2018.

⁴² Telegraf, 5 September 2018.

⁴³ The Opinions of the Badinter Arbitration Committee A Second Breath for the Self-Determination of Peoples, Alain Pellet, available at: <http://ejil.org/pdfs/3/1/1175.pdf> (accessed on 8 September 2018).

2.3.7. FORMER YUGOSLAV REPUBLIC OF MACEDONIA

The country expressed its wish to join NATO and European Union, however Greece blocked the negotiation process due to the name dispute. On 17 November 2008, The F.Y.R. of Macedonia instituted proceedings before the International Court of Justice (ICJ) against Greece for “violations of its obligations under Article 11” of the Interim Accord signed by the Parties on 13 September 1995, when the countries agreed “not to object to the application by or the membership of the Party of the Second Part (Macedonia) in international, multilateral and regional organizations and institutions of which the Party of the First Part (Greece) is a member /.../.⁴⁴ On 5 December 2011 the ICJ concluded that “the Hellenic Republic, by objecting to the admission of the former Yugoslav Republic of Macedonia to NATO, has breached its obligation under Article 11, paragraph 1, of the Interim Accord of 13 September 1995.”⁴⁵ On 17 June 2018, prime ministers of F.Y.R of Macedonia, Zoran Zaev, and Greece, Alexis Tsipras, signed a historic agreement⁴⁶ which is expected to end the almost three decades lasting dispute. The signing is an important step, as it will, once ratified by both parliaments, enable F.Y.R. of Macedonia (according to the agreement Republic of Northern Macedonia) to start the process of joining NATO and EU. The announcement of the agreement caused vivid reactions and protests on both sides, Macedonian president even rejected to sign the Name Agreement⁴⁷. Even though the ratification remains uncertain, NATO formally invited⁴⁸ Macedonia to become the 30th member state on 11 July 2018 following the Brussels leaders’ summit.

2.4. Cooperation with Non-Members

NATO provides certain level of stability and security within its area. The ideas of peace, democratic values, and rule of law, as well as commitment to the Charter of the United Nations are expressed in the perambulatory clauses of the North Atlantic Treaty.⁴⁹ One of the Alliance’s objectives is also to assure stability and security beyond its territory, through various programs of cooperation and partnerships. The partnerships “are beneficial to all involved and contribute to improved security for the broader international community.”⁵⁰ Looking at historical records, we can understand why it is crucial to assure trust and security in ethnically diverse Western Balkans. Euro-Atlantic prospective of the countries involved is often subject of discussions on

⁴⁴ Article 11 of the Interim Accord of 1995, available at: <https://peacemaker.un.org/greecefyrom-interimaccord95> (accessed on 8 September 2018).

⁴⁵ ICJ Press Release, ICJ, 5. December 2011, available at: <https://www.icj-cij.org/files/case-related/142/16841.pdf> (accessed on 8 September 2018).

⁴⁶ Macedonia and Greece sign historic deal on name change, New York Times, 17 June 2018, Available at: <https://www.nytimes.com/2018/06/17/world/europe/greece-macedonia-name-dispute.html> (accessed on 17 July 2018).

⁴⁷ Macedonian president rejects to sign name deal with Greece, N1, 26 June 2018, Available at: <http://ba.n1info.com/a268957/English/NEWS/Macedonian-President-rejects-to-sign-name-deal-with-Greece.html> (accessed on 17 July 2018).

⁴⁸ NATO formally invites Macedonia to join alliance, Reuters, 11 July 2018, Available at: <https://www.reuters.com/article/us-nato-summit-declaration/nato-formally-invites-macedonia-to-join-alliance-idUSKBN1K12AR> (accessed on 17 July 2018).

⁴⁹ North Atlantic Treaty, signed in 1949 in Washington D.C., Available at: https://www.nato.int/cps/ua/natohq/official_texts_17120.htm (accessed on 17 July 2018).

⁵⁰ Partnerships: Projecting stability through cooperation, NATO, 23 February 2018, Available at: https://www.nato.int/cps/ua/natohq/topics_84336.html (accessed on 24 July 2018).

diplomatic field and a proposed solution for the future conflict prevention. According to Paragraph 107 of the Warsaw Summit communiqué⁵¹, this region is of strategic importance. Efficient partnership cooperation model is important for the region as not all countries are willing to join the Alliance and their approach to the EU is rather slow. The largest partnership in the Euro-Atlantic area is NATO Partnership for Peace. Partner countries build individual relationship with the alliance, choosing their own priorities for cooperation. Cooperation with NATO can be deepened by developing Individual Partnership Action Plans. All non-NATO Western Balkan countries, except Kosovo signed the Partnership for Peace framework. Another important forum for cooperation is Euro-Atlantic Partnership Council, which consists of the 29 allies and 21 partners. It is a forum where members of the Council can perform dialogue and consult on political and security related issues. The Council provides political framework for overall cooperation with NATO through its programs. According to the Alliance's official documentation, the decision to create the body reflects "NATO's desire to build a security forum better suited for a more enhanced and operational partnership, matching the increasingly sophisticated relationships being developed with partner countries."⁵²

An important aspect of NATO's commitment to peace and security is its "open door policy", which is based on Article 10 of the North Atlantic Treaty and was reaffirmed in Paragraph 110 of the Warsaw summit communiqué when Montenegro was invited to the summit before becoming a full member state.

In paragraph 60 of the Brussels summit joint declaration, the Alliance declared to maintain its presence in Kosovo through its KFOR mission and in accordance with UNSCR 1244. The paragraph also states that Kosovo is broadly stable, but challenges remain. The troop presence change will depend on the situation and will not be calendar-driven.

⁵¹ Warsaw Summit Communiqué, 9 July 2016, available at: https://www.nato.int/cps/en/natohq/official_texts_133169.html (accessed on 24 July 2018).

⁵² Euro-Atlantic Partnership Council, NATO, 9 June 2017, Available at https://www.nato.int/cps/ic/natohq/topics_49276.htm (accessed on 24 July 2018).

2.5. Further Guidelines and Questions a Communiqué Should Answer

- A. How do the member states assess current NATO presence in the region? How could the presence be enhanced, if necessary?
- B. How can NATO help to overcome the long-lasting conflicts between its partners/ partners and members? How can the Alliance contribute to a peaceful resolution of conflicts/ disputes, blocking further expansion or relations with countries that do not wish to join (such conflicts as border demarcation, easing the progressive ethnic tensions, etc.)?
- C. How to enhance cooperation with countries that are not willing to join the Alliance? Is current cooperation within the existing partnership programs sufficient?
- D. How to tackle the influence of non-NATO superpowers, such as Russia and China, in non-member states? How can NATO respond to tensions/ conflicts within member states that are subject to the influence?
- E. It is known that no member state, situated in the Western Balkans reaches the 2% of military spending. How can the Alliance stimulate its members in this regard?
- F. How do the NATO members respond to proposed solution of the Territory Swap between Serbia and Kosovo?

2.6. Further Reading

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