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Foreword

Despite a hot Summer in South East Europe and the Black Sea region, little of real strategic significance has changed in the region last two months. However, at the state level, there have been political rumbles in many of the countries in the region.

Montenegro’s government joined Bulgaria in this Summer’s collapsed government club, as tensions in Bosnia and Herzegovina rise ahead of their 2 October election. Bosnia’s High Representative, Herr Schmidt, came under significant criticism – not least in our 23 August podcast on the election. North Macedonians seemed to have settled after protests in early July, but the “French Proposal”s implementation into the constitution is likely to be a future flashpoint. After another border incident in July that was heavily subjected to disinformation, in late August the EU appeared to have brokered a deal between Kosovo and Serbia regarding movement of citizens over the border, although early details suggest only non-written agreements have been reached. Although analysis about Serbia is increasingly categorised as Russia’s “trojan horse”, Serbian President Vucic continues rejects this accusation.

Turkish President Erdogan secured a photo op with Ukrainian President Zelensky on 18 August, despite meeting Russian President Putin just two weeks prior in Sochi, Russia. Mr Erdogan’s increasing presence on the international stage continues to be a centrepiece for the polarising President.

In the South Caucasus, analysts continue to describe Georgia as proceeding down a pro-Russia path, whilst a distracted Russian “peacekeeping” force has seemingly opened opportunities for Azerbaijan to return to armed conflict in the Nagorno-Karabakh region.

This Peace and Security Monitor takes deep dives into the region, distilling actionable policy recommendations, providing clear analysis to decision makers and supporting the Platform’s push for peace and humanity.
Key Takeaways

- Day of Republika Srpska (DoRS) helps to entrench a Bosnian Serb-centric identity in Republika Srpska (RS). The Serbian Orthodox component of the annual celebration incorporates traditions and activities that exclude non-Bosnian Serb ethnic groups.
- RS tripartite leader Milorad Dodik understands the importance of symbols and identity performance in cultivating identity. By marching annually to celebrate a distinct Bosnian Serb identity, the SNSD is better positioned to legitimise RS secession from Bosnia and Herzegovina (BiH).
- DoRS celebrations and Dodik’s rhetoric surrounding the day probably indicate that ambitions for secession lay in an independent RS state rather than integration into a larger Serbia.
- This year’s attendance of DoRS by French MEPs, alongside support from Hungarian Prime Minister Viktor Orban presents a real risk of European right-wing normalisation of RS secessionist rhetoric.

Introduction

On July 15th, Milorad Dodik, Serb member of the Presidency of BiH, disregarded the BiH Constitutional Court’s ruling that a law banning genocide denial must be upheld in RS too, tweeting that, “such decisions mean nothing for Republika Srpska” [1][2]. On July 12th he also described BiH as “a failed country” [3]. On August 5th, his advisor Radovan Kovacevic, said to the media that RS “does not plan to give up its authentic policy based on the rights and interests of its people” and of decisions by High Representative in BiH, Christian Schmidt, that “none will be respected in the Republika Srpska (RS) entity” [4].

These statements follow a trend of increasingly secessionist rhetoric from Dodik and the SNSD over the past decade, including threats late last year to remove RS forces from the BiH military, tax administration and judiciary bodies [5].

An ongoing example of RS defiance of BiH is the disputed January 9th DoRS, which was ruled as being in, “violation of the constitutional obligation of non-discrimination” by the Constitutional Court of BiH in November 2015 [6]. This was largely due to its religious character which was judged to give “priority to the Serb people over the other two constituent peoples and Others” [7]. Nonetheless, annual celebrations are publicly observed each year in Banja Luka, the entity’s largest city and de facto capital. Dodik and other top RS officials are present alongside Serb and Bosnian Serb nationalists.

The day has drawn much criticism from Bosniak populations within BiH and from Western...
members of the international community [8][9].
The US facilitated Dayton Accords, which ended
the Bosnian War in 1995, divided the country into
two federalised entities reflecting the majority
ethnic groups in those regions. The Accords were
intended to act as an intermediary peace deal
so the newly formed state could transition into a
more nuanced constitution [10]. However, to this
day it is the basis of the constitution in BiH and
one of the most important documents that the
Constitutional Court turned to in its ruling on
DoRS. Of particular relevance was Article II(4)
which demands security and enjoyment of rights
and freedoms "to all persons in Bosnia and
Herzegovina without discrimination on any
ground" [11].

What is the significance of a national
day?

The concept of a national day is an important
reflection and performance of identity and
culture. Most nations and many regions across
the world have some form of a national day,
usually celebrating independence, a regime
change, a religious date, or some other event
that heralded the ‘birth’ of a national identity.
National days can be observed with a great
range of differing traditions, be it the fireworks
and parades of America's Independence Day or
France's Bastille Day, or the more subdued
National Day in Sweden and Unity Day in
Germany [12]. How they are celebrated and
what exactly they commemorate varies greatly,
but what they tend to share is that they are key
points in the history and consciousness of a
national biography and identity [13]. National
days, therefore, can take on a particular
significance in newly formed nations, or where
identity is more contested.

This is especially true in BiH, where tensions
between the three major ethnic groups lead to
contested understandings of contemporary
nationhood. As a result, we find three different
days celebrated by each of the three major
ethnic groups to commemorate distinct
historical events and relate to distinct identities.
In the other entity of BiH, the Federation of Bosnia
and Herzegovina, November 21st’s Statehood Day
commemorates the creation of Bosnia's first
independent legislative body in 1943 under the
Yugoslav Partisans during WWII Axis occupation.
This is not to be confused with Independence
Day, which is largely ignored by Croat
populations. Observed on the 1st of March, this
holiday commemorates the independence of
the Republic of Bosnia and Herzegovina in 1992
from Yugoslavia. Both these holidays are
boycotted in RS [14]. In March 2012 Dodik said
that BiH Independence Day, "is a holiday of the
Bosniak people and we do not dispute it, but it is
not a holiday celebrated in the Republika Srpska"
[15]. Independence Day and Statehood Day both
symbolise unity of the Bosnian state, something
that the leadership of RS do not want.

Celebrations of DoRS in Banja Luka take on a
militant nationalist tone. RS police forces parade
the streets, Serbian nationalist songs fill the air
alongside the smoke of flares and the sirens of
vehicles [16][17].
On January 10th, 2022, the day after this year’s parades, Ramiz Salkic, the Bosniak vice-president of RS, publicly spoke to the media of the impact DoRS has on non-Bosnian Serbs in the entity. He stated, “the Day of Republika Srpska causes fear among Bosniaks and reminds them of [wartime] crimes” [18]. This indicates the contested nature of identity in RS and the painful memories of the war that secessionist rhetoric can resurface.

DoRS as a tool for secession

It is important to understand that the Constitutional Court does not forbid RS to celebrate a day celebrating the entity, but rather condemns the choice of date as being “incompatible with the Constitution of BiH” [19]. January 9th commemorates the creation and declaration of RS in 1992. At first glance it may be difficult to see why the choice of this day as the entity’s national holiday was ruled as discriminatory. The reasoning behind the ruling was that January 9th is also a major Orthodox holiday as the celebration of St Stephen, the patron saint of RS [20]. That DoRS coincides with significant Orthodox celebrations further ties RS with Bosnian Serb traditions and symbols, thus reflecting and reinforcing a Bosnian Serb-centric identity in the entity. Furthermore, the Constitutional Court reflected that the 1992 Declaration represents a unilateral act for Serb self-determination made without participation from other ethnic groups and “represents a historical moment of exclusively Serb people” [21].

It is for these two reasons that in 2015 its status as a ‘national day’ was ruled discriminatory against non-Bosnian Serbs within RS and in breach of the Dayton Accords, the International Convention on the Elimination of All Forms of Racial Discrimination and the European Convention for the Protection of Human Rights and Fundamental Freedoms [22]. As part of this ruling the courts allocated six months, long since expired, for the RS government to nominate a more appropriate date to celebrate the entity that better reflected a “multiethnic society” [23].

The RS National Assembly responded by holding a referendum on the issue within the entity in September 2016. Dodik’s SNSD party, which dominates the National Assembly, argued that the people of RS were exercising their democratic rights [24]. The referendum, with a 55.7% turnout and 99.81% supporting continuing to celebrate January 9th as a national day, was not recognised as legitimate by national authorities, further stoking the flames of hostility between RS and BiH [25][26].

Using the unrecognised referendum as a mandate, the National Assembly of RS enshrined Jan 9th as the entity’s national day in the Law of Day of Republika Srpska [27]. The decision of the Court on DoRS has not changed since 2015, nor has RS ceased to celebrate January 9th as its national day.
The willingness that the National Assembly have to craft laws that completely and knowingly contradict Constitutional Court of BiH rulings indicates the secessionist attitude of the SNSD, who have been the largest political party in RS since 2006. It speaks not only to the gridlocked nature of Bosnian politics but also as clear evidence of the Bosnian Serb nationalism that seeks to defy BiH and create a greater sense of an independent and distinct RS identity.

Last year on June 6th, in response to ongoing criticism of the day's status from Bosniak communities, Dodik suggested to the media an alternative date for the entity's national day, "If they [Bosniaks] are injured, so it can't be on January 9, will February 15 bother them? It is the day of the First Serbian Uprising, and we in the Republika Srpska are also Serbs" [28]. This inflammatory suggestion certainly does not provide a more inclusive, less Bosnian Serb-centric date, as requested by the BiH courts. The provocative rhetoric does however provide insight into Dodik's ambitions for RS secession. These tend to switch between calls for an independent RS or for integration into a larger Serbia state. By trying to align with Serbian Statehood Day it indicates the former. This view is supported by statements on August 4th from an event in Serbia’s northern city of Novi Sad commemorating Serbs killed and expelled from Croatia in 1995. Dodik claimed Serbia as his country alongside RS despite not being born there, and that, "the unity of the Serbs will come one day as a result of all their suffering" [29]. The commemoration was also attended by Serbian President Aleksandar Vucic and Prime Minister Ana Brnabic [30]. Vucic has historically been cautious and non-committal of scenarios involving RS successions, likely due to the adverse implications it would have for Serbia’s economy. Indeed, Vucic publicly called upon Dodik to improve relations with BiH in January this year, just one week after his own official attendance of DoRS in Banja Luka [31].

An alternative interpretation of Dodik’s statements in Novi Sad is that he views Serbs as one nation but two states. This is evident in his stressing that "we in the RS are also Serbs" This view was also exemplified in Dodik’s speech in Banja Luka in this year’s DoRS celebrations, where he announced that, “there is no freedom for the Serb people without the state” and that, “Republika Srpska is our state, regardless of what some may think of it” [32][33]. The idea of RS as a Serbian nation distinct from the Serbian state, was perhaps best shown in his closing statements, “Long live Republika Srpska, long live Serbia” [34].

To what extent does DoRS legitimise RS secession?

We have now built an understanding of the context in which DoRS is observed. It is a strategic and political performance of identity which strives to legitimise the possible existence of RS secession from BiH. By promoting a RS identity separate from BiH, Dodik is better poised to push for a RS separate from BiH. This is a scenario that has been threatened or alluded to historically [35]. More recent remarks, such as the July 15th criticism of BiH genocide denial law follows Dodik’s trend in rejecting the authority of BiH [36].

In attempts to further legitimise a distinct RS identity through DoRS, foreign dignitaries and officials are often invited to attend celebrations in Banja Luka. Traditional allies such as Serbia and Russia have a long track record of attendance, with regular appearances by Serbian Presidents, Prime Ministers and other high-ranking officials [37]. This year both Igor Kalabuhov and Ji Ping, the Russian and Chinese ambassadors to BiH, were also present [38], drawing criticism from both the BiH and the EU [39]. BiH Foreign Minister Bisera Turkovic, lodged protest notes with the Russian, Chinese and Serbian embassies strongly condemning the diplomat’s participation and directly citing the 2015 Constitutional Court of BiH ruling [40].

Importantly, this year also saw the presence of two French representatives of the European Parliament, Thierry Mariani and Herve Juvin [41].
The two MEPs, from Marine Le Pen’s right-wing National Rally party, accepted an invitation from Dodik in his position as a member of the Bosnian presidency, however they were received not in Sarajevo but in Banja Luka, in the RS government building [42]. The French embassy to BiH was quick to distance itself from Mariani and Juven, stating it was never informed about their arrival and that, “France respects the rule of law in Bosnia and Herzegovina”, and “that the law on this holiday is unconstitutional” [43].

Nonetheless, the two rogue MEPs provide some of the first displays of legitimacy of DoRS from Western representatives. Hungarian Prime Minister Viktor Orban has also strengthened diplomatic ties with Dodik and RS in recent years. This includes a personal visit from Orban to Dodik in RS in November last year and promises of Hungarian financial support [44][45]. Orban’s interest in RS, when viewed alongside the presence of French politicians at this year’s DoRS, reflects a worrying and possibly emerging trend of European right-wing normalisation and support for RS and its secessionist rhetoric. Indeed, on July 5th Dodik claimed that “RS has never had more friends than it has now” [46]. By supporting Dodik in his defiance of the Dayton Accords, these actors threaten to undermine the existence of a unified BiH itself.

Conclusion

It is important to recognise DoRS as being grounded in the context of the region’s ethnic tensions since the 1992–1995 Bosnian War. In this contest of narrative and identity between BiH and RS, symbols take a central role.
If we understand national identity to be contested, then we must also understand symbols and performances of national identity to be contested. The celebration of distinct national days also act as signifiers of distinct national identities. In itself, this is not necessarily problematic, however the Serbian Orthodox component of DoRS means it comes under considerable criticism from the BiH and the international community. Continued support for DoRS by RS governance is an act of nationalist defiance by Dodik and the SNDS. Dodik is able to use the day as an annual expression of a RS identity separate from that of BiH and better place the entity to push for secession. The fact that international actors from RS’s traditional allies are now joined by – albeit fringe – EU actors in Hungary and France, presents a concern for growing support for a divided BiH amongst the right-wing of Europe. Indeed, there will be much attention on foreign diplomats at the next DoRS. If the SNSD continues to control RS politics after next month’s election, which looks likely, it seems certain that DoRS will continue to be officially celebrated in RS. It also seems highly likely that a SNSD controlled RS will continue to flout BiH laws in its desire for a path to secession. Dodik continues to be unclear whether this means an independent RS or integration into Serbia. However, the fact that the DoRS commemorates the ‘birth’ of RS, supports the idea that celebrations push for secession in the form of an independent state.

**Recommendations**

- International actors, particularly EU representatives, should respect Constitutional Court rulings in regards to domestic BiH affairs. In the case of DoRS they should cease participation in festivities that legitimise a scenario for RS secession.
- RS government should commit to Constitutional Court rulings and observe a national day that is inclusive of non Bosnian-Serbs, as per the Dayton Accords, International Convention on the Elimination of All Forms of Racial Discrimination and the European Convention for the Protection of Human Rights and Fundamental Freedoms.
- BiH and the international community should apply greater sanctions and pressure on the SNSD and Dodik for continually and systematically disregarding BiH law.

*Orban meets with Dodik and RS Prime Minister Radovan Viskovic near Banja Luka on 8 Nov 2021 (Radio Free Europe, 2021)*

[2] Constitutional Court of Bosnia and Herzegovina, Case No. U-15/21, 14/07/2022


[7] ibid, p. 26


[13] ibid


[18] ibid

[19] ibid (n6), p. 31

[20] ibid (n6)

[21] ibid (n6), p. 26

[22] ibid (n6)

[23] ibid (n6), p. 2

[24] ibid (n8)

[25] ibid (n8)


[27] ibid (n6)

[28] Sarajevo Times, 6 Jun 2021, 'Dodik to celebrate day of Republika Srpska when Serbia's Statehood Day is', accessed 12/08/2022, https://sarajevotimes.com/dodik-to-celebrate-day-of-republika-srpska-when-serbias-statehood-day-is

[29] Ni Sarajevo, 4 Aug 2022, 'Dodik: Serbia is my country, I have no other identity', accessed 20/08/22, https://banlinfo.com/english/news/dodik-serbia-is-my-country-i-have-no-other-identity/

[30] ibid


[34] ibid


[36] ibid (n1)


[38] ibid


[42] ibid


Lack of democratic discourse and ignoring the questions of identity and sovereignty potentially leads to the creation of the conflicted society, as seen on the example of North Macedonia. Some EU Member countries have proven that they are effectively using their Veto power in order to coerce candidate countries into making political concessions not relating to the broader EU strategic interest. The EU must make more clearly defined requirements for the EU membership in order to prevent a potential misuse of the EU integration process and stabilise its influence in the candidate countries. Moreover, the aim of EU membership should relate to the wellbeing and development of every member- and candidate state and broader EU values rather than political ambitions of individual governments.

**Key Takeaways**

- Lack of democratic discourse and ignoring the questions of identity and sovereignty potentially leads to the creation of the conflicted society, as seen on the example of North Macedonia.
- Some EU Member countries have proven that they are effectively using their Veto power in order to coerce candidate countries into making political concessions not relating to the broader EU strategic interest.
- The EU must make more clearly defined requirements for the EU membership in order to prevent a potential misuse of the EU integration process and stabilise its influence in the candidate countries. Moreover, the aim of EU membership should relate to the wellbeing and development of every member- and candidate state and broader EU values rather than political ambitions of individual governments.

The recent developments

The past month has seen important developments in Bulgarian (BG) and North Macedonian (NMK) relations. On the 16th of July, the Assembly (Sobranie) of the Republic of Northern Macedonia voted in favour of accepting the French-proposed deal with its neighbour by a slim majority of 68 from 120 lawmakers[1][2][3]. This bilateral protocol should lead towards the important changes in the NMK constitution (recognising Bulgarians as a national minority for example) but more significantly give Bulgaria a role in defining the history of NMK statehood and language itself [4].

By agreeing to make a range of compromises with Bulgaria on the key identity topics and implement them in everyday life, Bulgaria states it will lift its veto and support NMK back on its path to the EU[5][6].

On the other hand, the voting for the BG/NMK protocol has been met by staunch resistance by the Macedonian opposition parties, with VMRO DPMNE and "Levica" (the Left) being the key political players to voice opposition to the agreement [7][8].
Since any constitutional change in NMK requires two thirds of the parliament votes, the full implementation of the protocol remains unlikely without the opposition voices which is currently strongly opposing the BG/NMK deal [9] [10] [11] [12].

Moreover, the recent political decisions in Sobranie have sparked nationwide anti-EU backed by the political parties from both the right- and far-left sides of the political spectrum [13] [14]. Opposition leaders and protesters have even requested holding a referendum to decide on the topic of implementing the protocol. However, the NMK leaders did not give a green light for holding such a referendum yet [15] [16]. These protests have continued even after the July voting and have even been marked by occasional violence and anti-Bulgarian and anti-EU sentiment [17] [18].

Even though there are current reports of the improving BG/NMK relations coming from both Skopje and Sofija, there are still some key issues remaining unanswered [19] [20] [21] [22]. Interestingly, there are even reports that one of the reasons for the recent

Bulgarian parliament dissolution was sparked by the dissent regarding the deal with Skopje [23] [24]. Other reportshint the influence that Kremlin had over the previous Bulgarian government as one of the key reasons behind this event [25].

The ongoing conflict regarding the BG/NMK deal within the Macedonian society is important because of the instability it has sparked but more so because of fuelling the conflict within the Nmk society, having a potentially negative impact on the NMK/BG bilateral relations and the current sentiment toward the EU and NATO membership. One of the key changes that the Nmk political landscape is seeing in recent months is the strengthening of the opposition parties and declining support towards the EU membership which was already visible in the 2021 elections [26].

**Historical roots of the issue**

Area of today’s Macedonia has been a part of different political entities and cultures throughout the centuries, including the Bulgarian Empire in the 9th and 10th century [27]. Being a part of the Ottoman Empire until 1912, Nmk was incorporated into the newly re-established Serbia after the First Balkan War [28]. However, Nmk has been twice occupied by Bulgaria since. Once in the first World War and once during the Second World War (during which Bulgaria was part of the Axis forces) [29]. After enduring four years of repression, and crimes against the local population, Nmk became a constitutive republic within Tito’s Yugoslavia in 1945 [30] [31].

During the dissolution of Yugoslavia, Nmk gained independence in 1991 with Bulgaria being the first country to recognise their independence [32].
From this moment on, this Western Balkan Nation started a relatively successful process of transition which resulted in the 2005 candidature to the EU being one of the first ones in this region of Europe[33]. However, for seventeen years the ascension talks have been actively vetoed first by Greece because of the name dispute[34][35]. After largely agreeing to the Greek demands, NMK was admitted to NATO in 2020 but faced a new blockade, this time from Bulgaria, despite the 2017 declaration of goodwill[36][37].

This year has seen new developments in this regard with the aforementioned protocol proposed by the French president, Emmanuel Macron, which is designed to pave the way towards the EU membership talks, and consequentially speed up the way towards the EU for other SEE countries, for example Albania, whose membership is paired with NMK[38][39]. However, the exact implications of this deal remain controversial[40].

French-backed deal bilateral deal of 2022

Questions of legitimacy, democratic principle and sovereignty.

North Macedonia has already made significant concessions to their neighbours to resume its EU integration process. Namely, in 2018 NMK changed its name as a part of Greek demands to lift their blockade on the NMK ascension[41]. This decision took place in light of massive protests and a referendum that notably failed to reach the threshold to be considered by the opposition and large portion of the NMK society with just a bit over 36% of the population voting[42]. Nevertheless, the demands regarding the name and national symbols were accepted against the will of the majority of the people[43][44][45].

Considering that the current deal with Bulgaria will require significant constitutional adjustments, and that the protocol itself was passed through just with a slim majority with opposition boycotting the voting - there is a valid question over the legitimacy of the important political decisions of current decision-makers in Skopje[46][47]. Moreover, the dismissal of the opposition demands for a referendum creates an even darker picture over the democratic processes in NMK[48]. The absence of a referendum or lowering the participation threshold can arguably just further fuel the doubt in the legitimacy of political rulers and create further instability among the conflicted population. Since the questions of the constitution should take into consideration all the citizens, the opposition parties have capitalised on this argument and gained additional support from people who believe their right to identity and self-determination is not heard[49].

The faulty democratic practice of Skopje has further backed the stance of the main opposition parties in NMK, and as we have witnessed it has sparked intense protests both in 2018 and 2022[50][51][52]. Some of these protests have even turned violent, when dozens police personnel injured during the protests in early July[53].

Some of the further violent outlashes also include damaging of the Bulgarian Cultural Centre in on the 4th of June this year in the south of NMK[54].
Furthermore, this situation has further diminished the EU and NATO support among the North Macedonian population. Research an increasing doubt over the success towards the EU membership NMK (a drop from 57% to 32% in just over the last three years)\[55]\[56]. This has given ground to the fears from both EU and NMK officials that the protests in this country have been backed and further fuelled by Russia aiming to sabotage the EU integration process\[57]\[58].

Whether such claims can be confirmed or not, the current instability and dissatisfaction in NMK is working against the interests of EU enlargement policy and undermines the image of the EU striving for democratic values.

Both Bulgarian and Greek demands are related to some of the core aspects of NMK’s identity and do not provide a formal guarantee that NMK will have full support in the EU negotiation processes despite making concessions\[59]\[60]. At any point, Bulgaria might still resume its veto and make further demands\[61]\[62]. Effectively, NMK integration into the European Society depends largely on the wishes and current political interests of their neighbours rather than on the improvement of the socio-political standards within the country. Since Macedonian entire language, statehood and name are put into question, this raises an important dilemma of the sovereignty of this SEE nation. This is again one of the main arguments of anti-EU political parties in Macedonia\[63]\[.]

In short, by ignoring the will of larger masses of NMK people and lack of initiative in engaging in a discussion with the opposition, pro-EU NMK officials risk creating a conflicting society, endangering the democratic rights and sovereignty of their country and potentially their
own control over the government.

A potential future roadblock to EU’s enlargement policy and its implications

Besides the questions raised regarding state sovereignty, democratic principles, and stability, the current dispute with Bulgaria can have negative implications outside of the SEE region[64].

All of the potential EU candidates could face similar issues as NMK at any of the stages of the integration process if any of the EU member states uses a veto regardless of the context of the conflict[65][66].

Following the example of Greece and Bulgaria, there is a legitimate concern that this could form a pattern for the future ascensions of Serbia, Bosnia and Herzegovina, Ukraine, etc. The example of the Slovenia / Croatia maritime border dispute vetoing the candidate country (Croatia) shows veto power is a systematic practice rather than an exception and it has caused obstacles to the EU expansion previously[67].

Another obvious example is the Republic of Serbia that has several potential dispute points with its neighbours already in the EU[68]. The dispute over the border with Croatia or regarding the war crimes of the 1990s Balkan wars are some of the examples that appear to be a serious obstacle as we can observe in the dispute regarding the war crimes dispute between Zagreb and Serbia [69][70][71]. This concern was already discussed in Serbian media, and it likely won’t reflect well on the pro-EU sentiment in Serbia[72][73]. Furthermore, the state media might use these threats as an excuse for the lagging EU ascension process and might take a more EU-skeptical approach[74][75].

This can be a potential situation with other candidate countries where anti-NATO and anti-EU political parties, and regimes might further strengthen their position and make the expansion of the EU even more challenging[76][77].

If the process of EU integration shifts its focus from improving the life quality, economic, political and judicial system of candidate states, to fulfilling the political demand of individual states it will lead to lower support for the membership and an overall lack of motivation to implement EU standards as it can be observed in the example of NMK. While territorial disputes and important demands regarding the socio-political system within the ascending state might be an important topic to tackle before joining the EU, questions like the exact country name, defining the “true historical claim” and denying the unique language and identity resemble historical irredentism and a dangerous practice that can have unpredictable consequences.[78]

Lastly, the lack of a unified EU approach regarding this topic and EU perspective creates a political vacuum that other countries, like China and Russia, could exploit. There have been various claims on this end and the EU must make sure that these claims don’t become a reality if it wishes to maintain a stable influence in its close vicinity.

Because of this, it would be in the EU’s best interest to more carefully balance the demands of individual member states and the strategic position of the entire Union.

Conclusion

This paper has underlined the difficult geopolitical position in which North Macedonia found itself since its independence in 1991. While balancing its ambition to transform into a stable and functioning EU member state, NMK faces ultimatums and political blackmails from its neighbours that directly put its sovereignty in question. Their society remains conflicted and increasingly skeptical over the European future which helps little in creating a safe and stable environment for their citizens.
Furthermore, the compromise agreed upon with Bulgaria creates a dangerous example and a warning to other candidate states that might be having a dispute with individual EU member states. Moreover, the questions of sovereigny, historical irredentism and denying the citizens of NMK their right to identity remain a concerning topic that is not addressed adequately in EU institutions.

Finally, the position which the EU as an entity takes in this regard is not sufficiently effective to fully alleviate the danger of crumbling support towards the EU and creates a dangerous influence vacuum ready to be exploited by other influential political factors.

Recommendations

- EU institutions should take a more united approach towards the enlargement policy and make clear-defined criteria for the ascension to the Union. The lack of a coherent approach can result in a lower pro-EU sentiment in both applicant and EU member countries.

- The criteria for entry in the EU should incentivise an applicant country to align their judicial, economic and social system with the standards of the EU, rather than serve the political interests of individual member states. They could assure a more stable and peaceful broader EU society with a higher level of trust and cooperation by implementing this. Furthermore, it would stabilize the EU’s political influence in the SEE, and EE.

- EU institutions must place more effort in combating misuse of the EU membership to avoid dangerous rewriting of history, potential conflicts within and between the states, and inspiring trust in the candidate states.

- The EU could benefit from placing the authority of an independent institution or commission, which would address the topics of the right to identity and self-determination as well as respect for democratic processes.

- Organising voting within EU member states (perhaps with the two thirds threshold) where it would be decided if the candidate country is eligible to enter the EU.


[28] ibid.


[36] ibid.


[43] ibid.


[48] ibid.

[49] ibid.


[54] NNovinite. “Macedonian Singer living in the US was the one who Set on Fire Bulgaria’s Cultural Center in Bitola.” Novinite.com, 7 June 2022, https://www.nnovinite.com/articles/215410/Macedonian+Singer+living+in+the+US+was+the+one+who+Set+on+Fire+Bulgaria%E2%80%99s+Cultural+Center+in+Bitola. Accessed 23 August 2022.

IRI North Macedonia Poll Shows Concerns with Pace of EU Accession, Concerns with Economy and COVID-19, Dismay with Local Leaders June 16 2021


Petrovic, Milenko. Serbia's relations with its Western Balkan neighbours as a challenge for its accession to the EU. University of Canterbury, 2018.
Despite a backward trend on decades of feminist gains worldwide, there were hopeful developments in Southeast Europe during the 2022 Pride Parades.

On the other hand, Aleksandar Vučić, the Serbian president, announced on August 26, 2022, that the EuroPride celebration scheduled to take place in Serbia on 12-18 September would be cancelled.

These conflicting developments, as well as existing patriarchal norms and practices, confirm that there is still a long way to go in terms of LGBTI+ rights in the region.

Europe, once known as a champion of LGBTI+ rights, is failing as well to provide equal rights to its citizens, due to increasing anti-LGBTI+ discourse and practices not only in certain countries, such as Hungary and Poland, but also across Europe.

LGBTI+ rights are directly linked to the future of democracy in the region; therefore, it is crucial to address them thoroughly.

Key takeaways

- Despite a backward trend on decades of feminist gains worldwide, there were hopeful developments in Southeast Europe during the 2022 Pride Parades.
- On the other hand, Aleksandar Vučić, the Serbian president, announced on August 26, 2022, that the EuroPride celebration scheduled to take place in Serbia on 12-18 September would be cancelled.
- These conflicting developments, as well as existing patriarchal norms and practices, confirm that there is still a long way to go in terms of LGBTI+ rights in the region.
- Europe, once known as a champion of LGBTI+ rights, is failing as well to provide equal rights to its citizens, due to increasing anti-LGBTI+ discourse and practices not only in certain countries, such as Hungary and Poland, but also across Europe.
- LGBTI+ rights are directly linked to the future of democracy in the region; therefore, it is crucial to address them thoroughly.

Introduction

In recent years, women’s and LGBTI+ rights have come under serious attacks around the world. Not only authoritarian leaders, but also leaders of (illiberal) democracies contributed to this backward trend that aims to roll back on decades of feminist gains worldwide. In Afghanistan, for example, the Taliban’s rise to power has wiped out years of gains in women’s access to education and workforce.[1] On August 5, 2022, the Ugandan government suspended all operations of Sexual Minorities Uganda (SMUG), an LGBTI+ organization operating in the country.[2]

Even in some of the world’s oldest democracies, such as the United States, there are increasing assaults on women and gender minorities; the US Supreme Court’s decision to overturn Roe v. Wade on June 24, 2022, ending a constitutional right an abortion, is just a recent example of this trend.[3]

Europe, once known as a champion of LGBTI+ rights, is failing as well to provide equal rights to its citizens, due to increasing anti-LGBTI+ discourse and practices not only in certain countries, such as Hungary and Poland, but also across Europe. While these anti-democratic developments are, without a doubt, worrisome for gender minorities, they also have huge negative impacts on the state and the future of democracy in the continent. Against this backdrop, this piece sets out to explain, in general, why LGBTI+ rights are targeted and why protecting them is important for all people. It pays special attention to the Southeast Europe region and partially evaluates recent developments in LGBTI+ rights there in comparison to those in the countries of Central Europe and Eastern Europe.

Why LGBTI+ rights are targeted?

A recent Foreign Affairs article by Erica Chenoweth and Zoe Marks makes a convincing argument about the relationship between rising authoritarianism and assaults on gender equity. [4] The article clearly explains that authoritarian and authoritarian-leaning leaders often attempt to repress women and other gender minorities to produce popular support for their suppressive and exploitative agenda, a trend which the authors label as “the wave of patriarchal authoritarianism”.

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put great efforts into precluding these groups from gaining greater freedom and hampering any gained rights.[11]

There is also a geopolitical component to the issues of LGBTI+ rights, especially in the Eastern parts of Europe. As such, a recent policy brief commissioned by the European Parliament shows that there are significant amounts of disinformation campaigns supported by foreign actors about LGBTI+ in the EU.[12] The Russian government is a key, but not the sole, actor in these campaigns with an interest in sowing disunity and friction between European countries, by exploiting and challenging LGBTI+ rights in the EU.[13] Among such disinformation campaigns, the most common ones are: LGBTI+ inclusion is a “colonial” attempt by the liberal West; LGBTI+ inclusion is a threat to children’s mental and physical health; LGBTI+ inclusion is against the “natural” family structure and the “natural” order ordained by God.[14]

Why fighting patriarchy matters?

Political scientists have long asserted that women’s empowerment and democracy are closely linked.[15] It is also an emerging understanding that women’s empowerment is even a precondition for democracy, and not necessarily the other way around.[16] Moreover, in the civil conflict literature (both violent and nonviolent), it is established that women’s active political and social participation during conflicts and gender-inclusive transition processes increase the prospect of negotiated settlements and sustainable democratization.[17]

Besides, homophobic political discourse can be understood as a call for action at the societal level, causing hate speech and violence against LGBTI+ community.[7] To this end, Paul Mason, in his book How to Stop Fascism: History, Ideology, Resistance[8], warns the world of a new kind of fascist danger that lies ahead. According to Mason’s definition, fascism is “the fear of freedom triggered by the glimpse of freedom”. He further elaborates on the definition by stating that a fascist mentality fears that “a group that is supposed to be subordinate to them might be on the verge of achieving freedom and equality”. Today, the target group consists of, but not limited to, women, LGBTI+ people, immigrants, and people of colour. Right-wing populists and authoritarian conservatives around the world...
LGBTI+ Rights in Southeast Europe

2022 Pride events have staged scenes to homophobia, hate-speech, and violence around the world. In Oslo, Norway, one day before the Pride, a gunman opened fire at several locations, killing 2 and injuring 20 people.[22] In Istanbul, Turkey, the authorities did not allow the Pride Parade for “security” reasons, but thousands of LGBTI+ activists took to the streets in protest of the restrictions on the community. The peaceful gathering of LGBTI+ was, however, interrupted by police, and 373 protestors were detained as a result.[23]

In the meantime, there were positive atmospheres in Skopje, Sarajevo, Albania, and Kosovo during the Pride Parades.[24] On June 25, 2022, both Skopje and Sarajevo held their third Pride Parades with entertaining programmes and live performances.[25]

leaning leaders aim to push for gender hierarchies in the society, driving women into the confines of traditional gender roles, while negative-othering and stigmatizing LGBTI+ for their political goals.

For all these reasons and more, it is important to fight patriarchal authoritarianism to promote freedom, equality, and human rights for all citizens regardless of their gender identities or sexual orientations. For example, the prevalent gender-based violence in Southeastern Europe is the direct result of widespread patriarchal structures and values in the region.[20] Especially after the Balkan wars in the 1990s, a momentous “repatriarchisation” emerged on the area of the former Yugoslavia; as a result, women in the Western Balkan countries have remained underrepresented in political decision-making processes.[21]
Although the picture is not fully positive for LGBTI+ rights in Southeast Europe, positive atmospheres in 2022 Pride events are definitely a step forward in the right direction. Available data from a survey of LGBTI+ people in Albania show that 76% of LGBTI+ felt that Pride parades have improved their positions in society.[34] Besides, prides are “the symbolic articulation of activism.”[35]

According to the recent Annual Review by ILGA-Europe that documents legal, political, and social developments in LGBTI+ equality and rights in 54 European countries, there were positive legislative progress in Serbia, Slovakia, and Slovenia, allowing for strong opportunities for these countries to strengthen democracy through adoption and implementation.[36]

Based on the review, ILGA-Europe provides a Rainbow Map (depicted below) that ranks 49 European countries from zero (being gross violations of human rights) to 100 (full equality).

Also, in Albania and Kosovo, people marched through city centers in a similar positive atmosphere.[26] These positive developments are definitely giving hope for the future of democracy in the region, especially considering the increasing anti-LGBTI+ rhetoric and practices in Central and Eastern Europe, such as Poland's “LGBT-free zone” practices, Hungary’s new law banning LGBT content in schools, and the charge of Bulgarian Presidential Candidate (Boyan Rasate) over violent attack on a LGBT center.[27]

On August 27, 2022, Aleksandar Vučić, the Serbian president, announced that the EuroPride celebration scheduled to take place in Serbia on 12–18 September would be cancelled, citing several reasons, including tensions with Kosovo, economic issues, and concerns about anti-gay protests by right-wing groups.[28] Organizers of the event, however, asserted that no ban could stop them and they would go ahead with it anyway.[29]

EuroPride is a weeklong festival which has been held in a different European city every year since 1992. The host city is chosen by a voting from Pride organizers around Europe. Belgrade would be the first Southeastern city to host EuroPride this year.[30] Therefore, this year’s EuroPride is not only important for LGBTI+ community in Serbia, but also for those in the wider Southeast Europe region. This could be the very reason why it is now being targeted by right-wing groups in the region. As such, there has been increasingly vocal right-wing groups in Serbia in the past years that attack on LGBTI+ people and events.[31]

Serbia has pledged to protect LGBTI+ rights and showed significant progress on that end, as the country seeks EU membership. For example, Ana Brnabic, Serbia’s first woman and first openly-gay Prime Minister, is expected to lead the new cabinet to be formed in the coming weeks. [32] Although having an openly-gay Prime Minister should have positive impacts on LGBTI+ rights and freedom, many criticize Brnabic for not doing much to improve the position of LGBTI+ community.[33]

According to the Rainbow Map, Poland has the lowest ranking in LGBTI+ rights, followed by Bulgaria and Romania. While Albania, North Macedonia, Serbia, and Kosovo are fairly better off than the Eastern European countries, there is still a long way to go in terms of adopting and implementing legislations regarding LGBTI+ rights. Both Albania and North Macedonia aspire to join the EU as soon as possible; therefore, the governments in Tirana and Skopje adopt legislations seeking to support LGBTI+ community and to fight hate speech and
The Southeastern Europe countries, especially those that are actively seeking EU memberships, pass legislations that aim to protect LGBTI+ rights. However, it is yet to be seen how existing legislation will be implemented and if further legislation will be adopted. While passing legislations is one thing, implementing them is another.

Informing the general public about LGBTI+ rights are crucial, given increasing disinformation campaigns in the region about LGBTI+ community.

The EU should work to push for a harmonized legal framework across Europe to promote democratic norms and values on human rights. In that regard, it is particularly important to press countries like Hungary and Poland to respect for these values. Otherwise, divergent practices in these countries might set a precedent for others to follow.

The 2022 Pride Parades in Southeastern European countries signal hopeful progress toward LGBTI+ freedom and rights in the region. Yet, patriarchal structures and values are still prevalent in Southeast Europe. Moreover, right-wing groups have gained strength in the past years against the improvements in LGBTI+ rights, as in Serbia.

Patriarchy is a centuries-long authoritarian tool to promote the over-representation of male power and to suppress women and gender minorities. Failing to see assaults on women’s and LGBTI+ rights as assaults on democracy would provide pseudo-legitimacy to these anti-democratic practices. Therefore, it is important to fight patriarchy in order to promote and save democracy in Southeast Europe, and beyond.

Recommendations

- The EU and other Southeast Europe countries should show solidarity for the 2022 EuroPride in Serbia. Banning EuroPride, as announced by the Serbian President, would be a violation of freedom of speech/assembly and a big setback on LGBTI+ rights in Serbia, as well as in the wider region.


[9] Ibid, xxi.


[13] Ibid.

[14] Ibid.


[25] Ibid.

[26] Ibid.


[34] Reuters, ‘Bulgarian presidential candidate charged after storming LGBTQ office’, NBC News.


[38] Ibid.

Tensions rise in the area of Nagorno Karabakh as Armenia and Azerbaijan mobilize their forces in the region; Azeri forces move into the city of Lachin and nearby villages.

The mandate of Russian peacekeeping forces in Nagorno-Karabakh will almost certainly not be impacted by the conflict in Ukraine or Nagorno-Karabakh.

Material breach (VCLT 60) of the ceasefire agreement could be grounds for termination of suspension of the convention, yet lack of evidence that Russia’s ability to maintain peace in the region and Russia’s potential unwillingness to terminate the deployment of Russian peacekeepers in the region, make the invoking of such grounds unlikely.

Armenia and Azerbaijan submitting claims before the International Court of Justice alleging each other of violating the CERD did not prevent the latest violence outbreak; the latest conflict might violate the provisional measures ordered by the Court for both parties.

What has happened recently?

Recently in August 2022 violence sparked again in the area. On August 3rd 2022, Armenia accused Azerbaijan of killing two of its soldiers and of violating the 2020 ceasefire agreement. Azerbaijan also accused Armenia of the death of an Azeri soldier during an act of sabotage. As a result, Azerbaijan launched a retaliatory operation, occupying several strategic heights in the region.

Meanwhile Azerbaijan has been dissatisfied with Armenia’s delay of completing the road connecting Armenia with Nagorno-Karabakh, postponing this way the handover of the city of Lachin to Azerbaijan, while the retention of an armed force by the de-facto Nagorno-Karabakh authorities has been a source of discontent for Azeri authorities, which have called for its disarmament. As of August 26th 2022, Azeri forces have taken control of Lachin and two nearby villages.

The Nagorno-Karabakh conflict had already entered a new phase of active hostilities in September 2020. After 44 days of fighting, the Republic of Armenia (hence: Armenia) and the Republic of Azerbaijan (hence: Azerbaijan) concluded alongside with the Russian Federation (hence: Russia) a ceasefire agreement. As per the agreement, Armenia had to return the Aghdam, Kalbajar, and Lachin districts to Azerbaijan, a new street would be constructed alongside the Lachin corridor and Russian peacekeeping forces would be deployed in the area, both parties agreed to exchange prisoners of war, hostages, other detainees, and bodies, and economic and transport links in the region would remain unblocked.

Map of Armenia and Azerbaijan with Nagorno-Karabakh. (Al Jazeera 10/08/2022)
In September 2021 both countries submitted a case before the International Court of Justice (hence: ICJ) alleging one another for violations of the Convention on the Elimination of All Forms of Racial Discriminations.[9] More recently, in July 2022 Azerbaijan began the return of displaced Azeris in the regions it regained control of in 2020.[10] Meanwhile, the invasion of Russia in Ukraine in February 2022 has altered the geopolitical landscape in Europe, potentially affecting the role of Russia as a peacekeeper in the area.[11]

What is the role of Russia as a peacekeeper in the region after the aggression in Ukraine?

The aggression against Ukraine commencing in February 2022 significantly altered Russia’s relations with a plethora of states, many of them adopting sanctions against the Kremlin. More than 37 countries having imposed sanctions on Russian entities.[15] The question arises, what is the future of Russia as a peacekeeper in the Caucasus?

Armenia and Azerbaijan have not imposed sanctions against Russia. Russo-Armenian relations appear to not have been affected since February 2022. Armenia abstained from the UN General Assembly Resolution calling Russia to stop its attack against Ukraine, while it also objected Council of Europe’s decision to suspend Russia’s membership this year.[16] Meanwhile, Azerbaijan also maintains close
ties with the Kremlin: the Moscow declaration issued just one day before Russia attacked Ukraine, reiterates the friendly relations with the two countries, and although Azerbaijan has provided humanitarian assistance to Ukraine it remained neutral on Russia’s invasion.[17] Russian and Azeri heads of states met in June 29 2022 in Turkmenistan in the context of a multilateral meeting, and underlined the good relations and increased cooperation between their countries.[18]

Despite good relations between Azerbaijan and Russia, and Armenia and Russia, the presence of Russian peacekeeping forces in the Caucasus is not uncontested by Armenians and Azeris. On the 3rd of August 2022, Armenian PM questioned the effectiveness of Russian forces to observe the ceasefire agreement, while Azeri consider Moscow responsible for the outcome of the first Nagorno-Karabakh war in 1995.[19] As the war in Ukraine persists, experienced Russian peacekeepers have been deployed in Ukraine, and have been replaced by young conscripts. [20]

It is noted that as per paragraphs 3 and 4 of the Statement by President of the Republic of Azerbaijan, Prime Minister of the Republic of Armenia, and President of the Russian Federation, issued in November 2020 in the aftermath of the September 2020 conflict (hence: the Statement), Russian peacekeepers are to be deployed in Nagorno Karabakh and the Lachin corridor until 2025, their term automatically being renewed for another five years, unless one of the parties raises a relevant objection.[21]

Legal parameters of Russia’s peacekeeping force – can it be challenged under the Vienna Convention on the Law of Treaties?

Although no such intention has been expressed by the parties, per the Agreement parties may request the removal of Russian peacekeepers as of 2025. Would it though be possible to remove Russian peacekeepers even earlier? This could be the result of the Statement being deemed invalid, it being terminated or suspended. In this case the Vienna Convention on the Law of Treaties (hence: VCLT / the Convention) is applicable, parties to the Statement having acceded to the VCLT.[22] It being labeled as a statement, does not preclude VCLT’s application, since per Article 2 of the Convention, a particular designation does not affect the characterization of an international agreement as a treaty, if it is concluded by states in written form and is governed by international law. The above criteria being fulfilled in the present case, it is clear that the VCLT is applicable.[23]

At this point it is necessary to define the terms validity, suspension, and termination and note that these terms are neither synonymous nor interchangeable. An invalid treaty is void of any legal effect.[24] Such invalidity may be absolute (VCLT Articles 51–53) or relative (VCLT Articles 46–50): in the first case the treaty is to be deemed as if it never existed, in the latter the treaty becomes void only for the party invoking such invalidity, other parties still being bound by the treaty concerned.[25] A terminated treaty differs from an invalid in a sense that rights, obligations, or legal situations created while the treaty was still in force are not affected.[26] Finally, a suspended treaty creates no obligations or rights for its parties during its period of suspension.[27]

Grounds of invalidity are set in Articles 46–53 of the VCLT. These namely include error, fraud, corruption of a representative of state, coercion
of a representative of state, coercion of a state by the threat of use of force, conflict with a jus cogens rule, a manifest violation of an domestic rule of fundamental importance, and restriction on authority to express the consent of a state, this restriction being notified to the other negotiating states prior to their expressing such consent.[28] From information available, there is not enough evidence to prove that any of the abovementioned criteria may be fulfilled and thus the invalidity of the Statement may not be revoked.

No clause regarding termination or suspension was included in the Statement. Nonetheless, termination or suspension of the Statement is still possible, the relevant grounds being set out in Articles 54–64 of the VCLT. Four grounds are of particular importance in this case: conclusion of another treaty (Article 59), and termination or suspension of the treaty as a result of its breach (Article 60), supervening impossibility of performance (Article 61), and fundamental change of circumstances (Article 62).[29] The above-mentioned are to be further examined.

- Termination or suspension due to the conclusion of another treaty: Armenia, Azerbaijan, and Russia may agree to conclude a new treaty on the matters governed by the statement. In such case, if it is established that parties intend the matter to be governed by the latter treaty, and that the new treaty’s provisions are incompatible with those of the earlier treaty, making impossible the concurrent application of both treaties, the earlier treaty may be terminated or suspended.

- Termination or suspension of the treaty as a result of its breach: a material breach may consist of the repudiation of the treaty under examination or the violation of an essential provision to the accomplishment of the object and purpose of the treaty.[30]

Could the deployment of less experienced peacekeepers in Nagorno-Karabakh be considered as a material breach of the Statement? One would have to prove that this has compromised Russia’s ability to observe the ceasefire agreement, this being deemed an essential provision to the accomplishment of the object and purpose of the treaty. Although the Armenian PM recently highlighted instances that Russian peacekeepers were unable to stop violence in the area, he did not question the maintaining of a Russian peacekeeping force in Nagorno-Karabakh.[31] Such ground appears therefore unlikely to be invoked.

As tensions spark again in the region, one could argue that the ceasefire agreement is breached and thus, this may be deemed as grounds for the termination of the Statement. For that, an agreement of the parties other to the defaulting state would be needed to terminate the Statement in whole or in part.[32] One could argue nonetheless that Russia would not be willing to stop its peacekeeping operations in the area, and thus such agreement would be quite unlikely.

- Supervening impossibility of performance as grounds for termination: in the rare occasion that the performance of obligations assumed by a treaty is rendered permanently impossible, the treaty may be terminated either for a particular state or in its entity.[33] This ground appears unlikely to be revoked in the present case, since the impossibility to perform the obligations assumed needs to derive from force majeure (e.g., parties agree to conserve a rare species, yet that species becomes extinct).[34]
Fundamental change of circumstances as grounds for termination or suspension: this rule is of exceptional character and may only be invoked if “the existence of the circumstances in question constituted an essential basis of the consent of the parties to be bound by the treaties; and the effect of the change is radically to transform the extent of obligations still to be performed by the treaty.” Had such circumstances been foreseen by the contracting parties, they would not have concluded the treaty or would have otherwise drafted it.

Even if the statement is terminated or suspended on such grounds, its provisions concerning the transfer of certain districts to Azerbaijan, as such provisions would be exempt from Article 62 (ICJ jurisprudence confirms that). Additionally, such change may not be the result of a breach of the treaty by one of the parties nor the result of a breach of any other obligation owed to any other party of the treaty.

Could the latest outbreak of violence in the area be deemed as such a change of circumstances since more peacekeeping personnel might have to be deployed in Nagorno-Karabakh? This would not be the case, since this increased need of personnel would be a result of a breach of the ceasefire agreement, thus may not be invoked.

Could the outcome of the war in Ukraine (the impact of international sanctions on Russian economy, the increased need to deploy personnel in Ukraine) be considered as such a fundamental change of circumstances? One needs to keep in mind that such circumstances (economic hardships, limited peacekeeping personnel) result from Russia’s aggression against Ukraine, an act that has been characterized both by the UN General Assembly and the UN Secretary General as a violation of the UN Charter. Armenia and Azerbaijan being parties to the UN Charter, Russia could not invoke such grounds to establish that there has been a fundamental change of circumstances.

Everything above considered, from information so far available it appears that Russian peacekeeping forces will continue to be deployed in the area. Even in cases when the material breach of the ceasefire agreement could be invoked as per Article 60 of the VCLT, it appears that it would not be likely to achieve the agreement needed by the parties to terminate the Statement.

Proceedings before the International Court of Justice

Currently Armenia and Azerbaijan have brought cases against each other before the International Court of Justice. Provisional measures being in place for both parties, it is essential to identify their impact on the current outbreak of hostilities in the area. This section also analyzes the history of these proceedings. On the 17th of September 2021 Armenia instituted proceedings before the International Court of Justice (hence: the ICJ or the Court) alleging Azerbaijan for violating Articles 2, 3, 4, 5, 6, 7 of the International Convention on the Elimination of all forms of Racial Discrimination (hence: the CERD). Armenia supports that both during and after the conflict of 2020 Azerbaijan engaged in systemic discrimination, mass killings, torture, and other abuse, against Armenians. On the 23rd of September 2021 Azerbaijan also instituted proceedings before the ICJ alleging Armenia for violating Articles 2, 3, 4, 5, 6, 7 of the CERD. Amongst others Azerbaijan claimed that Armenia conducts ethnic cleansing and cultural erasure of Azeris and incites hatred and ethnic violence against them.

Both parties sought to found the Court’s jurisdiction on Article 36 paragraph 1 of its statute, the dispute to be adjudicated arising from a treaty in force including a compromissory clause. Indeed Article 22 of the CERD mentions that “any dispute between two or more States Parties with respect to the interpretation or application of this Convention,
which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement”. In both cases the Court deemed that the prerequisites set out in Article 36 of its Statute were met and thus considered that it has jurisdiction over the case.

Provisional measures before the ICJ

Both countries requested the Court to order provisional measures “as a matter of urgency” as per Article 41 of the ICJ Statute and Rules 73, 74, 75 of the ICJ Rules. In particular Armenia requested; the immediate release Armenian prisoners of war, hostages, and other detainees in its custody; to refrain from inciting hatred of Armenians including closing or suspending the activities of the Military Trophies Park; to protect the right to access and enjoy Armenian historic, cultural, and religious heritage; to prevent the destruction and ensure the preservation of evidence relevant to the allegations examined, and; to refrain from any action that could aggravate or extend the existing dispute. Azerbaijan requested that Armenia amongst others takes all the measures needed to; enable Azerbaijan to demine the landmines laid in its territory by Armenia and cease and desist from future planting of landmines in Azerbaijan’s territory; to cease the incitement of racial hatred and racially motivated violence against the Azeris; to prevent the destruction and ensure the preservation of evidence relevant to the allegations discussed; to refrain from any actions that could aggravate, extend, or make more difficult the resolution of the dispute. The Court examined both requests on 7th December 2021. Adjudicating Armenia’s request, the Court ordered that Azerbaijan shall “protect from violence and bodily harm all persons captured in relation to the 2020 Conflict who remain in detention, and ensure their security and equality before the law... take all necessary measures to prevent the incitement and promotion of racial hatred and discrimination... targeted at persons of Armenian national or ethnic origin... take all necessary measures to prevent and punish acts of vandalism and desecration affecting Armenian cultural heritage...” and that “both Parties shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve”. Adjudicating Azerbaijan’s request, it ordered that Armenia shall “take all necessary measures to prevent the incitement and promotion of racial hatred, including by organizations and private persons in its territory, targeted at persons of Azerbaijani national or ethnic origin” while “both Parties shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve”. Provisional measures issued by the Court are binding and thus create an international obligation for states to abide by them, as was confirmed by the Court’s previous jurisdiction. In the past when provisional measures have been breached, the Court has reaffirmed their validity in a new order.

Despite the commencement of relevant proceedings being insufficient to halt tensions in the area, it shall be noted positively that both countries sought to adjudicate their dispute before the Court, while binding provisional measures oblige both parties to “refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve” – the latest outbreak of hostilities would very likely constitute such an action.

One could also expect in the future a joinder of proceedings of the two cases. Both cases involve the same parties and refer to violations
of the CERD during or after the 2020 conflict. Such discretion is provided by Rule 47 of the Court’s rules, since the Court “may at any time direct that the proceedings in two or more cases be joined”, bearing in mind the sound administration of justice and the need for judicial economy.[54] The Court has recently exercised such discretion in the Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua) case.[55]

Conclusions

As violence outbursts again in the area, this analysis aimed at identifying the legal options in light of current developments in Nagorno-Karabakh (killing of Armenian and Azeri soldiers, carrying of military operations by Azerbaijan) and the greater region of the Black Sea (war in Ukraine). First, examining the impact recent events had in the validity, suspension, or termination of the 2020 ceasefire agreement, it was concluded that the relevant prerequisites set out in the VCLT appear not to be met – and even in cases one could argue that they are met, it is unlikely that parties involved will challenge the deployment of Russian peacekeepers in the area. Regarding the cases brought before the ICJ by Armenia and Azerbaijan, the effort of both countries to adjudicate their dispute in such a forum shall be noted as a positive development, nonetheless it shall also be stressed that this has nonetheless not deterred the outbreak of a new conflict in Nagorno Karabakh. Yet, the ordering of provisional measures for both parties by the Court, might be proven of significant importance in the context of the current conflict, particularly in light of their binding character.

Recommendations

- Armenia and Azerbaijan should comply with the Provisional Measures Order issued by the ICJ and refrain from aggravating tensions between one another as well as respect the ceasefire agreement of 2021.

- Russian peacekeeping forces deployed in Nagorno-Karabakh need to ensure that the parties respect the ceasefire agreement.

- The OSCE Minsk Group shall proceed to the taking of the steps necessary to deescalate the conflict in place in accordance with its mandate.


[34] Hernández (n, 22), p. 190.


[37] Villiger (n. 28), p. 775;


[49] Ibid


[52] La Grand (Germany v. the United States of America) ICJ [Judgement, 2001], para. 109.


Despite a legal framework prescribing gender equality, equal opportunities, and protection against violence, this does not fully correspond to reality of women in Bosnia and Herzegovina. Women are still facing discrimination and marginalization, are at risk of violence, and are unequally represented in politics. Women are strongly affected by hate speech and violence online. These are aiming to discourage women from engaging in political activities. Criminal proceedings are very time-consuming and difficult to conduct online, therefore few women file criminal charges against the perpetrators.

International and domestic legal frameworks stipulate equal rights for all and an end to violence against women. Still, women are repeatedly affected by misogynistic violence, especially in political positions. The following article analyses the state of women’s rights in Bosnia and Herzegovina, and which shortcomings exist. It addresses the problem of sexist hatred on the internet.

Balkan Insights recorded a rise of hate speech and misogynistic insults in the second half of July across the Balkans, in North Macedonia, Hungary, Romania and Bosnia. A BIRN research shows that particularly women in politics are targeted with gender-based violence online. [1]

In 2021, a record proportion of women in national parliaments was reported: 26 % of the seats were held by women.[2]

Despite these record numbers of women engaging in political processes, for instance in seeking office, being represented in parliaments, by speaking up as activists, or by simply going to vote, the political violence against women is also increasing.[3] Political violence against women, who are engaging in political activities, is a form of gender-based violence that ranges from emotional and psychological to physical violence, both offline and online. [4] The aim of violence targeting women in politics is mostly to silence women, to discourage their political involvement and to exclude them from political activities. Analyses show threats may vary widely based on the location, the type of violence, the perpetrators, and the time. Periods around elections have been reported to have a greater risk for political violence targeting women.[5] In order to establish real political equality, a secure environment and solid institutional and legal framework needs to be established. Therefore, country specificities need to be analyzed, to address shortcomings of gender equality, and to establish strategies for a safe engagement of women within the political processes. [6]

Since specific events are impacting the rise of gender-based violence, it is particularly important to discuss shortcomings in the light of the upcoming elections in Bosnia and Herzegovina in October 2022. The following article thus analyses the general state of women’s rights within the country and the state of violence against women in politics. Further, the article aims to give concluding recommendations to improve the overall protection of women’s rights.
Women rights in Bosnia and Herzegovina

Violence against women in politics is one form of gender-based violence, and a human rights violation. The Council of Europe elaborates in its report “Violence against women in politics in Bosnia and Herzegovina” three central characteristics of the violence: firstly, women are targeted because of their sex, secondly, the violence can be gendered in its form by gender-based threats and sexual violence, thirdly, it discourages women to be or become politically active.[7]

International legal framework

Several international treaties are enshrining equal rights for all, including equal rights of political participation, as for instance the Universal Declaration of Human Rights. Bosnia and Herzegovina has ratified the following international treaties that aim to strengthen women’s rights internationally and end violence against women: [8]

- The UN Convention on Elimination of All Forms of Discrimination against Women obliges to respect, protect, and fulfill the right of equality and equal participation, and includes the full enjoyment of these rights.
- Both, the International Covenant on Civil and Political Rights and the International Covenant on Economic Social and Cultural Right include more specific obligations on the right to equality between men and women in public and political life. [9]
- The Istanbul Convention sets binding obligations to prevent and combat violence against women.

- The European Convention on Human Rights imposes the obligation on States to protect women from violence.
- The United Nations Security Council Resolution 1325 (2000) “Women, Peace and Security” stresses the role of women in the prevention and resolution of conflicts, emphasizes the importance of equal participation, and demands actors to increase the participation of women, as well as to include gender perspectives in all peace and security efforts.[10]

Domestic legal framework:

Based on the ratification of central international instruments of the protection of women’s rights, Bosnia and Herzegovina seemingly has ratified a solid legal framework for gender equality and women’s rights.

On the domestic level, there are also several laws which are protecting women’s rights: The Law on Gender Equality, adopted in 2003, and repeatedly amended, established institutional mechanisms for gender equality on the legislative and executive level. Together with the Law on prohibition of discrimination, adopted in 2009, it provides legal mechanisms for gender equality and enable proceedings in cases of discrimination. The Law on Gender Equality is mainly based on the Convention on the Elimination of All Forms of Discrimination against Women. It aims to protect gender equality and to promote and guarantee equal opportunities in all spheres of life. The Law prohibits on the one hand discrimination of the grounds of gender and sexual orientation, and it establishes legal standards for gender equality. After Bosnia and Herzegovina ratified the Istanbul Convention in 2013, there were amendments in order to establish institutional mechanisms to address gender equality and women’s rights: responsibilities for institutions, as the Agency for Gender Equality of Bosnia and Herzegovina, the Gender Centre of the Federation of Bosnia and Herzegovina and the Gender Equality Centre of the Republika Srpska, were defined. The aim of these institutions is to monitor violations of the Law of Gender Equality.
to have an advisory function on the matter, to ensure the participation of women in politics, and thus to improve the state of gender equality at state and entity levels in Bosnia and Herzegovina. [11]

Further, in the 2000 elections a mandatory quota demanding one-third representation of women was introduced to all party lists. [12] Later, in the 2013 amendments and central changes to the election law, a further representational quota was established in Bosnia and Herzegovina. According to this, the Article 4.19.(3) of the Electoral Code establishes a proportional representation, which requires a representation of 40% of male and female candidates on the electoral lists. Furthermore, it prescribes that at least one minority gender candidate amongst the first two candidates must be included, two minority gender candidates amongst the first five candidates, and three minority gender candidates amongst the first eight candidates. [13] If parties fail to comply with the required quota, the Central Election Commission rejects the list.

State of representation

Due to the egalitarian principles of communism women in Bosnia and Herzegovina, participated in the political life during the Former Socialist Federal Republic of Bosnia and Herzegovina. Still, even though there was even a system of reserved seats for women, they did not necessarily have high political positions. After the collapse of the system and the first multiparty elections in the early 1990s, women disappeared from political bodies: out of the 240 elected representatives in the People’s Assembly of the Republic of BiH, only seven were women. Also following the elections after the war in 1996, only 2.4 % women were elected as Representatives of the Parliamentary Assembly. [14]

In comparison to that much has happened: women are increasingly represented in political offices. Today, the participation of women in legislative and executive bodies in Bosnia and Herzegovina is around 20 %. There were progresses after the elections in 2018, as female representatives in the parliamentary assembly increased to 23.8 %, while they are in entity parliaments at 19.7 % and on the average at canton level at 31 %. There are four women in cantonal governments [15], and there was an increase in the government of the Federation of Bosnia and Herzegovina to two female ministers in the Committee of Ministers. [16] Furthermore, in 2013 the first inter-parliamentary caucus of the Federation of Bosnia was built, which is representing the interests of all people, particularly women. [17]

Of course, women also play a central role in shaping politics outside of institutions, for example as activists. Recently, a law was passed in the upper house of the Federation entity parliament imposing a ban on the further construction of small hydropower plants because of their negative impact on the environment following many years of protest against the project. Local women have for example organized a blockade in improvised shelters over 500 days around the Kruscica river to prevent the construction of these small hydropower plants.[18] [19]

Violence against women in politics

Despite the legal basis, which in itself prescribes gender equality, equal opportunities and protection against violence, this does not fully correspond to the reality of women in Bosnia and Herzegovina. In its annual report of 2021,
Human Rights Watch criticizes inadequate protection for women in Bosnia. [20] Women are still facing widespread discrimination and marginalization, are at risk of violence, and are unequally represented in politics. [21] Women, who already experience different forms of discrimination, for instance due to disabilities, are particularly affected by a lack of representation and marginalization.

 Particularly affected by intersectional discrimination and marginalization are Roma women: many of them still do not have access to the health system, have fewer educational opportunities and are hardly represented politically. This multiple discrimination makes these women particularly vulnerable. [22]

 Politically active women are also more often affected by violence: A study conducted in 2019 indicates that 60.2% of respondents experienced forms of violence during their time as politicians. [23] A BIRN’s survey conducted among female politicians in Bosnia and Herzegovina even indicates that 75 % of female politicians have experienced issues due to their public engagement and 84 % of them know other female politicians, who also had problems due to their public engagement. In their responses it was indicated that only 32 % of the cases were reported to the police and only in 37.5% of the cases there has been a court epilogue.[24] An article by Balkan Insights addresses the case of Lana Prlic, for instance, who became 2014 a deputy leader of the Social Democratic Party in Bosnia and Herzegovina and a member of parliament of Federation of Bosnia and Herzegovina in 2018. She experienced widespread misogynistic hatred after having posted a photo of being vaccinated against COVID-19 and having advocated for the vaccination. As criminal proceedings are very time-consuming and difficult to conduct against online hatred, she did not file criminal charges against the numerous perpetrators. The current legal framework thus seem inadequate to react to the threat of hate speech online, as the majority of the cases, which are reported on, are not followed by a court epilogue. That shows a key problem, which emerged through growing social media activities: wide-spread violence and hate speech online, without ensuring a sufficient regulatory framework and access to legal measures for affected people.[25]

 Other politicians also made the widespread misogynistic and sexist insults and gender-based attacks, to which they are confronted with, public. At the Sarajevo Canton Assembly for instance, parliamentarians were making sexist comments on Sabina Ćudić, a representative of Naša stranka and Aleksandra Nikolić, Minister of Science, Higher Education and Youth in Sarajevo Canton. The parliamentarian Ćudić shared a video from the session which shows representatives of the Stranka demokratske akcije and the Demokratska fronta, who were making misogynistic comments about her physical appearance. After reacting to the incident, another parliamentarian of Naša straka, Vildana Bešlija, was also targeted with misogynistic insults online and published the offensive messages on Twitter. [26]

 The campaign Stop! Hate Speech, launched in 2014 by the Press Council BiH and Media Content management (MCM), aims to monitor comments in online media spaces and to educate on hate speech on the internet. The monitoring showed that hate speech comments almost doubled between 2014 and
2018 and the number of hate speech targeting women increased six-fold. The trend seemed to continue afterwards. The analysed data, gathered during the campaign, shows that sexist comments target particularly women who were politicians, entrepreneurs, activists or journalists and aims to emphasize a sexist ideology of women being subordinate to men, comments which imply that women should rather stay at home or could even only become successful by providing sexual favours to powerful men. [27] An analysis by Balkan Insights further shows that the rise of online hate speech targeting women is currently on the rise ahead of the elections. [28]

Threats of violence, from misogynistic slogans to vulgar comments to death threats online on various social media platforms, have become a central problem for women in politics in many countries. These threats of violence create a place of fear and deterrence and are silencing women from speaking up in online or offline spaces. Online sexism and hatred disproportionately affect women who are active in public spheres. [29]

All of that restricts the willingness of women to participate in different political activities. It is therefore the duty of countries to respond to this. Central human rights of women are violated with this kind of violence without adequate responses being found. It is important to see that despite a solid international and national human rights framework on women’s rights and against violence, there are still inequalities and shortcomings in Bosnia and Herzegovina, a lack of women in high-ranking positions, as well as a political environment that is not equally safe for political women. Furthermore, the lack of a legal framework concerning online hatred has been clearly criticized, which particularly affects women. Quotas on electoral lists alone are not enough to solve the deeply rooted misogyny within societies and to create a safe environment for political participation for women. Institutions would need to explicitly address problems in their structure to create an environment that empowers women instead of silencing them and encourages women to participate more in political processes.

Recommendations

- A solid regulatory framework is still lacking, which is adequately responding to the threat of online hate speech. Thus, the implementation of legislative measures which address sexist and violent hate speech is needed. Social media platforms need to be obliged to prevent the spread of sexist violence and need to have adequate reporting, detection, and sanction procedures.

- All institutions need support structures and complaint procedures to deal with gender-based violence. Independent bodies need to be emplaced that can initiate these procedures in institutions to deal with these cases. In doing so, public institutions can also enter into cooperation with civil society, which can contribute important expertise in working with violence against women.[30]

- Intersectional discrimination against women needs to be addressed. Roma women for instance are particularly affected by multiple discrimination in Bosnia and Herzegovina. Therefore, the discrimination and marginalization, which Romani are facing, must be addressed within the whole society. Furthermore, adequate support for women must be promoted in order to enable access to the health system, education and to empower women for political participation.

- Media, politics, and the whole of civil society must find appropriate responses to this still strongly present form of misogynistic violence. Gender-based violence needs to be addressed within the whole society. Apart from provisions of support and assistance, public campaigns against gender-based violence need to be implemented.


[5] Ibid.

[6] Ibid.


[8] Ibid.


[24] Maida Salkanovic (06/05/2022), “It’s All Very Real: Bosnian Women Politicians Unprotected against Online Abuse”, accessed on (21/08/2022), https://balkaninsight.com/2022/05/06/its-all-very-real-bosnian-women-politicians-unprotected-against-online-abuse/

[25] Ibid.


[27] Sarajevo Times, (12/03/2022), “Online Hate Speech targeting Women in Bosnia and Herzegovina is rising significantly”, accessed on (23/08/2022), https://sarajevotimes.com/online-hate-speech-targeting-women-in-bosnia-and-herzegovina-is-rising-significantly/?amp=1


[30] Ibid.
Croatia

Since March 2022, Croatia has supported the European Union’s (“EU”) economic sanctions against the Russian Federation following its invasion of Ukraine. Croatia was also one of the Member States who voted in favour of the UN General Assembly’s Resolution, that acknowledged Russia’s actions as aggression.

Further, in April 2022, Croatia decided to expel eighteen Russian diplomats and six administrative staff from Zagreb. These decisions by Croatia were denounced by Russia as “a hostile position” that hurt the national interests of the peoples of both States.

While Croatia was not a part of the list of countries initially declared as an “unfriendly nation” under President Putin’s March 2022 decree, it was designated as such in July 2022. This is over and above Croatia facing the ramifications of the EU itself being designated in this category since March. Among others, the consequence of this designation is that Russia will attempt to meet its financial obligations to Croatia in the Ruble currency (so as to increase the Ruble’s market value by increasing its supply), and that Croatia is prohibited from employing Russian citizens.

In light of Russia’s actions, Croatia has still advocated for stronger sanctions, with President Zoran Milanović commenting in early June that EU sanctions had thus far had negligible impact on the value of the Ruble, adding that the EU must also impose a total ban on imports of Russian gas. Elaborating, he argued that existing EU sanctions on oil were bound to be ineffective as Russia could locate alternate markets for it, and that even if they have any impact, it would be realised later; after the war in Ukraine was already over. To that end, he and Prime Minister Andrej Plenković suggested that Croatia could assume a key strategic role in gradually facilitating gas imports to European States, especially Hungary and Poland, by enhancing the capacities of its Adriatic pipeline (Janaf).

Words by Abhijeet Shrivastava


[5] Id.


Montenegro

Montenegro announced sanctions on the Russian state on 2nd March 2022 [1] saying that “by completely joining the restrictions, the economic sanctions and sanctions for individuals, Montenegro is continuing its policy of 100 per cent agreement with the EU's foreign policy,” Croatian state agency Hina cited [2] a statement from Montenegro’s foreign ministry.

Under the restrictive measures, Montenegro banned Russian overflights of its airspace and access to its airports and has stopped transactions with the Russian Central Bank.

Montenegro also joined the Swift ban on seven Russian banks, freezing the property of Russian and Ukrainian citizens on EU restriction lists and suspending the broadcasting of Russian state-owned media.

On June 10, Interior Minister Filip Adzic said Montenegro will freeze 44 properties of 34 Russian and Ukrainian citizens, following EU sanctions [3]. But on July 7, Finance Minister Aleksandar Damjanovic said the Property Office had made a technical mistake.

However, on August 26, 2022, Balkan Insights reported that Montenegro accuses Russia of Cyber-Attacks on Government Servers. The website is still unavailable.

On Friday 26th August, outgoing Minister of Public Administration Maras Dukaj said that the government server has come under another attack but said the authorities took timely defensive measures and some servers were temporarily taken offline.

The US Embassy in Montenegro described “A persistent and ongoing cyber-attack is in process in Montenegro. The attack may include disruptions to the public utility, transportation (including border crossings and airport), and telecommunication sectors.” The Montenegrin Foreign Minister called a National Security Council session about the cyber-attacks late on Friday 27th [4].

He said "For several days already, Montenegrin institutions have been exposed to serious cyber-attacks jeopardizing our system. We formed a Task Force for tackling cyber incidents, including experts from all institutions of the system as well as from the private sector." [5].

The damage caused by the attacks has not yet been determined. The government’s official websites have been exposed to cyberattacks for days [6].

Words by James Ekin


Kosovo

“These sanctions aim to increase pressure on the Russian government and economy and limit the Kremlin’s resources for military aggression against Ukraine”[1] as noted by Kreshnik Ahmeti, the Kosovan Deputy Minister of Foreign Affairs and Diaspora, when announcing a new round of sanctions against Russia and Belarus concerning the war in Ukraine on 16 May 2022.

The Republic of Kosovo has been supportive of sanctions against Russia and its subordinate ally Belarus from the very start of the conflict in February. Notably, Kosovo was among the first countries in the Balkan region to join the EU sanctions, along with Albania and North Macedonia.[2] Kosovo has since expanded these sanctions, in late March, by extending the list of individuals whose assets were frozen and those who are prohibited from entering the country.[3] The latest round of sanctions came in the beginning of July when Kosovo banned the export of technology and services related to the Russian energy sector and imposed additional financial sanctions on Russian state-owned companies.[4]

However, since Russia does not recognise Kosovo as an independent country and trade levels between the two countries are almost non-existent, these sanctions are largely symbolic,[5] despite the grand objectives expressed in the statements of Kosovan officials.

Kosovo’s actions indicate a strong desire to align itself with the position of the EU and US on Russia. For instance, Foreign Minister Gërvalla-Schwarz has echoed President Biden’s designation of Putin as a “war criminal”[6] and Prime Minister Kurti has referred to Russia as a “genocidal regime.”[7] Pristina likely sees the conflict as an opportunity to prove its loyalty to the western alliance, in order to improve its prospect for future membership in the EU and NATO. Therefore, since the sanctions have no physical effect on either Kosovo or Russia, Kosovo’s commitment to uphold its sanctions regime is likely to extend well into the future.

Words by Lukas Herzog


Turkey

“On 5 August, President Erdogan met with his Russian counterpart in Sochi to discuss bilateral economic ties. The two sides agreed to boost cooperation in transport, agriculture, and industry sectors, with President Erdogan stating[1] that the meeting “will open a whole different page in Western-Russian relations.” Turkey also agreed to partially purchase Russian gas in rubles.[2] Furthermore, at least five Turkish banks are working on adopting the Russian payment system, “Mir”, after Visa and Mastercard halted operations in Russia.[3] This was the second time the two Presidents met within three weeks, increasing concerns on the Western front over Turkey’s strategic orientation. Since the beginning of the war in Ukraine, Turkey has adopted a strategically ambiguous position, maintaining close ties with both fighting sides.

On one hand, Ankara has been supporting Kyiv with weapon deliveries – mainly its reputable Bayraktar TB2 drones and humanitarian aid.[4] It has also activated the Montreux Convention, blocking the passage of foreign ships, including Russian ones through the straits of Bosphorus.[5] On the other hand, it remains the only country in the Transatlantic Alliance that has not imposed any sanctions against Russia, despite being a member of NATO and a candidate state for EU accession[6].

President Erdogan has repeatedly tried to act as a mediator, through a delicate “balancing act.” Last month, Turkey successfully capitalised on its unique position in the conflict by mediating an international deal between the two sides to resume grain exports from Ukraine to global markets to avoid a global food crisis.[7] Turkey is currently walking on a tight rope. President Erdogan aims to secure Russian support for a planned military operation against Kurdish forces in Northern Syria. Moreover, his AKP party is currently dealing with the worst economic downturn in the last two decades and faces an electoral battle next year, and Russia would prefer to see Erdogan re-elected. Both leaders have invested years of political capital in this pragmatic and often transactional relationship, despite fighting proxy wars in Libya, Syria, and Nagorno-Karabakh. By deepening bilateral ties with Russia, Turkey risks facing secondary sanctions by its Western allies for helping Russia evade sanctions, even though Turkish Finance Minister Nureddin Nebati played down concerns over US sanctions as “meaningless” in a series of tweets on 26 August.[8]

Words by Ioannis Alexandris

Georgia

Georgia’s ruling party, the Georgian Dream first announced that they would not be joining any Western sanctions on Moscow, a day after the Russian invasion of Ukraine, with Prime Minister Gharibashvili calling the sanctions unproductive and incompatible with Georgia’s national interests.[1]

This stance proved to be highly controversial at home, with Georgian Dream receiving widespread criticism from all oppositional parties and mass public demonstrations calling for the resignation of Gharibashvili.[2] The tensions culminated on 1 March, when President Volodymyr Zelenskyy recalled his ambassador from Georgia in response to what he called an “immoral position on sanctions.”[3]

Whilst the initial wave of criticism has since subsided, Georgia’s stance on Russian sanctions continues to be at the forefront of political discourse. In April, Ukrainian authorities presented allegations, that Georgia’s non-participatory stance in the sanctions had evolved into them enabling Russia to bypass Western sanctions. According to Ukraine’s Defence Ministry, Moscow had established a channel for smuggling sanctioned goods through the Georgian territory. [4] Further allegations were put forward by David Arakhamia, Ukraine’s chief negotiator with Russia during his visit to Washington on 15 June, where he stated that sanctioned Russian individuals have been heavily using Georgian banking, financial and company systems.[5]

Whilst Georgian authorities refuse any involvement in aiding Russia in sanction evasion, [6] they continue to firmly hold their position on refusing to join them, with PM Gharibashvili stating in an address to the Parliament that if his government had acted otherwise “there would be a second Mariupol in Georgia.”[7]

However, it is unclear if the Georgian Dream will be able to sustain this pragmatic approach much longer. Recent weeks saw a drastic increase in anti-Russian sentiment and ethnic tensions in Tbilisi, a city which has seen a major influx of Russian visitors, in large part due to the visa-free regime allowing Russians to visit Georgia for up to a year.[8] In light of these tensions, on 3 August, a petition was circulated demanding that visa requirements be enforced on Russian and Belarussian citizens wishing to visit Georgia, which has since been signed by over 19,000 Georgian citizens, as well as received strong support from all major oppositional parties.[9]

Words by Nia Chigogidze


Azerbaijan

Perhaps there is no more explicit statement reflecting Azerbaijan’s opinion regarding the Russia–Ukraine war than what Vahid Ahmadov, deputy of the Azerbaijani parliament and economist, said in his interview published by JAMnews on 22 July 2022. Regarding Baku-Moscow relations, he acknowledged that: “Relations between our countries have always existed. Russia is our neighbor... It is impossible not to note President Ilham Aliyev's good relations with Russia. But in spite of this, we do not recognize the occupation policy of Russia... Moscow is pursuing an occupation policy.”[1] In the words of Natik Jafarli, an economist and one of the leaders of the Azerbaijani opposition Republican Alternative Party, “In the short term, western sanctions against Russia are powerless. Yes, they will have an effect in the medium and long term.”[2] He briefly concludes: “Western sanctions are inefficient because as west doesn't understand post-soviet space.”[3]

Since Russia invaded Ukraine on 24 February, in line with its balanced foreign policy doctrine, “Azerbaijan has not joined sanctions against Russia and Baku has avoided publicly criticizing Russia for the military attack on its neighbor.”[4] It also did not officially condemn Russia for recognizing the independence of Ukraine’s separatist regions, Donetsk and Luhansk. This country even did not vote for the United Nations General Assembly Resolution[5] condemning the Russian invasion. It took similar action regarding a US-sponsored Resolution[6] in April 2022 calling for Russia’s suspension from the UN Human Rights Council.[7]

Reaction to sanctions against Russia is a delicate issue for Azerbaijan. Despite Baku’s victory on the battlefield in its brief war with Armenia in 2020, it resulted in a more significant Russian presence in the area. Moreover, Azerbaijan has probably also observed what has happened to anti-Moscow regional governments, namely Georgia in 2008 and Ukraine in 2014 and 2022.[8]

Words by Amir Malakmadani

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[3] Ibid.


[5] UNGA Resolution ES-11/1, 2 March 2022


[8] Ibid.